



# Bunbury City Council

## Minutes

14 December 2010



**City of Bunbury**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia

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## GLOSSARY OF ABBREVIATED TERMS

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

## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
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

## Bunbury City Council 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, 14 December 2010.

### Minutes 14 December 2010

**NOTE:** These minutes are subject to confirmation at the next Ordinary meeting of the Council.

#### 1. Declaration of Opening by the Mayor

His Worship the Mayor declared the meeting opened at 6.00pm.

#### 2. Record of Attendance, Apologies and Leave of Absence

*PRESENT*

<b>Council Committee Members</b>	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member	Deputy Mayor, Councillor B Kelly
Members:	Councillor J Jones
	Councillor S Craddock
	Councillor W Major
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor A Leigh
	Councillor J Harrop
	Councillor K Steele
Councillor H Punch	
<b>Executive Management Team (Non-Voting)</b>	
Chief Executive Officer:	Mr G Klem (Acting CEO)
Executive Manager Corporate Services:	Mr K Weary
Executive Manager City Services:	Mr M Scott
Executive Manager City Development:	Mr G Fitzgerald (Acting)
Executive Manager City Life:	Mr D Marzano

<b>Council Officers (Non-Voting):</b>	
Manager Economic & Social Development	Ms F Anderson
Economic Development Officer	Mr T Ayers
Recreation Project Officer	Ms S Young
Administration Officer Corporate Services	Ms N Hribar
Administration Officer Corporate Services	Ms B Mell
<b>Others (Non-Voting):</b>	
Members of the Public:	8 (approx.)
Members of the Press:	1

#### *LEAVE OF ABSENCE*

Cr. Spencer - Leave of Absence from 27 November 2010 to 3 January 2011 (inclusive).

### **3. Responses to Public Questions Taken 'On Notice' at the Previous Council Meeting**

Nil

### **4. Public Question Time**

#### **Arpad Menschelyi, 6 Sampson Road, Bunbury**

*Question: Why are the adjoining landowners to the Cathedral at this late stage still not aware of details of what is happening on their boundary?*

*Response: (The Mayor) I have not yet completed my enquiries or my discussions with any of the other parties involved in the issue of the boundary of your property and the effect of the Cathedral.*

*Question: Is it time to put the landscaping project for Boulters Heights back on track and what happened to the funds allocated for this project?*

*Response: It is an ongoing concern that the condition of Boulters heights has not improved in the way we hoped it would. The retaining wall that collapsed recently is in the course of repair and I am assured that when that is completed there will be some further works undertaken in relation to the vegetation and the rest of the landscaping around Boulters heights, the detail of that is yet to be worked out and I hope that it would incorporate some of those earlier plans.*

*Question: When will I receive a response to my concerns about the Library soffits?*

Response: (Acting Chief Executive Officer) I have had a report on this from our Building Surveyors and I will provide a copy to you in due course.

**Daryl Owen, Charles Street, Bunbury**

*Question: In relation to Item 11.8 on the Council Agenda will this decrease the value of my property? Have the heritage issues involved in the new building being adjacent to Charles Street and the heritage precinct, has the heritage value of the area been taken into account?*

Response: If you listen to the debate that will take place later on you will find that it has been considered as an issue as to whether or not it will depreciate the value of property. Going on what happened when the building on the corner of Hayes Street and Charles Street was constructed that did not seem to have any adverse impact upon property values in the area. There has been a general decline in value that was not the result of that building being constructed. At the briefing sessions we invite submissions from the public on issues and we don't normally allow that at Council Meetings because the matter has already been discussed and submissions have been made at the Committee Meeting

*Question: What will happen with the parking situation in that area?*

Response: We would seek to enforce the law, you cannot park on the verges and the verges in Charles Street are so small that people would have difficulty parking in any event.

**5. Questions on Notice from Council Members (No Discussion Permitted)**

Nil



## 6. Confirmation of Previous Minutes

The minutes of the Council Meeting held 30 November 2010 have been circulated.

The minutes of the Special Electors Meeting held 20 October 2010 have been circulated.

The minutes of the Annual Electors Meeting held 25 November 2010 have been circulated.

### Recommendation

1. The minutes of the Council Meeting held 30 November 2010 be confirmed as a true and accurate record.
2. The minutes of the Special Electors Meeting held 20 October 2010 be confirmed as a true and accurate record.
3. The minutes of the Annual Electors Meeting held 25 November 2010 be confirmed as a true and accurate record.

### Outcome – Council Meeting 14 December 2010

The recommendation (as printed) was moved Cr Major seconded Cr Leigh.

The Mayor put the motion to the vote and was adopted to become Council's decision on the matter.

#### **Council Decision 254/10**

1. *The minutes of the Council Meeting held 30 November 2010 be confirmed as a true and accurate record.*
2. *The minutes of the Special Electors Meeting held 20 October 2010 be confirmed as a true and accurate record.*
3. *The minutes of the Annual Electors Meeting held 25 November 2010 be confirmed as a true and accurate record.*

CARRIED  
12 votes "for" / Nil votes "against"

## **7. Disclosures of Interest Under the Local Government Act 1995**

The Deputy Mayor Cr Kelly disclosed an impartiality interest in the item *“Proposed Retrospective Planning Approval Widening of Driveway and Shade Sail for Existing Carwash – Lot: 336 DP: 38213 No. 4 Broadway, Pelican Point”*, as the submitter of the application is his employer. He has elected to leave the Chambers, and not participate in the discussion or vote on the item.

Councillor Steck disclosed an impartiality interest in the item *“Foreshore Art Gallery Facility Advisory Committee and Business Case”* during the discussion of this item as her partner had been selected to be invited on the Committee. She elected to leave the Chambers, and not participate in any further discussion or vote on the item.

## **8. Announcements by the Mayor (No Discussion Permitted)**

His Worship the Mayor advised that Mr Trevor Ayers was present at the meeting to present Council with a Business Industry Award that Council had won. The Mayor congratulated everyone that had been involved in this process.

His Worship the Mayor also advised that the Specified Area Rate appeals to the State Administrative Tribunal had all been dismissed.

The Mayor advised that the proponent for the item *“Proposed Rezoning – Lot: 2 DP: 74047, Lot: 1 DP: 74047 No.130 Strickland Street, Bunbury, and No.128 Strickland Street Bunbury – from Residential (R30) to Special Use Zone 8 (SU8) – Car Park”* requested that this item be deferred until the Council meeting of 8 February 2011.

The Mayor also indicated that the Bunbury Chamber of Commerce had expressed an interested in being appointed as a representative to the Proposed Art Gallery Committee.

## 9. Chief Executive Officer Reports/Discussion Topics

### 9.1 Request for Leave of Absence – Councillor Stephen Craddock *(was listed as item 9.1 on the meeting agenda.)*

<b>File Ref:</b>	A00215
<b>Applicant/Proponent:</b>	Councillor Stephen Craddock
<b>Author:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Executive:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

#### Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Stephen Craddock is granted leave of absence from all Council-related business from 19 February to 10 March 2011 inclusive.

#### Summary/Background

Councillor Stephen Craddock requests leave of absence from all Council-related business from 19 February to 10 March 2011 inclusive.

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

#### Outcome – Council Meeting 14 December 2010

The recommendation (as printed) was moved Cr Steck seconded Cr Leigh.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

#### Council Decision 256/10

***Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Stephen Craddock is granted leave of absence from all Council-related business from 19 February to 10 March 2011 inclusive.***

CARRIED  
12 votes "for" / Nil votes "against"

## 9.2 Appointment to Bunbury Regional Arts Management Board *(was listed as item 9.2 on the meeting agenda)*

<b>File Ref:</b>	A00168-10
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Domenic Marzano – Executive Manager City Life
<b>Executive:</b>	Domenic Marzano – Executive Manager City Life
<b>Attachments:</b>	Nil

### Recommendation

That Council endorse the appointment of Mr Bill Cowan to the Bunbury Regional Arts Management Board (BRAMB) Inc. for a term of two years from the date of endorsement.

### Summary

The constitution of the Bunbury Regional Arts Management Board Inc. (BRAMB) which is the incorporated body responsible for management of the Bunbury Regional Art Galleries, affords the Bunbury City Council the right to approve all appointments to its Board. The Bunbury Regional Arts Management Board seeks Council's endorsement of the appointment of Mr Bill Cowan.

### Background

The BRAMB constitution reads as follows:

#### 5.1 Membership

All nominations for membership of the Corporation shall be in writing.

There shall always be not less than EIGHT (8) and not more than TEN (10) members of the Corporation comprising:-

- (1) ONE (1) elected member of the Council of the City Of Bunbury;
- (2) ONE (1) Representative of the Art Gallery of Western Australia;
- (3) ONE (1) Collections Committee Representative;
- (4) ONE (1) City of Bunbury Staff Member;
- (5) FOUR–FIVE (4–5) Community Representatives who are ratepayers of the City of Bunbury and/or residents of the South West region;
- (6) ONE (1) representative of the Stirling Street Art Centre;
- (7) The Gallery Director or a nominated representative of the Bunbury Regional Art Galleries to be an ex-officio non-voting member.

At present, there are nine (9) members, leaving one (1) position vacant for an additional community representative. Mr Bill Cowan is an ideal candidate, in that he has extensive experience and knowledge of both the arts and the region; is a well connected and successful business, and has a passion for the arts.

Mr Cowan is a former financial controller at Worsley, has served on several sub-boards to the Art Gallery of Western Australia, and was instrumental in several key initiatives such as the Indigenous Internship program.

### **Officer Comments**

The Executive Manager is satisfied that Mr Bill Cowan would be an asset to BRAMB, and supports the recommendation that Mr Cowan be appointed to BRAMB for a period of two years from the date of endorsement.

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

There are no financial or budget implications.

### **Options**

#### Option 1

As per the recommendation.

#### Option 2

As per the recommendation, with amendments.

#### Option 3

Council do not support the recommendation.

### **Outcome – Council Meeting 14 December 2010**

The recommendation (as printed) was moved Cr Harrop seconded Cr Major.

The Mayor put the motion to the vote and was adopted to become Council's decision on the matter.

#### **Council Decision 257/10**

***That Council endorse the appointment of Mr Bill Cowan to the Bunbury Regional Arts Management Board (BRAMB) Inc. for a term of two years from the date of endorsement.***

CARRIED  
12 votes "for" / Nil votes "against"

**9.3 Electors' Motions From the Annual Electors Meeting Held on 25 November 2010** *(was listed as item 9.3 on the meeting agenda)*

<b>File Ref:</b>	A00221
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Attachments:</b>	Report under separate cover

**Recommendation**

1. The minutes of the Annual Meeting of Electors held Thursday 26 November 2010 be received.
2. That Council adopt the following motions from the Annual Electors Meeting;
  - a. That Council considers adopting March, 1830 as the birth date of Bunbury, because it was then that the townsite was created.
  - b. That Council hold an aged forum within the next 4 months effective from today (25 November 2010).
2. The following actions be taken in response to the Elector's Motion  
"The mover and seconder of the elector's motions be advised of Council's decision."

**Summary**

The minutes of the Annual Meeting of Electors held on Thursday 25 November 2010, are issued **under separate cover**. Two (2) motions were moved and carried that require consideration by Council pursuant to the requirements of Section 5.33 of the Local Government Act 1995. The motions are listed below.

A copy of the minutes will be sent to each member of the public that registered their attendance at the meeting.

**Background**

The Annual Electors Meeting held on Thursday, 25 November 2010 the following motions were moved;

1. Birth Date of Bunbury

*Electors' Decision, moved Mr. B Bischoff, seconded Deputy Mayor, Cr. B Kelly (Proforma)*

*That Council considers adopting March, 1830 as the birth date of Bunbury, because it was then that the townsite was created.*

*CARRIED*

2. Forum for Ageing

*Electors' Decision, moved Dr E C Manea, seconded Mr F Comito*

*That Council hold an aged forum within the next 4 months effective from today (25 November 2010).*

**CARRIED**

**Executive Comment:**

City of Bunbury will address the aged concerns as a part of the Community Development strategy review. The Community Development Officer has just resigned, and we are currently in the process of recruiting someone for this role. Once we have someone on board, we will advise Dr Manea when we are able to deliver this outcome.

In relation to the Birth Date of Bunbury it is proposed that this matter be investigated and a report be referred back to Council early in 2011.

**Options**

Option 1

As per the recommendation.

Option 2

As per the recommendation with amendments.

**Outcome – Council Meeting 14 December 2010**

The recommendation was moved Cr Craddock seconded Cr Harrop with an amendment. The amendment is as follows:

Point 2a to read “In relation to proposed change to the recognised birth date of Bunbury, this matter be investigated, including seeking input from the Bunbury Historical Society and a report be referred back to Council in early 2011.” Amend Point 2b to read “That Council hold an Aged Forum before 25 March 2011 (within 4 months of the Annual Electors Meeting)”.

It was requested that the mover and seconder agree to change the date for the Aged Forum from 25 March 2011 to “on or before 25 May 2011 (within 6 months ...)”. The mover and seconder agreed to this change.

The Mayor put the motion (as amended) to the vote in separate parts and was adopted to become the Council’s decision on the matter.

Point 1: 12 votes “for” / Nil votes “against” CARRIED

Point 2a: 9 votes “for” / 3 votes “against” CARRIED. It was requested the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr Leigh, Cr Harrop, Cr Whittle, Cr Steele, Cr Slater, Cr Punch

- Point 2b:           Against: Cr Jones, Cr Major, Cr Steck  
9 votes "for" / 3 votes "against" CARRIED. It was requested the votes  
be recorded as follows:  
For:           Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr  
                  Leigh, Cr Harrop, Cr Whittle, Cr Steele, Cr Slater, Cr Punch  
Point 3:           Against: Cr Jones, Cr Major, Cr Steck  
10 votes "for" / 2 votes "against" CARRIED

**Council Decision 258/10**

- 1.     *The minutes of the Annual Meeting of Electors held Thursday 26 November 2010 be received.***
- 2.     *That Council adopt the following motions from the Annual Electors Meeting:***
  - a.     *In relation to proposed change to the recognised birth date of Bunbury, this matter be investigated, including seeking input from the Bunbury Historical Society, and a report be referred back to Council in early 2011;***
  - b.     *That Council hold an aged forum on or before 25 May 2011 (within 6 months of the Annual Electors Meeting).***
- 3.     *The following actions be taken in response to the Elector's Motion***

***"The mover and seconder of the elector's motions be advised of Council's decision."***



**9.4 Foreshore Art Gallery Facility Advisory Committee and Business Case**  
(was listed as item 9.4 on the meeting agenda)

<b>File Ref:</b>	F00088-03
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Geoff Klem – Acting Chief Executive Officer
<b>Executive:</b>	Geoff Klem – Acting Chief Executive Officer
<b>Attachments:</b>	Appendix 15

**Recommendation**

Council approves the establishment of the Foreshore Art Gallery Advisory Committee as per Council resolution 231-10 to progress the new Foreshore Art Gallery facility proposal with the following terms of reference and membership.

1. Terms of Reference

The Foreshore Art Gallery Facility Advisory Committee is a committee of the Council that operates with the following Terms of Reference:

- a. To determine the scope of the project including (but not limited to) the investigation of:
  - The type and extent of ancillary uses (to the predominant use of “art gallery”)
  - The exact site of the building;
  - Potential impact on existing events;
  - Appropriateness of the project to incorporate commercial elements (with particular reference to BREC)
  - Future uses of the current gallery should the proposal be supported.
  - Design theme and city entry statement.
- b. Develop an appropriate consultant’s brief to commission a business case study. (Key elements of the Business Case, is attached at Appendix 15)
- c. Ensure full consultation is undertaken with affected arts organisations in Bunbury and make recommendations to Council based on the outcome of the business case study by July 2011.

2. Membership

*Members (voting rights):*

- His Worship the Mayor – Mr David Smith (Chair)
- 3 Councillors - \_\_\_\_\_
- 3 Community Members
- Chairperson of BRAMB – Ms Carol Bryson
- Chairperson of the Collection Committee – Ms Tresslyn Smith

- Mr Geoff Klem – City of Bunbury Acting Chief Executive Officer
- Mr Dom Marzano – Executive Manager City Life (Executive Officer)
- Mr Gary Dufour – Deputy Director, Art Gallery of WA

*Support Staff (non -voting):*

- Manager BREC – Graham Harvey
- Mrs Felicity Anderson – Manager Economic & Social Development
- Ms Sonya Dye – Director, Bunbury Regional Art Galleries
- Mr Greg White, Curator and member of Art Collection Committee
- Museum Curator – currently being advertised.

## **Summary**

Council received a presentation from Mr Lloyd Horn (by DVD), Mr Geoff Prosser and Mr Bill Hames (architect) at the Briefing Session on Tuesday 16 November 2010 on a proposal to establish a regional art gallery at Lot 681(also known as Lot 4) Koombana Drive Bunbury. The establishment of a Foreshore Art Gallery Facility Advisory Committee will assist with determining the viability of this proposal, including the completion of a Business Case.

## **Background**

At the Council meeting on the 30 November 2010, Council resolved the following:

*Resolution 231/10 – Art Gallery Proposal*

*That Council resolve to:*

*Request the Acting Chief Executive Officer to prepare advice on:*

- i) The key elements of a business case for a regional art gallery and museum including the resource implications of managing the project;*
- ii) A draft terms of reference for an Advisory Committee to support the investigation process; and*
- iii) Report back to Council on (i) and (ii) in the December round of meetings.*

The establishment of the Foreshore Art Gallery Facility Advisory Committee is a directive from this resolution.

## **Officer Comments**

The Executive is satisfied that in order to determine the viability of the proposal, this advisory committee needs to fulfil the terms of reference.

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

While there are no financial and budget implications in establishing a committee, one of the terms of reference for this committee is to develop an appropriate consultant's brief to commission a business case study. There is already \$60,000 in the budget for preliminary work towards new exhibition facilities. This money can be used to fund the business case study.

## **Options**

### Option 1

As per the recommendation.

### Option 2

As per the recommendation, with amendments.

### Option 3

Council does not support the recommendation.

## **Outcome – Council Meeting 14 December 2010**

The recommendation (as printed) was moved Deputy Mayor Cr Kelly seconded Cr Harrop.

The Mayor put the motion to the vote and was adopted to become Council's decision on the matter.

### **Council Decision 259/10**

***Council approves the establishment of the Foreshore Art Gallery Advisory Committee as per Council resolution 231-10 to progress the new Foreshore Art Gallery facility proposal with the following terms of reference and membership.***

#### **1. Terms of Reference**

***The Foreshore Art Gallery Facility Advisory Committee is a committee of the Council that operates with the following Terms of Reference:***

- a. To determine the scope of the project including (but not limited to) the investigation of:***
  - The type and extent of ancillary uses (to the predominant use of "art gallery")***
  - The exact site of the building;***
  - Potential impact on existing events;***
  - Appropriateness of the project to incorporate commercial elements (with particular reference to BREC)***
  - Future uses of the current gallery should the proposal be supported.***
  - Design theme and city entry statement.***
- b. Develop an appropriate consultant's brief to commission a business case study. (Key elements of the Business Case, is attached at Appendix 15)***

- c. **Ensure full consultation is undertaken with affected arts organisations in Bunbury and make recommendations to Council based on the outcome of the business case study by July 2011.**

**2. Membership**

**Members (voting rights):**

- **His Worship the Mayor – Mr David Smith (Chair)**
- **3 Councillors - \_\_\_\_\_**
- **3 Community Members**
- **Chairperson of BRAMB – Ms Carol Bryson**
- **Chairperson of the Collection Committee – Ms Tresslyn Smith**
- **Mr Geoff Klem – City of Bunbury Acting Chief Executive Officer**
- **Mr Dom Marzano – Executive Manager City Life (Executive Officer)**
- **Mr Gary Dufour – Deputy Director, Art Gallery of WA**

**Support Staff (non -voting):**

- **Manager BREC – Graham Harvey**
- **Mrs Felicity Anderson – Manager Economic & Social Development**
- **Ms Sonya Dye – Director, Bunbury Regional Art Galleries**
- **Mr Greg White, Curator and member of Art Collection Committee**
- **Museum Curator – currently being advertised.**

CARRIED  
10 votes "for" / 2 votes "against"

It was requested the votes be recorded as follows;

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr Leigh, Cr Harrop, Cr Major, Cr Slater, Cr Jones, Cr Steck, Cr Punch  
Against: Cr Whittle, Cr Steele

The Mayor asked for Councillors who wished to nominate for the Committee. The nominations are as follows:

1. Cr Craddock
2. Cr Steck
3. Deputy Mayor Cr Kelly
4. Cr Harrop
5. Cr Steele

As there were five (5) nominations for the three (3) available Councillor positions, the Mayor put the votes to a secret ballot. The results are as follows:

1. Cr Craddock
2. Deputy Mayor Cr Kelly
3. Cr Steck

His Worship the Mayor requested that Councillors decide the best way to appoint the three (3) community representatives.

Cr Steele moved Cr Whittle seconded that the following motion be adopted;

*"In respect to the three (3) Community Positions;*

1. *That Mr Lloyd Horn be invited as a Community member on the Committee.*
2. *That Council advertise for the two (2) remaining Community positions on the Committee."*

Cr Slater moved Cr Major seconded an amendment to this motion as follows;

*"In respect to the three (3) Community Positions;*

1. *That Mr Lloyd Horn be invited as a Community member on the Committee.*
2. *That Mr Geoff Prosser also be invited as a Community member on the Committee.*
3. *That Council advertise for the one (1) remaining Community position on the Committee or if Mr Horn or Mr Prosser decline the invitation then advertise for the two (2) or three (3) remaining positions."*

Cr Steck disclosed an impartiality interest in this item (see section 7) and left the Chambers at 7.57pm. She did not participate in the discussion and did not vote on the matter.

The Mayor put the motion (as amended) to the vote in separate parts and was adopted to become the Council's decision on the matter.

Point 1: 11 votes "for" / Nil votes "against" CARRIED  
Point 2: 6 votes "for" / 5 votes "against" CARRIED  
Point 3: 8 votes "for" / 3 votes "against" CARRIED

**Council Decision 260/10**

1. ***That Mr Lloyd Horn be invited as a Community member on the Committee.***
2. ***That Mr Geoff Prosser also be invited as a Community member on the Committee.***
3. ***That Council advertise for the one (1) remaining Community position on the Committee or if Mr Horn or Mr Prosser decline the invitation then advertise for the two (2) or three (3) remaining positions.***

## **10. Reception of Formal Petitions and Memorials**

Cr Harrop advised she had received a letter from a member of the public in relation to the item "*Proposed Office - Lots 1, 2, 3, 4, 52, 572 and Lot 0 DP: 6019 No. 2 Charles Street, Bunbury*".

The Mayor advised Cr Harrop that it would be more appropriate to read the letter out as the item was dealt with as it was neither a petition nor a memorial.

## **11. Reception of Reports and Recommendations from the Council (Standing) Committee Meeting held 7 December 2010**

Pursuant to Standing Order 16.1.1, the Council adopted 'en bloc' (i.e. without discussion) those recommendations listed for items 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.10, 11.11 and 11.12 of the meeting agenda.

Items 11.8 and 11.9 of the meeting agenda was then discussed and voted on separately.

Please note that the items listed in this section of the meeting minutes have been rearranged (and re-numbered) so that they appear in the order that they were discussed at the meeting. The items voted on 'en bloc' are listed first.

Cr Steck returned to the Chambers at 8.03pm and was present for the discussion and the vote on the remaining items on the agenda.

Cr Steele left the Chambers at 8.03pm and was not present to vote on this item.

**11.1 Proposed Rezoning – Lot: 2 DP: 74047, Lot: 1 DP: 74047 No.130 Strickland Street, Bunbury, and No.128 Strickland Street Bunbury – from Residential (R30) to Special Use Zone 8 (SU8) – Car Park.** *(was listed as item 11.7 on the meeting agenda)*

<b>File Ref:</b>	A03779
<b>Applicant/Proponent:</b>	TPG on behalf of Atlas Point (Forum Shopping Centre)
	Kevin Townroe, Planning Officer
<b>Executive:</b>	Gary Fitzgerald, Executive Manager City Development
<b>Attachments:</b>	Appendix 12, 13 & 14

**Committee Recommendation**

That Council:

1. Under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves not to adopt Scheme Amendment No.36 to the City of Bunbury, Town Planning Scheme No.7.
2. Forward the Schedule of Submissions to the Minister for Planning via the Western Australian Planning Commission, with a request that final approval not be granted.

**Summary**

Since the Council meeting of 1 June 2010 Mr Steve Cuzens (Managing Director Atlas Point Pty Ltd) has been in consultation with two of the four residents / landowners who previously submitted concerns / objections in respect of the Scheme Amendment and advised (Letter dated 11 November 2010 - Atlas Point – Steve Cuzens) that as a result of this consultation private agreements have been reached between these parties (Mrs Ida Jupp & Mrs Jenny Lucas), Mrs Jupp directly adjoins the proposed car-park to the west (No.124 Strickland Street) and Mrs Lucas directly adjoins the proposed car-park to the north (No.23 Jipse Crescent).

The applicant now wishes Council to determine the matter on the basis of his further discussions and agreements with key submitters over the last few weeks.

Council will recall that when the matter was previously publicly advertised, four submissions were received. The matter was not heard by Full Council in that the applicant requested that the matter be held in abeyance to allow the applicant sufficient time for Atlas Point to be able to assess the submitters' positions and to see if it was possible to resolve the various issues involved.

On that basis the applicant has now come back to Development Services to advise that he has received the support of all "immediately adjoining" submitters per the formalised agreements reached. Development Services advised the applicant that it would prefer for the applicant to have the support of all prior submitters. The

applicant has argued that he now has the support so to speak of all key and relevant objectors in that only the immediately adjoining submitters are substantially affected by the proposed development.

The applicant has not provided any further comments from the two remaining original objectors (whose property does not immediately adjoin the subject property). One objector (Mr Weatherill) lives on the adjoining strata title lot (No. 124 Strickland Street) but his house is not immediately adjoining the subject lot. The applicant has made the point that this objector is not now substantially affected (the principal basis of the original objection was in terms of traffic impact) in that the development is for "staff" parking only and therefore any traffic impact would largely only occur twice a day (early morning and after close of business). The other remaining objector, the owner of the Ten Pin Bowling facility, previously objected to the development on a strategic basis and essentially made the point that the proposed development would constitute "ad-hoc" development. It is understood that Atlas Point has recently hired a Town Planning Consultant to prepare a broad strategic study to determine how the Forum would relate to the immediate residential zone and that such study will be presented to the City in the near future to guide future development.

Notwithstanding Development Services accepts that there has now been a shift in position and, on that basis, the matter can now be re-considered by Council in terms of Council making a final determination on the matter.

### **Background**

The existing Special Use Zone-33 was subject of a grant of approval in April 1998 to rezone such land from Residential 'R15' to Special Use car-park pursuant to the provisions of TPS 6.

The legal description of the subject land is as follows and a location plan is **attached** at Appendix 12:

1. Lot 1, number 128 Strickland Street from Residential (R30) to Special Use 33 - car-park.
2. Lot 2, number 130 Strickland Street from Residential (R30) to Special use 33 – car-park.

An aerial photograph (2010) of subject land is **attached** at Appendix 13.

TPG Consultants (Town Planning and Urban Design), who act on behalf of Atlas Point Pty Ltd, has lodged an application with the City to request approval to amend Town Planning Scheme 7 to facilitate the redevelopment of the land for staff car parking associated with the Bunbury Forum Shopping Centre. At its meeting of the 8 December 2009 Council resolved to initiate the Scheme Amendment, advertise for public comment and following public advertising be returned to Council for further consideration.

TPG's letter (dated 17 November 2009) to the City stated that '*the adjoining landowners support the proposed Scheme Amendment*' and on the basis of such community support, it was recommended to allow facilitation through to the next stage which was to initiate and formally advertise the proposal for public comment.



As a result of public advertising four (4) submissions were received, (refer to Schedule of Submissions attached at Appendix 14. As a result of the submissions and the concerns raised it was recommended that Council resolve not to adopt Scheme Amendment No.36.

A summary of the comments received by the City are as follows:

- *Lighting spill concern into residential, security cameras and compromised privacy.*
- *Change of land use to car-park would present a busier and noisier environment and "we are not pleased with the change".*
- *Security of residential properties would be comprised especially at night.*
- *Would not like to see 2 houses demolished to fit a few more cars in.*
- *If this happens they will only keep purchasing more houses and keep doing the same.*
- *This changes the whole area but only 1 little bit at a time. Change like this should address the whole area not bits and pieces.*

Development Services carried out individual visits to all the submitters to ascertain their views of the proposal first hand, due to the differing comments by the submitters and the view of the submitters put forward by Atlas Point.

The comments presented to Development Services staff by the residents visited were generally not supportive of the proposal. A summary of the comments collated are listed in the Schedule of Submissions.

### **Officer Comments**

Development Services previously took the position that, in light of the outstanding concerns / objections raised by residents/landowners, the proposed development may adversely affect the established level of amenity in the locality and, on that basis, the proposed development would, arguably, not be in accordance with the broad principle of orderly and proper planning.

Notwithstanding, Development Services accepts that there has now been a shift in position in that the applicant has just recently made contact with all immediately adjoining property owners who objected, and has reached some level of agreement which, essentially, would annul the objections. On that basis the applicant has requested that the matter be reconsidered by Council.

Development Services accepts that this is relatively significant and that on that basis Development Services recommends that the matter should now be re-considered by Council in terms of Council making a final determination on the matter.

Development Services notes that the applicant was advised that it would be preferable for the applicant to have the support of all prior submitters. However, the applicant has argued strongly that he now has the support so to speak of all key and relevant objectors in that only the immediately adjoining submitters are substantially affected by the proposed development, whilst the other two submitters who do not share a common boundary with Atlas Point are not substantially affected.

On balance therefore, whilst the applicant has made changes to his development proposal such that all immediately adjoining submitters have reached agreements

with Atlas Point, Development Services is of the view that it would be preferable if the applicant were to be able to satisfy the concerns of all prior submitters.

### **Options**

#### Option 1

As per the recommendation.

#### Option 2

Council resolves to not support the recommendation.

That Council:

1. Under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005 hereby resolves to adopt Scheme Amendment No.36 to the City of Bunbury, Town Planning Scheme No.7.
2. Forward the Schedule of Submissions to the Minister for Planning via the Western Australian Planning Commission, with a request that final approval be granted

### **Outcome – Council Committee Meeting 7 December 2010**

The Deputy Mayor Cr Kelly returned to the Chambers at 7.29pm and was present for the discussion and the vote on the remaining items on the agenda.

The Mayor asked if there were any members of the public that wished to address the Committee.

Mr Bill Weatherill, 21/124 Strickland Street, Bunbury, addressed the Committee and spoke in support of the recommendation. The following is a summary of his submission. Mr Weatherill advised he and his wife moved to Bunbury 12 years ago to downsize living space, have a hassle free retirement and be close to all amenities. The Bunbury Forum purchased a property near by his home to extend their Staff car park. The gates to the car park are open 24 hours a day and only gives hoons a larger playground. The car park will increase the volume of traffic and make it harder for residents to cross the street. He advised a resident had been knocked down recently trying to cross the road with her trolley. Bunbury Forum is currently using a warehouse and 2 sea containers to house their equipment and it is depreciating the value of the area.

Mr Steve Cuzens, Managing Director, Atlas Point, addressed the Committee and spoke against the recommendation. The following is a summary of his submission. Mr Cuzens advised that Atlas Point has reduced the number of bays by the deletion of Lot 134 Jipse Crescent at the request of the City of Bunbury which would have provided them with an additional 23 car parking bays. Atlas Point has consulted with the adjoining landowners that had concerns on the proposal and written acceptance from the landowners has been forwarded to Council.

Mr Cuzens advised they have engaged architects Hames Sharley to conduct a review of Strickland Street precinct to assist the City of Bunbury in the long term planning of the area. He further advised that the additional car parking bays are for Staff only and there will be little impact on the traffic numbers on Strickland Street and the proposal is consistent with standard practice to encourage Staff to park offsite. The objection that the "whole area" will become a car park is not correct given the planning processes in place. He noted that the Retirement Village (Woodstock West) opened 6 years ago with over 120 residents and most with vehicles accessing Strickland Street throughout the day.

Mr Stan Weatherill addressed the Council and spoke in support of the recommendation. The following is a summary of his submission. Mr Weatherill stated that he didn't believe that it would stop at the staff carpark. He asked if the carpark could be utilised for private parking.

The recommendation (as printed) was moved Cr Slater seconded Cr Leigh.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

#### **Outcome – Council Meeting 14 December 2010**

The Mayor during his announcements (see section 8) declared that the proponents of this item wished to defer the item in order to obtain further information and come back to Council at the Council Meeting to be held on 8 February 2011.

Cr Jones moved Cr Major seconded procedural motion 15.2 in accordance with the City of Bunbury Standing Orders that the item be adjourned until the Council Meeting 8 February 2011.

The Mayor put this procedural motion to the vote and was adopted to become the Council's decision on the matter.

#### **Council Decision 261/10**

***Pursuant to procedural motion 15.2 of the City of Bunbury Standing Orders that the matter be adjourned until the Council Meeting of 8 February 2011.***

CARRIED  
11 votes "for" / 1 vote "against"

## **11.2 Local Government Act 1995 – Proposed Amendments Feedback Request** *(was listed as item 11.1 on the meeting agenda)*

<b>File Ref:</b>	A00106
<b>Applicant/Proponent:</b>	Western Australian Local Government Association
<b>Author:</b>	Jack Dyson – Senior Administration Officer
<b>Executive:</b>	Geoff Klem – Acting Chief Executive Officer
<b>Attachments:</b>	Nil

### **Committee Recommendation**

That Councillors lodge their respective comments (either supporting or not) on the proposed amendments, to the Council's Senior Administration Officer by no later than Tuesday 4 January 2011 in order that a submission may be made on behalf of Council.

### **Summary**

The Western Australian Local Government Association (WALGA) has requested Council feedback on seven (7) proposed amendments to the Local Government Act 1995. The feedback on behalf of Council is required by 7 January 2011.

### **Background**

The Honourable Minister for Local Government has requested WALGA to lead a consultation process on a proposed Local Government Act Amendment Bill.

This is a significant change from past practice as traditionally, sector comment has been sought once the Minister and Department of Local Government have drafted instructions to the State Solicitor's Office.

Some matters being considered for amendment are of long-standing importance to the Local Government sector and are underpinned by WALGA State Council endorsement.

### **Officer Comments**

Councillors were issued with a copy of the proposed amendments, along with explanatory notes under separate memorandum on 2 December 2010.

Due to the late receipt of these proposals and the short timeframe permitted to obtain feedback, it is considered that collation of individual councillor feedback will provide more time to prepare a submission than refer an item to Council for consideration, prior to 14 December 2010.

Councillors are urged to provide their comment and feedback as soon as possible in order that a submission may be lodged by the deadline identified.

WALGA have indicated that it is an unusually short request notification; however they are keen to obtain the feedback in order to report findings to the WALGA State Council Meeting in February 2010.

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

There are no financial or budget implications arising out of this proposal at this point in time, however, should some of the proposals be approved an impact may be felt on future Council Budgets.

### **Options**

#### Option 1

As per the recommendation.

#### Option 2

As per the recommendation with amendment.

#### Option 3

Council not lodge a submission.

### **Outcome – Council Committee Meeting 7 December 2010**

The recommendation (as printed) was moved Cr Craddock seconded Cr Major.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

### **Outcome – Council Meeting 14 December 2010**

Pursuant to Standing Order 16.1.1 the recommendation from the Council (Standing) Committee (as printed) was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter.

#### **Council Decision 262/10**

***That Councillors lodge their respective comments (either supporting or not) on the proposed amendments, to the Council's Senior Administration Officer by no later than Tuesday 4 January 2011 in order that a submission may be made on behalf of Council.***

CARRIED  
11 votes "for" / Nil votes "against"

**11.3 Healthy Clubs Grants Scheme - Summer 2010/2011** (was listed as item 11.2 on the meeting agenda)

<b>File Ref:</b>	F00196
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Selina Young, Recreation Project Officer
<b>Executive:</b>	Domenic Marzano, Executive Manager City Life
<b>Attachments:</b>	Nil

**Committee Recommendation**

1. That Council endorses the following applications for small equipment grants under the City of Bunbury Summer 2010/2011 Healthy Clubs Grants Scheme:
  - Bunbury Ultimate Frisbee- \$193 towards the purchase of a first aid kit and new discs
  - Bunbury Swimming Club - \$452 towards the purchase of coaching resources and training equipment
  - Bunbury Runners Club - \$465 towards the purchase of event flags for all age groups and local and regional/state events
  - Bunbury Volleyball Club - \$449 towards the purchase of nets, compressor, pumps brooms, sunscreen and whistles
  - Bunbury Basketball Association - \$455 towards the purchase of whistles and lanyards
  - South West Cruising Association - \$455 towards the purchase of a hot water urn and a TV for guest presenters
  - Moorabinda Croquet Club - \$500 towards the purchase of four croquet mallets
  - Bunbury Regional Athletics Club - \$500 towards the purchase of a fridge/freezer, tables and chairs
  - Bunbury BMX Club - \$231 towards the purchase of Microsoft office computer software program and microwave oven
  - Bunbury Triathlon Club - \$395 towards the purchase of tyres for event trailer and esky/coolers

**Summary**

Council has received ten (10) external applications for the City of Bunbury Healthy Club Grants Scheme Summer 2010/2011 round totalling \$4,095.

**Background**

The City of Bunbury Healthy Clubs Grants Scheme is a valuable tool in engaging and rewarding local sport and recreation clubs who are proactively developing the health of their clubs. Through the scheme the Sports Club Development Officer receives valuable information on how local sporting groups are being managed to assist the City in better catering for the needs of clubs in the future. The scheme requires clubs to fill in a "Self Assessment Checklist" online and attend one Club Development Workshop to be eligible to apply for the \$500 small equipment grant.

Clubs may apply for up to \$500 and the funds granted must be matched dollar for dollar.

Clubs that have not previously applied for funding under the Healthy Club Grant Scheme may receive preference if applications exceed funds available.

Bunbury sport and recreation clubs are offered grants in November and March for the summer and winter playing seasons. All year sports can apply in either summer or winter rounds, but not both.

Ten applications were received for this summer round including several all year round clubs. The clubs that have submitted applications have met the guidelines of scheme and have either attended at least one workshop in 2010 or will register to attend one club development workshops before June 2011.

Ten applications for funding were received with the requested funding totalling \$4,095 (summarised in table below).

Club Name	Project Cost	Amount Sought	Amount Granted (\$ for \$)	Purpose	Club Self Assessment received	Workshops attended
Bunbury Ultimate Frisbee	\$386	\$193	\$193	First aid kit and new discs	Yes	Bootcamp 2010 & RSA
Bunbury Swimming Club	\$904	\$452	\$452	Coaching DVD/Books and training equipment	Yes	Will attend one by June 2011
Bunbury Runners Club	\$930	\$465	\$465	Event Flags - marathons, runs etc	Yes	Will attend one by June 2011
Bunbury Volleyball Club	\$897	\$449	\$449	Nets, compressor, pumps, brooms, sun screen, whistles	Yes	Will attend one by June 2011
Bunbury Basketball Association	\$910	\$455	\$455	Game whistles with lanyards	Yes	Volunteers 2010
South West Cruising Assoc	\$910	\$455	\$455	Hot water urn and TV	Yes	Will attend one by June 2011
Moorabinda Croquet Club	\$1287	\$500	\$500	Four new croquet mallets	Yes	Responsible Service of Alcohol 2010
Bunbury Regional Athletics Club	\$1113	\$500	\$500	Fridge/freezer, tables and chairs	Yes	Bootcamp 2010 and Show me the money 2010
Bunbury BMX Club	\$462	\$231	\$231	Computer software and microwave oven	Yes	Will attend one by June 2011
Bunbury Triathlon Club	\$790	\$395	\$395	Event trailer tyres and esky/coolers	Yes	Volunteer Workshop 2010
<b>TOTALS</b>	<b>\$8,589</b>	<b>\$4,095</b>	<b>\$4,095</b>			

*All amounts in table are GST exclusive and have been rounded up to the nearest dollar*

### Officer Comments

The Healthy Clubs Grants Scheme is a valuable opportunity for local clubs and associations to receive funding for small equipment purchases to assist clubs in providing sport and recreation opportunities to City of Bunbury residents.

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

A total budget of \$7,000 for this Healthy Club Grants Scheme was endorsed by Council for the 2010/11 financial year. Ten applications for funding were received in this round to the value of \$4095 leaving \$2905 for the March 2011 round.

### **Strategic Relevance**

The Healthy Clubs Grants Scheme is consistent with Council's Recreation Plan and Recreation Implementation Plan 2007-12 Strategic Theme 1: Program and Service Development with the goal to establish a strategic and integrated base from which to enhance sport, recreation and physical activity program and service delivery within the City of Bunbury.

### **Community Consultation**

Sport and recreation clubs were notified of the grant seven weeks prior to the closing date and individual contact has been made with each club.

### **Councillor/Officer Consultation**

The recommended applications have been assessed by the Recreation Project Officer and the Community Recreation Liaison Officer.

### **Options**

#### Option 1

As per the recommendation

#### Option 2

That Council does not endorse the submitted applications for small equipment grants under the City of Bunbury Healthy Clubs Scheme.

### **Outcome – Council Committee Meeting 7 December 2010**

The recommendation (as printed) was moved Cr Major seconded Cr Jones.

Councillor Steck arrived at the meeting at 6.15pm and was present during the vote.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

### **Outcome – Council Meeting 14 December 2010**

Pursuant to Standing Order 16.1.1 the recommendation from the Council (Standing Committee (as printed) was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter.



**Council Decision 263/10**

**1. That Council endorses the following applications for small equipment grants under the City of Bunbury Summer 2010/2011 Healthy Clubs Grants Scheme:**

- **Bunbury Ultimate Frisbee**- \$193 towards the purchase of a first aid kit and new discs
- **Bunbury Swimming Club** - \$452 towards the purchase of coaching resources and training equipment
- **Bunbury Runners Club** - \$465 towards the purchase of event flags for all age groups and local and regional/state events
- **Bunbury Volleyball Club** - \$449 towards the purchase of nets, compressor, pumps brooms, sunscreen and whistles
- **Bunbury Basketball Association** - \$455 towards the purchase of whistles and lanyards
- **South West Cruising Association** - \$455 towards the purchase of a hot water urn and a TV for guest presenters
- **Moorabinda Croquet Club** - \$500 towards the purchase of four croquet mallets
- **Bunbury Regional Athletics Club** - \$500 towards the purchase of a fridge/freezer, tables and chairs
- **Bunbury BMX Club** - \$231 towards the purchase of Microsoft office computer software program and microwave oven
- **Bunbury Triathlon Club** - \$395 towards the purchase of tyres for event trailer and esky/coolers

CARRIED

11 votes "for" / Nil votes "against"

**11.4 Nomination for Appointment to the Bunbury Airport Advisory Committee**  
*(was listed as item 11.3 on the meeting agenda)*

<b>File Ref:</b>	F00080
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Nigel Archibald – Airport Reporting Officer
<b>Executive:</b>	Michael Scott – Executive Manager City Services
<b>Attachments:</b>	Nil

**Committee Recommendation**

Mr John Moir is appointed as a Committee member to the Bunbury Airport Advisory Committee.

**Summary**

Mr John Moir (President of the Bunbury Aero Club) has requested appointment to the Bunbury Airport Advisory Committee.

The Bunbury Aero Club is one of the major users of Bunbury Airport and it is believed that their views would be best represented by having a member of their current Committee on the Bunbury Airport Advisory Committee.

The appointment of Mr John Moir is supported by the Bunbury Airport Advisory Committee and is seeking endorsement of this Committee nomination from Council.

**Background**

The Bunbury Airport Advisory Committee consists of leaseholders and community representatives involved in operations at Bunbury Airport. The committee's terms of reference involve:

- Submitting recommendations to Council on matters relating to the planning, operation and general use of the Bunbury Airport.
- To continually seek to attract users to enhance the viability of the Bunbury Airport.
- To submit recommendations concerning applications received for lease of space at the Bunbury Airport.

Currently, the committee comprises of Cr Punch, Cr Major, Cr Steck and the following agency and community representatives:

- Paul Coffey
- Brendan Watts
- Alex Karatamoglou
- Bob Main
- Mike Fletcher
- Blair Howe

- Iain Farmer
- Peter Kiely – Department of Transport
- Charles Wilks – St John Ambulance / Royal Flying Doctor Service
- Brad Bourke – Department of Environment & Conservation

The committee also consists of the Airport Reporting Officer (Nigel Archibald) who does not have voting rights.

#### **Officer Comments**

The members of the Bunbury Airport Advisory Committee passed a resolution supporting the appointment of Mr John Moir at its meeting held on Thursday, 18 November 2010.

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

There are no budget implications as a result of this proposal.

#### **Options**

##### Option 1

Per the Executive Recommendation

##### Option 2

Council may elect to reject the appointment of Mr John Moir to the Bunbury Airport Advisory Committee at this time.

#### **Outcome – Council Committee Meeting 7 December 2010**

The recommendation (as printed) was moved Cr Leigh seconded Cr Steck.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

#### **Outcome – Council Meeting 14 December 2010**

Pursuant to Standing Order 16.1.1 the recommendation from the Council (Standing) Committee (as printed) was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter.

#### **Council Decision 264/10**

***Mr John Moir is appointed as a Committee member to the Bunbury Airport Advisory Committee.***

CARRIED  
11 votes "for" / Nil votes "against"

### **11.5 Policy Review and Development (Standing) Committee Terms of Reference** *(was listed as item 11.4 on the meeting agenda)*

<b>File Ref:</b>	A04051
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Senior Administration Officer
<b>Executive:</b>	Geoff Klem, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

#### **Committee Recommendation**

Council endorse the recommendation from the Policy Review and Development (Standing) Committee to amend the existing terms of reference for the Policy Review and Development (Standing Committee) to;

1. Accurately reflect that the purpose of the Committee is to “Review all existing City of Bunbury Council Policies (excluding Planning Policies) and facilitate the development of new policies (excluding Planning Policies) for consideration by the Council on an ongoing basis”; and
2. Increase the Committee membership by one member and that Cr Steck be appointed to fill that position.

#### **Summary**

At the Policy Review and Development (Standing) Committee held 28 July 2010 the above recommendation was moved to submit to Council for endorsement.

#### **Background**

At its meeting held on 28 July 2010 The Policy Review and Development (Standing) Committee recommended an amendment to the Terms of Reference to “Review all existing City of Bunbury Council Administrative Policies and facilitate the development of new policies for consideration by the Council on an ongoing basis”, in order to accurately reflect the intended purpose of the Committee. It also supported the addition of a further member of the Committee as it is considered beneficial in so far as consultation and communication is concerned.

Councillor Steck had identified a number of Policy issues she wished to discuss, or seek clarification on and was invited to attend meetings for that purpose.

#### **Officer Comments**

There are no objections to the appointment of an additional member to the Policy Review and Development (Standing) Committee. The updated Terms of Reference are provided to accurately reflect the intended purpose of the Committee.

The proposed Terms of Reference are:

1. To work with the Mayor, Councillors and Executive staff on the review of existing Council Administrative policies and the development of new Council Administrative policies.
2. To provide Bunbury City Councillors with assistance and support to develop new Administrative Council policies.
3. To make recommendations to Council on matters of Administrative policy, policy review and policy development.
4. To explore opportunities that promote Administrative policy development in all areas of Administration matters that may fall under Council jurisdiction.

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

There is no financial implication arising from this recommendation.

### **Options**

#### Option 1

As per the recommendation.

#### Option 2

As per the recommendation with amendments.

### **Outcome – Council Committee Meeting 7 December 2010**

The recommendation (as printed) was moved Cr Harrop Seconded Cr Craddock.

The mover and the seconded were asked if they would agree to amend the motion as follows;

Remove the word “Administrative” and add “(excluding Planning Policies)” after the words “... Council Policies...” and after “... new policies...” in point 1.

Change the word “Council” to “Committee” in point 2. The mover and seconder agreed to the amendment.

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee’s recommendation on the matter.

### **Outcome – Council Meeting 14 December 2010**

Pursuant to Standing Order 16.1.1 the recommendation from the Council (Standing Committee (as printed) was moved Cr Steck, seconded Cr Major and adopted (‘en bloc’) to become the Council’s decision on this matter.

**Council Decision 265/10**

***Council endorse the recommendation from the Policy Review and Development (Standing) Committee to amend the existing terms of reference for the Policy Review and Development (Standing Committee) to;***

- 1. Accurately reflect that the purpose of the Committee is to “Review all existing City of Bunbury Council Policies (excluding Planning Policies) and facilitate the development of new policies (excluding Planning Policies) for consideration by the Council on an ongoing basis”; and***
- 2. Increase the Committee membership by one member and that Cr Steck be appointed to fill that position.***

CARRIED

11 votes “for” / Nil votes “against”

**11.6 Petition – Corellas at Horseshoe Lake** *(was listed as item 11.5 on the meeting agenda)*

<b>File Ref:</b>	A02445
<b>Applicant/Proponent:</b>	Bunbury Environment & Sustainability Advisory Committee
<b>Author:</b>	Ben Deeley, Acting Coordinator Strategic & Environmental Planning
<b>Executive:</b>	Gary Fitzgerald, Acting Executive Manager City Development
<b>Attachments:</b>	Appendix 1

**Committee Recommendation**

That Council:

1. Acknowledges the concerns of the petition signatories and the potential for the exotic corellas to have ongoing and increased impacts on local residents, businesses and the natural environment into the future;
2. Facilitates the creation of an external working group to investigate options for the management of the local exotic Corella population, devise an appropriate strategy and report back to Council, pending;
  - Confirmation from the Department of Environment & Conservation and Department of Agriculture & Food that management of the exotic corellas is warranted at the present time;
  - Commitment from Department of Environment & Conservation and Department of Agriculture & Food to participate in the process (at least in an advisory capacity); and
  - The receipt of sufficient interest from the surrounding shires and / or other key stakeholders (e.g. Bunbury Turf Club) to participate in the process given the need for a regional collaborative approach.
- 3 That Council formally write to the Department of Environment and Conservation requesting their advice as to what Council needs to do to obtain any approvals that may be necessary for the management of the Corella population.

**Summary**

At its meeting on the 3 August 2010, Council accepted a petition from residents in the Horseshoe Lake area in complaint of the nuisance caused by exotic corellas and referred it to the Bunbury Environment & Sustainability Advisory Committee (“BESAC”) for consideration and report (Council Decision 133/10).

BESAC has since considered the matter and has made a recommendation to Council as listed in this report.

It is proposed that Council endorses BESAC’s recommendation and thereby commits to facilitate the creation of an external working group to research and develop an appropriate management strategy for the exotic corellas before reporting back to Council for a final determination on the matter.

## **Background**

A petition signed by 286 residents in the Horseshoe Lake area regarding the nuisance caused by exotic corellas was tabled at the Council Meeting held on the 3 August 2010. The petition text is quoted below:

*“To: His Worship the Mayor and City of Bunbury Councillors assembled.*

*We the undersigned bring to your attention our extreme concerns relating to the growing population of White Corellas that inhabit the Horseshoe Lake area in Sandridge Park. These birds are an introduced species which are at risk of endangering native species and have been declared a pest. Since 2007 the flock have permanently night roosted in the trees along Sandridge Road and multiplied to an estimated 800. They have caused considerable damage to the vegetation of the area and to wiring into nearby homes. Residents living nearby are subject to daily excessive noise pollution, often as early as 3:30am and throughout the evening. Three years of this excessive noise has caused great stress to some residents.*

*We seek Council’s consideration to attaining a licence from the Department of Environment to undertake a reduction program for the control of this flock.*

*Your petitioners pray that the City of Bunbury will heed the request of the people”.*

Council subsequently decided to accept the petition and refer it to BESAC for consideration and report (Council Decision 133/10).

BESAC was initially briefed on the issue at its meeting on the 12 August 2010. Thorough consideration of the matter by the advisory committee was not possible during subsequent meeting rounds for a range of reasons. As such, BESAC formulated its recommendation to Council upon the matter (N.B. the recommendation listed in this report) via email following the receipt and consideration of a discussion paper from the advisory committee’s executive officer on the 22 November 2010.

It is proposed that Council endorses BESAC’s recommendation and thereby commits to facilitate the creation of an external working group to research and develop an appropriate management strategy for the exotic corellas before reporting back to Council for a final determination on the matter.

## **Officer Comments**

The Department of Environment & Conservation has advised that the corellas in question are native to the eastern states of Australia and have been introduced to Bunbury and other parts of Western Australia through escape and release from aviaries.

It is understood that the population, numbering some 500-1,000 birds, is mostly resident to the local area ranging from Australind to Dalyellup and east to the Collie foot hills, although some minor dispersal to adjacent areas may occur.



It is understood that there is no statutory responsibility on any party, including the City of Bunbury, to manage the local exotic Corella population at the present time, based upon considerable liaison with relevant State Government agencies and a review of applicable legislation.

The Department of Environment & Conservation and the Department of Agriculture & Food, as the lead State Government agencies in regard to pest animal management, have both advised that they do not intend to undertake management of the local exotic Corella population at the present time. However, both Departments have informally expressed a willingness to assist other parties to undertake management of the exotic corellas through the provision of advice.

The Department of Environment & Conservation has advised that, based upon experiences in the Perth Metropolitan Region, the local exotic Corella population is likely to continue to grow into the future if management measures are not employed. Under such circumstances, it is anticipated that the impacts associated with the exotic corellas will continue and may intensify.

Given the low likelihood of direct State Government intervention and the consequent potential for ongoing and increased Corella impacts upon the local community and natural environment, the delivery of a management response by Council is considered to be warranted.

However, such action may present inherent problems for Council through factors including perceived animal welfare issues and associated negative publicity, the direct cost of management and the potential creation of community expectations regarding Council's role in the management of the exotic corellas on an ongoing basis.

It is also apparent that management of the exotic corellas is a task that cannot adequately be undertaken by Council alone given the distribution of the population beyond the City of Bunbury's boundaries and lack of internal specialist Corella management knowledge.

In the interests of managing the inherent risks to Council and in order to maximise the management outcomes, it is considered important that any management response undertaken by Council is done so on a regional collaborative basis with key stakeholders (e.g. the surrounding shires) and the support of relevant State Government agencies (e.g. Department of Environment & Conservation).

In light of these considerations, the recommendation listed in this report is proposed as a first step in resolving the issue. However, should the support of other key stakeholders and relevant State Government agencies as proposed not be forthcoming, it is recommended that Council revisits the issue in order to determine a new course of action in light of the inherent risks involved in delivering a management response.

The alternative option (Option 2 below) is not supported because limited management of the exotic corellas is anticipated to occur as a result and consequently the population may continue grow into the future resulting in ongoing and potentially increased impacts upon local residents, businesses and the natural environment.

N.B. Supplementary information concerning the local exotic Corella population, potential management strategies and the experiences of other local governments is **attached** at Appendix 1

### **Councillor/Officer Consultation**

The recommendation listed in this report was formulated by Council's Bunbury Environment and Sustainability Advisory Committee. Voting members on this advisory committee include His Worship the Mayor, Cr Juliet Harrop, the A/Chief Executive Officer and the A/Executive Manager City Development.

In addition, the A/Manager Development Services was also briefed upon the matter.

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

#### **Economic**

The repair of damage caused by the exotic corellas has placed a financial burden on local residents and businesses to date (e.g. ~\$10,000 damage has occurred to cabling on the Bunbury Turf Club main stadium during recent months).

The recommendation listed in this report provides for the creation of an external working group to devise a regional exotic Corella management strategy. The intent of this strategy is to manage the local exotic Corella population and thereby limit its impacts upon the local community and natural environment, including minimising the associated financial costs borne by residents and businesses.

#### **Social**

To date, the local exotic Corella population has caused a considerable nuisance to sections of the community as evidenced by the recent petition received from residents in the Horseshoe Lake area.

The recommendation listed in this report seeks to mitigate the adverse social impacts caused by the exotic corellas through the creation of an external working group to devise a regional exotic Corella management strategy as discussed previously.

It is acknowledged that sections of the community may be opposed to certain exotic Corella management options (e.g. culling), based upon experiences in the Perth Metropolitan Area. The proposed approach seeks to minimise the public relations risk that this issue potentially entails through the involvement of relevant State Government agencies, the recognised experts in the field of pest animal management in Western Australia, and the development of a united, consistent approach to the issue by stakeholders across the Greater Bunbury Urban Area.

#### **Environmental**

The impact of the exotic corellas on local native species has not been quantified to date. However, it is likely that the exotic corellas are competing with native species for habitat and food (e.g. both the exotic corellas and the threatened native Black Cockatoos require tree hollows for nesting).

The recommendation listed in this report seeks to mitigate the potential adverse environmental impacts caused by the exotic corellas through the creation of an external working group to devise a regional exotic Corella management strategy as discussed previously.

### Heritage

The matter does not present any heritage concerns at present.

### **Legislative Compliance**

The recommendation listed in this report is understood to fully comply with all relevant legislation.

The *WA Wildlife Conservation Act 1950* protects all Australian native species within the State of Western Australia, including animals not native to this State. As such, the exotic corellas are protected under the *Act* and a 'Damage Licence' is required from the Department of Environment and Conservation in order to 'take' them (N.B. the *Act* defines 'to take' in specific terms including killing, capturing, disturbing etc.).

The Department of Environment & Conservation has advised that it would be willing to issue a 'Damage Licence' to control the local exotic Corella population provided that an appropriate strategy (e.g. incorporating risk management) is first formulated.

It is anticipated that an application for a 'Damage Licence' would be one of the initial steps required following the completion of the regional exotic Corella management strategy, in order to provide for the strategy's implementation. This, therefore, is a consideration for Council and the other participating stakeholders to bear in mind in the future.

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

The recommendation listed in this report does not have any direct implications for the 2010/2011 budget.

The formation and facilitation of the proposed external working group to oversee the development and potential delivery of a regional exotic Corella management strategy is likely to require some Council resources in the form of staff time.

It is likely that any management strategy devised by the proposed external working group will require the commitment of funds by Council in the future in order to support its implementation phase.

Council will have the opportunity to consider the proposed external working group's exotic Corella management strategy and the resources implications thereof upon its completion.

### **Options**

#### Option 1

As per the recommendation listed in this report.

Option 2

Council decides not to respond to the local exotic Corella issue.

**Outcome – Council Committee Meeting 7 December 2010**

The recommendation (as printed) was moved Cr Slater seconded Cr Major.

Councillor Steele arrived at the meeting at 7.01pm and was present during the vote.

Cr Steck moved, Cr Major seconded an amendment to the recommendation. Amendment as follows;

Add a Point 3 “That Council formally write to the Department of Environment and Conservation requesting their advice as to what Council needs to do to obtain any approvals that may be necessary for the management of the Corella population. The mover and seconder agreed to the amendment. “

The Mayor put the amendment to the vote - 6 votes “for” / 6 “votes” against the Mayor used his casting vote for the motion and therefore the motion was CARRIED.

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee’s recommendation on the matter.

**Outcome – Council Meeting 14 December 2010**

Pursuant to Standing Order 16.1.1 the recommendation from the Council (Standing Committee (as printed) was moved Cr Steck, seconded Cr Major and adopted (‘en bloc’) to become the Council’s decision on this matter.

**Council Decision 266/10**

***That Council:***

- 1. Acknowledges the concerns of the petition signatories and the potential for the exotic corellas to have ongoing and increased impacts on local residents, businesses and the natural environment into the future;***
- 2. Facilitates the creation of an external working group to investigate options for the management of the local exotic Corella population, devise an appropriate strategy and report back to Council, pending;***
  - Confirmation from the Department of Environment & Conservation and Department of Agriculture & Food that management of the exotic corellas is warranted at the present time;***
  - Commitment from Department of Environment & Conservation and Department of Agriculture & Food to participate in the process (at least in an advisory capacity); and***

- ***The receipt of sufficient interest from the surrounding shires and / or other key stakeholders (e.g. Bunbury Turf Club) to participate in the process given the need for a regional collaborative approach.***

**3** ***That Council formally write to the Department of Environment and Conservation requesting their advice as to what Council needs to do to obtain any approvals that may be necessary for the management of the Corella population.***

CARRIED

11 votes "for" / Nil votes "against"

**11.7 Proposed Retrospective Planning Approval Widening of Driveway and Shade Sail for Existing Carwash – Lot: 336 DP: 38213 No. 4 Broadway, Pelican Point** *(was listed as item 11.6 on the meeting agenda)*

<b>File Ref:</b>	P13147
<b>Applicant/Proponent:</b>	J F Clark
<b>Author:</b>	Paul Davies, Planning Consultant
<b>Executive:</b>	Gary Fitzgerald, Acting Executive Manager City Development
<b>Attachments:</b>	Appendix 2, 3, 4 & 5

**Committee Recommendation**

That Council under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 2005 hereby resolves to grant approval (Retrospective) to Mr JF Clarke for a driveway widening and shade sail in respect of the existing car wash business at Lot 336 (4) Broadway subject to standard conditions including:

1. The proponent to construct a 1.8 metre high masonry wall or other material wall or fence to the satisfaction of the Manager Development Services (from existing ground level) adjacent to the driveway facing Broadway generally as indicated in red on the approved plan and to upgrade landscaping along the Broadway frontage to the satisfaction of the Manager Development Services all to be completed within 3 months of the date of this approval.
2. The concrete path in front of the widened section of the driveway to be replaced with bitumen the same as the original driveway to delineate between the pedestrian path and the crossover to the satisfaction of the City Engineer within 3 months of the date of this approval. Details of the design are to be approved by the City Engineer prior to construction.

**Summary**

An application has been received from Mr JF Clarke on behalf of Eanby Pty Ltd for retrospective planning approval for driveway widening and a shade sail for the existing car wash at Lot 336 (4) Broadway.

A copy of the Development Plan is **attached** at Appendix 2.

The proposed development is generally considered acceptable and it is recommended that Council approve the application subject to the conditions as outlined in the recommendation.

**Background**

The subject land is zoned “Special Use 13 – Mixed Use Local Centre” under the City of Bunbury, Town Planning Scheme No 7. Development within the area is required to be in accordance with the Pelican Point Outline Development Plan and the Pelican Point Development Design Guidelines.

The Outline Development Plan (**attached** at Appendix 3) includes a site for a service station, a commercial site with a retail floor space limit of 600m<sup>2</sup> and the car wash site. The commercial retail site and the service station site have not been developed at this stage.

The rezoning of the land including the Outline Development Plan and Development Design Guidelines to guide future land use in the area was approved in 2004. The car wash development was originally approved in 2006 in accordance with the Design Guidelines and the car wash was constructed in 2009.

The proponents advise that the driveway was widened by approximately 2.5 metres to improve vehicle access into the site and to reduce queuing of vehicles in the street (Broadway). The shade sail provides shelter adjacent to two of the existing car wash bays.

### **Officer Comments**

The proposed development is generally considered acceptable and it is recommended that Council approve the retrospective application subject to the conditions as outlined in the recommendation. The proposed conditions will reduce the impact of the existing car wash on residents in the area.

It is recommended that the proponent be required to provide a 1.8 metre masonry wall adjacent to the driveway facing Broadway and upgrade landscaping. It is considered that provision of a masonry wall along the boundary of the driveway facing Broadway and upgrading landscaping will improve screening of the development from nearby residential properties.

### **Engineering Comment**

The City's Engineering Department advises that the traffic management for the development was addressed with the original rezoning and subdivision proposal for the land. The car wash was approved in accordance with the Pelican Point Outline Development Plan and the Pelican Point Development Design Guidelines.

The Engineering Department also advises that Broadway was not originally designed for 'just residential' traffic, but to incorporate commercial traffic from the car wash and adjacent commercial centre and service station. The traffic study/report done for the original subdivision incorporated traffic forecast for the car wash and other proposed future commercial uses.

The original traffic study/report was carried out by an independent qualified Engineer. Further, the Engineering Department has supported the widening of the driveway and advises that it will assist in preventing back up/congestion of traffic on Broadway.

### **Health Comment**

The City's Environmental Health Department advises that it has received a variety of complaints about the car wash since its opening. The proprietors of the car wash have, however, been willing to address these complaints and have implemented strategies to prevent light spill, adding mufflers to the vacuums and turning off beepers to lessen the noise impact and providing materials safety data sheets for the chemicals/detergents being used.

The City's Environmental Health Department advises that although antisocial behaviour is a Police issue and not addressed through the Environmental Protection (Noise) Regulations 1997, the proprietors have reviewed CCTV footage and identified some regular customers and have spoken to them about the complaints.

Since the proprietors have implemented the abovementioned strategies, the Environmental Health Department has only received one further complaint in August 2010 which related to antisocial activities.

In the event that complaints are received in the future the City will be able to undertake noise monitoring of the site. If the development does not comply then appropriate action can be taken to ensure that noise levels do not exceed those specified by the Environmental Protection (Noise) Regulations.

### **Community Consultation**

The application was advertised for a period of 21 days including letters to all property owners in the Pelican Point Development Design Guideline area advising of the proposal.

One submission was received during the advertising period from a resident living opposite the development. It is understood that the submitter has recently moved from the area. A copy of the submission is **attached** at Appendix 4. The submission outlines concerns with traffic safety and traffic management around the development.

The submission also expresses concern with disruptive customers attracted to the area especially after hours which detract from the amenity of the local residents. The submission also requests that they be involved in any negotiated outcome for the development.

The proponent has responded to the concerns outlined above with a submission from Michael Swift and Associates Town Planners. A copy of the submission is **attached** at Appendix 5.

The submission included a petition with 22 signatures indicating support for the driveway widening. It is noted that 11 of the signatures are from land owners or tenants within the Pelican Point Design Guidelines area.

The submission advises that the application is only for minor works incidental to the existing car wash. Further, the driveway widening has been carried out to address queuing issues on Broadway and is an improvement to the amenity and safety of the area.

The submission also advises that the facility has not been subject to any noise abatement notices or similar actions that would support the notion that it is having a disruptive impact on nearby residents.

### **Legislative Compliance**

The application has been assessed in regard to the requirements of the City of Bunbury, Town Planning Scheme No 7.



### **Delegation of Authority**

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

### **Options**

#### Option 1

Council resolve in accordance with the recommendation.

#### Option 2

Council may resolve to approve the development subject to conditions as Council considers appropriate.

#### Option 3

Council may resolve to refuse the application and require the unauthorised works to be removed.

### **Outcome – Council Committee Meeting 7 December 2010**

The Deputy Mayor Cr Kelly disclosed an impartiality interest in this item (see section 7) and left the Chambers at 7.19pm. He did not participate in the discussion and did not vote on the matter.

The Mayor asked if there were any members of the public that wished to address the Committee.

Mr. Michael Swift, 8 Sanddune Way, Wannanup, addressed the Committee and spoke in support of the recommendation. The following is a summary of his submission. Mr Swift advised that the changes are only minor, it involved widening the drive way and putting up a shade sail. He also noted there would be no off site impacts with the shade sail. The widening of the drive way is to assist access and ease traffic on the Boulevard. There has been anti social behaviour and noise at the car wash during the evenings and are happy to see the City of Bunbury has made adjustments to rectify that. The site was designated for a car wash and this is a minor matter that was an oversight on their behalf. Mr Swift advised he is happy to proceed with the recommendation.

The recommendation (as printed) was moved Cr Major, seconded Cr Steck.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

### **Outcome – Council Meeting 14 December 2010**

Pursuant to Standing Order 16.1.1 the recommendation from the Council (Standing) Committee (as printed) was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter.

**Council Decision 267/10**

***That Council under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 2005 hereby resolves to grant approval (Retrospective) to Mr JF Clarke for a driveway widening and shade sail in respect of the existing car wash business at Lot 336 (4) Broadway subject to standard conditions including:***

- 1. The proponent to construct a 1.8 metre high masonry wall or other material wall or fence to the satisfaction of the Manager Development Services (from existing ground level) adjacent to the driveway facing Broadway generally as indicated in red on the approved plan and to upgrade landscaping along the Broadway frontage to the satisfaction of the Manager Development Services all to be completed within 3 months of the date of this approval.***
- 2. The concrete path in front of the widened section of the driveway to be replaced with bitumen the same as the original driveway to delineate between the pedestrian path and the crossover to the satisfaction of the City Engineer within 3 months of the date of this approval. Details of the design are to be approved by the City Engineer prior to construction.***

CARRIED  
11 votes "for" / Nil votes "against"

**11.8 Financial Statements – November 2010** *(was listed as item 11.10 on the meeting agenda)*

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

**Committee Recommendation**

The Financial Statements for the periods ending 30 November 2010 be received.

**Summary/Background**

Financial Statements for the period ending 30 November 2010 have been circulated to members **under separate cover**. The statements include the following:

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

The Financial Statements also contain a number of explanatory notes covering the following topics:

- Significant Accounting Policies
- Description of Programmes
- Net Current Assets
- Trade and Other Receivables
- Other Current Assets
- Trade and Other Payables
- Provisions
- Trust Funds
- Capital Expenditure
- Key Operating Expenditure & Income
- Loan Funds
- Reserve Funds
- Bunbury Timber Jetty
- Investment Funds

**Outcome – Council Committee Meeting 7 December 2010**

The recommendation (as printed) was moved Cr Major seconded Cr Craddock.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

**Outcome – Council Meeting 14 December 2010**

Pursuant to Standing Order 16.1.1 the recommendation from the Council (Standing) Committee (as printed) was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter.

**Council Decision 268/10**

***The Financial Statements for the periods ending 30 November 2010 be received.***

CARRIED  
11 votes "for" / Nil votes "against"

### 11.9 Advisory Committee Minutes to be Noted at the Council Committee Meeting *(was listed as item 11.11 on the meeting agenda)*

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Under Separate Cover

#### Committee Recommendation

The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover are noted for information only:

1. Title: Minutes –Land Rationalisation & Acquisitions Committee (11/11/2010)  
Author: Paul Davies, Planning Consultant  
File: A03518
2. Title: Minutes – Bunbury Airport Advisory Committee (18/11/2010)  
Author: Nigel Archibald, Airport Reporting Officer  
File: F00080
3. Title: Minutes – City Promotions Committee (18/10/2010 & 15/11/2010)  
Author: Nardine Walford-Jones, Events Officer  
File: A03402
4. Title: Minutes – Policy Review and Development (Standing) Committee (21/04/2010, 26/05/2010, 28/07/2010 & 27/10/2010)  
Author: Jack Dyson, Senior Administration Officer  
File: A04051

Committee Members to refer to the report circulated under separate cover.

#### Outcome – Council Committee Meeting 7 December 2010

The recommendation (as printed) was moved Cr Major seconded Cr Leigh.

The Mayor put the motion to the vote and was adopted to become the Committee's Recommendation on the matter.

#### Outcome – Council Meeting 14 December 2010

Pursuant to Standing Order 16.1.1 the recommendation from the Council (Standing) Committee (as printed) was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter.

#### Council Decision 269/10

*The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover are noted for information only:*

- 1. Title: Minutes –Land Rationalisation & Acquisitions Committee (11/11/2010)**  
**Author: Paul Davies, Planning Consultant**  
**File: A03518**
- 2. Title: Minutes – Bunbury Airport Advisory Committee (18/11/2010)**  
**Author: Nigel Archibald, Airport Reporting Officer**  
**File: F00080**
- 3. Title: Minutes – City Promotions Committee (18/10/2010 & 15/11/2010)**  
**Author: Nardine Walford-Jones, Events Officer**  
**File: A03402**
- 4. Title: Minutes – Policy Review and Development (Standing) Committee (21/04/2010, 26/05/2010, 28/07/2010 & 27/10/2010)**  
**Author: Jack Dyson, Senior Administration Officer**  
**File: A04051**

CARRIED  
11 votes "for" / Nil votes "against"

**11.10 Items to be Noted (No Discussion) at the Council Committee Meeting**  
*(was listed as item 11.12 on the meeting agenda)*

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Under Separate Cover

**Committee Recommendation**

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

1. Title: Schedule of Accounts Paid for Period 1 to 30 November 2010  
Author: David Ransom, City Accountant  
File: A00083-11

Committee Members to refer to the report circulated under separate cover.

**Outcome – Council Committee Meeting 7 December 2010**

The recommendation (as printed) was moved Cr Major seconded Cr Leigh.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

**Outcome – Council Meeting 14 December 2010**

Pursuant to Standing Order 16.1.1 the recommendation from the Council (Standing Committee (as printed) was moved Cr Steck, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter.

**Council Decision 270/10**

***The following items listed in the report circulated under separate cover, are noted for information only:***

1. **Title: Schedule of Accounts Paid for Period 1 to 30 November 2010**  
**Author: David Ransom, City Accountant**  
**File: A00083-11**

CARRIED  
11 votes "for" / Nil votes "against"

**11.11 Proposed Office - Lots 1, 2, 3, 4, 52, 572 and Lot 0 DP: 6019 No. 2 Charles Street, Bunbury** *(was listed as item 11.8 on the meeting agenda)*

<b>File Ref:</b>	P01496
<b>Applicant/Proponent:</b>	Taylor Robinson Architects
<b>Author:</b>	Teshome Tadesse, Senior Town Planning Officer
<b>Executive:</b>	Gary Fitzgerald, Acting Executive Manager City Development
<b>Attachments:</b>	Appendix 6, 7, 8, 9, 10 & 11

**Committee 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 grant planning approval to Taylor Robinson Architects for the construction of an office complex at No. 2 Charles Street subject to conditions as determined by the Senior Manager Development Services.

**Summary**

The proposed office development at No. 2 Charles Street generally complies with the provisions and standards as contained in Schedule 2 – Special Use 30 of Town Planning Scheme No.7 (TPS7). The proposal is to construct a two storey office complex with a total Gross Floor Area (GFA) of 2200 m<sup>2</sup>. The office development is proposed as a landmark building at the periphery of the Central Business District. On balance, the proposal is considered to be acceptable by Development Services.

Whilst the proposed development complies with all the key land-use and development conditions for Special Use Zone 30, the heritage assessment by the Heritage Council of WA (HCWA), the Regional Heritage Adviser (RHA) and the Heritage Advisory Committee (HAC), varies from that by a Heritage Consultant acting on behalf of the applicant. Essentially the matter of design is subjective, and whilst the heritage advice provided by the HCWA, the RHA and the HAC largely suggests that further adjustments should be made to the development proposal to allow the development to better meld with the established streetscape, the applicant's Heritage architect essentially argues that the development proposal is satisfactory from a design perspective and that any development proposal such as this should not slavishly endeavour to represent past heritage styles but should be a contemporary representation.

Accepting that the development proposal complies with all key land-use and development conditions, and in that the applicant had made reasonable design changes with a view to allowing the development to blend in more easily with the established character of the street, and in that the heritage advice from the applicant's Heritage architect varies from that provided by the HCWA, the RHA and the HAC, Development Services has taken a balanced position and recommends that the development proposal warrants approval.



## Background

Taylor Robinson has recently submitted a development application for the construction of an office complex at No. 2 Charles Street on behalf of Summit Development Corporation. The subject site is comprised of seven (7) Lots (1, 2, 3, 4, 52, 572, and 0)

(A location plan is **attached** at Appendix 6).

The subject site is zoned "Special Use 30" under TPS 7, and is located within the Stirling Street Heritage Area (plan **attached** at Appendix 7). Any development proposal within this heritage area requires referral to the Regional Heritage Advisor for comment and consideration by City's Heritage Advisory Committee (HAC). The proposal was referred to the Regional Heritage Advisor (RHA) (the RHA report in full is **attached** at Appendix 8) and subsequently referred to the Heritage Council of Western Australia (HCWA). The proposal was also tabled for discussion on two occasions at the Heritage Committee Meeting.

### Heritage Advisory Committee comment

The Heritage Advisory Committee (HAC) has considered the proposal on two occasions. At its meeting on 20 October 2010 the HAC resolved as follows:

*Committee Decision:*                      *Moved:*                                      *Seconded:*

*"The Heritage Advisory Committee does not support the proposed development for the following reasons:*

- 1. The provisions of the "Special Use" zone for the subject land require that the "architectural theme of all development facing Charles Street is to recognise and be consistent with the residential character of the street". The Committee is of the opinion that the proposal does not meet this requirement.*
- 2. The proposal does not meet the requirements of the Stirling Street Heritage Area Design Guidelines.*

*The Regional Heritage Advisor's comments from her report of 24 August 2010 are reiterated as follows:*

*The current proposal broadly interprets elements such as roof pitches and materials, but to a scale and within a building envelope that does not articulate the Charles Street façade in a manner that responds to the scale and massing of the traditional residential development along the street. While it is understood that this is intended as a large office development, this should not preclude the use of setbacks, stepping the building down to a lower scale along Charles Street, and articulation of the street frontage in a manner that more directly responds to the character and scale of the traditional residential streetscape.*

CARRIED

*Members noted that they would like to see setbacks to Charles Street increased to allow landscaping/screening and a reduction in height at*

*Charles Street with the potential for an increase in height at the Blair Street side.”*

At the second meeting of the Heritage Advisory Committee held on 17 November 2010, the applicant presented the development proposal and explained the measures that will be undertaken to address heritage matters, which are as follows:

- *Provisions of large street trees along the Charles Street frontage to provide screening.*
- *The gable ends can be set further back (approximately 1.5m) so that their visual impact on Charles Street will lessen.*
- *The materials palette should be approved by the City of Bunbury.*

*Heritage Council of Western Australia comment*

The proposal was referred to the HCWA for comment and the following advice provided by the Council:

*“The scale and massing of the Charles Street façade should be redesigned in a manner that compliments its surroundings. We would suggest design techniques are used that break up the massing and solidity of this façade and perhaps are also setback from the street.”*

*Independent heritage advisor (Ronald Bodycoat – Architect)*

The applicant has submitted a report (report in full is **attached** at Appendix 9) from an independent heritage advisor (Ronald Bodycoat Architect) and the following part comment (in support of the application) by the independent heritage advisor is as follows:

*“...the architectural character of the proposed development must not replicate the details of the existing residential buildings, but need to be a clear present-day contemporary design which as designed incorporates a two-storey building form, pitched and gabled roofs facing onto Charles Street, elements which include metal screens to reduce the visual impact of glazed walls, a freestanding masonry frame along the major length of Charles Street Façade, and the building form broken down into stepped sections..”*

*Land Use*

The subject site is zoned “Special Use 30” under the current Town Planning Scheme. The use-class “office” is a permitted use in this zone. In terms of land use, the proposal therefore complies with the current TPS.

Schedule 2 – Special Use 30 of TPS7 provides development conditions/ parameters in respect of this particular Special Use site. The main parameters include Architectural Design, compliance with a Development Concept Plan, the requirement for Comprehensive Development, Setbacks, Building Height and Car Parking.

### Architectural Design

Council has previously determined (as part of a Council resolution related to a prior Scheme Amendment pursuant to TPS6) to have a preference for a “Landmark Building” at this location – refer Concept Plan No. 97047-02 dated July 1998 (the Concept Plan is **attached** at Appendix 10).

It is considered that the proposal generally addresses the requirement for a landmark building in that the building is of two storey construction and of contemporary design. With regard to consistency with the residential characteristics, the applicant has deliberately incorporated design features to address the requirement by incorporating gable features and by breaking the building mass into two building components instead of one continuous structure.

The original drawings have been revised on a number of occasions to address the concerns of the City in order to address the residential characteristics of development facing Charles Street. The following are the main revisions to the original plans submitted by the applicant:

- *The overall building height reduced by approximately 400mm (previously RL 14.1 now RL 13.7).*
- *The height and the bulk of the screening element along Charles Street reduced by approximately 900mm.*
- *Gable ends further setback by 1500mm from the Charles Street frontage.*
- *Additional soft landscaping incorporated on the verge along the Charles Street frontage including 6 street trees of 200lt each.*
- *Hedge planting and street trees added on the Blair Street verge.*

(Plans **attached** at Appendix 11)

### Development Concept Plan

Condition 2 of Schedule 2 – Special Use Zone 30 specifies that planning of the site will be generally in accordance with a Concept Development Plan as approved by Council. The proposal has incorporated some elements of the concept plan in terms of access from Charles Street, car parking and landscaping onto the two street frontages. Development Services considers that the proposed development conforms with the intent of the Concept Plan.

### Comprehensive Development

The applicant has submitted a comprehensive development plan which addresses a 6m wide vehicle access facility from Charles Street in accordance with the Scheme requirements. It also attempts to reduce the impact of the new buildings on the residential characteristics of development facing Charles Street.

### Setbacks

Condition 4 of Schedule 2 Special Use 30 provides that the front setback should be a minimum of 1m and an average of 2m. The proposal indicates a front setback along Charles Street of between 1m and 2.6m. However, it is noted that a small portion of the screening element is on the boundary toward the southern end of the site. The

applicant has provided justification in this respect for consideration by Council on the grounds of the shape of the subject site and constraints from the Blair Street side.

The subject site addresses two street frontages i.e. Blair Street and Charles Street. However the applicant has designed the building with its principle entrance from the car-park thereby allowing easy access directly from Blair Street with a level of access also from Charles.

By placing the principal entrance from the car-park on the southern side of the building, impact on Charles is thereby lessened.

In terms of complying with the specific provisions of the Scheme, the “front” setback has been determined to be from Charles Street. The proposed front setback at the Charles Street frontage by and large satisfies Scheme requirements. It is considered that the measures undertaken by the applicant to reduce the scale and form of the screening element and the incorporation of more soft landscaping at this frontage helps to minimise the impact of the building in its general setting. Council is able to exercise its discretionary power to allow the proposed front setback from Charles Street in accordance with Clause 5.5.1 of TPS7 which reads as follows:

*“Zoning Table (Table No 1) controls are not subject to this clause. Except for development in respect of which the Residential Planning Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.”*

#### Building Height

The maximum allowable building height on the subject site is two storeys. The proposal indicates the construction of a two-storey high office building on the subject site, and therefore complies with the Scheme.

#### Car Parking

The proposal shows 44 parking spaces on-site. The number of car parking spaces provided on-site is in line with Scheme requirements applicable to office use. It should be noted that Schedule 2 – Special Use 30 specifies that car parking provision is to be at Council discretion and in addition provides a credit of 4 parking spaces for the provision of a 6m vehicular access from Charles Street to the service lane.

It is considered that the proposal provides sufficient car parking spaces on-site and that the 6m crossover at the Charles Street frontage would potentially facilitate the use of a service lane in the future to serve the adjoining lots.

#### **Officer Comments**

On broad balance, Development Services considers that the development proposal is acceptable. The application complies with key scheme requirements and broadly satisfies Council’s preference for a landmark building as indicated on the approved Concept Plan in terms of architectural design. Development Services considers that

the architects representing the developer have achieved a reasonable balance in terms of integrating the building into the established streetscape and in terms of designing a building which is contemporary in character.

Accepting that the development proposal complies with all key land-use and development conditions, and in that the applicant had made reasonable design changes with a view to allowing the development to blend in more easily with the established character of the street, and in that the heritage advice from the applicant's Heritage architect varies from that provided by the HCWA, the RHA and the HAC, Development Services has taken a balanced position and recommends that the development proposal warrants approval.

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

No financial or budget implications.

### **Council Policy Compliance**

The proposal requires Council's discretionary consideration in terms of compliance with the Stirling Street Heritage Area Design Guidelines, as the Heritage Advisory Committee listed this matter as one of the reasons not to support the proposal.

The current Commercial Strategy (LPP) states that "*The appearance of development fronting Blair Street needs to be controlled where possible through the development approval process. Quality development needs to be encouraged.*" It is considered that the proposed office development on the subject site is in line with the LPP in terms of quality development along Blair Street.

### **Delegation Authority**

It is considered that the proposal warrants consideration by Council given its prominent location at the periphery of the City Centre zone along Blair Street and its relevance viz a viz the Stirling Street Heritage Area.

### **Relevant Precedents**

In September 2004, the City granted Planning Approval for an office development (Dale Alcock Homes) at the corner of Hayes Street and Blair Street – Lot 1000 Hayes Street. This site is located within the immediate locality of No. 2 Charles Street (subject site). This building exhibits similarities to the proposed development in terms of design and presentation to Blair Street.

### **Community Consultation**

The proposed office is a permitted use in Special Use Zone 30 (the subject site); and therefore no public consultation is required.

### **Councillor/Officer Consultation**

Informal discussions have been undertaken with Councillors in response to Councillors inquires regarding the proposed development on the subject site.

## **Options**

### Option 1

As per the recommendation.

### Option 2

As per the recommendation with amendments suggested by Council members.

### Option 3

Council does not support the 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 refuse to grant Planning Approval for the proposed office development on the subject site (No. 2 Charles Street) for the following reasons:

*Note: Reasons to be determined by Council as part of its deliberations on the matter.*

## **Outcome – Council Committee Meeting 7 December 2010**

Cr Harrop moved, Cr Leigh seconded (proforma) Option 2 (the recommendation with amendments)

The Mayor asked if there were any members of the public that wished to address the Committee.

Mr David Hunt, General Manager of Summit Homes Group, addressed the Committee and spoke in support of the recommendation. The following is a summary of his submission. Mr. Hunt advised that he was present to answer any questions Councillors may have. He noted that the project was not to improve the value of the land it was simply a new home for the Summit Group.

Cr Harrop's amendments are as follows:

Add to the recommendation:

1. To design the building with a quarter more bulk on Blair Street.
2. Increase the setbacks on Charles Street to 2.5m.
3. Conduct community consultation with residents between Stirling and Hayes Streets.

The Mayor put the amendments to the vote and was LOST 1 vote "for" / 11 votes "against".

The recommendation (as printed) was moved Cr Major seconded Cr Steck.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

### **Outcome – Council Meeting 14 December 2010**

Cr Steele returned to the Chambers at 8.15pm and was present for the discussion and vote on the remaining items on the agenda.

Cr Harrop read to the Councillors a letter received from Ms Cheryl McKenzie from 11 Charles Street, Bunbury, outlining her concerns with this proposal.

The Committee recommendation (as printed) was moved Cr Major seconded Cr Steck.

The Mayor put the motion to the vote and was adopted to become Council's decision on the matter.

#### **Council Decision 271/10**

***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 Taylor Robinson Architects for the construction of an office complex at No. 2 Charles Street subject to conditions as determined by the Senior Manager Development Services.***

CARRIED

7 votes "for" / 5 votes "against"

It was requested the votes be recorded as follows;

For: Mayor D Smith, Cr Craddock, Cr Leigh, Cr Major, Cr Jones, Cr Steck,  
Cr Punch

Against: Cr Whittle, Cr Slater, Cr Harrop, Cr Steele, Deputy Mayor Cr Kelly

### 11.12 Local Planning Policy Review *(was listed as item 11.9 on the meeting agenda)*

<b>File Ref:</b>	A04151
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Ann-Kristin Jank (Planning Officer)
<b>Executive:</b>	Gary Fitzgerald (Acting Executive Manager City Development)
<b>Attachments:</b>	Report Under Separate Cover

#### **Committee Recommendation**

Council, pursuant to the Planning and Development Act 2005, hereby resolves to:

1. Advertise the following reviewed Local Planning Policies:
  - a) Home Based Businesses & Family Day Care;
  - b) Bed & Breakfast Accommodation;
  - c) Mixed Business Zone – Special Development Area (Residential/Mixed Use Development);
  - d) Building Façades of Commercial and Industrial Development;
  - e) Non-Residential Development within or adjoining Residential Areas;
  - f) Minor Structures (including Outbuildings);
  - g) Halifax Industrial Park Precinct Design Guidelines;
  - h) Detailed Area Plan – Blair Street (former Hospital Site); and
  - i) Detailed Area Plan – Stirton Court (former Adam Road)

for public comment for a period of 30 days (not including public holidays) in accordance with clause 2.3 of the City of Bunbury Town Planning Scheme No.7.

2. Subject to no objections being received during the advertising period, Council adopt the policies, as listed in part 1 above, without modification.

#### **Summary**

City of Bunbury Town Planning Scheme No.7 (TPS7) sets out procedures for Council to prepare and amend Local Planning Policies (LPP). LPP are required as a normal part of regulating land use and development specific to a Local Government's needs. LPP are guidelines used to assist the Local Government in making decisions on specific issues or a range of issues in a specific place that require more detailed guidance.

The review cycle for LPP should ideally be in step with the rest of the Local Policy Framework (i.e. Scheme review). Nevertheless, the City's LPP should be reviewed on a regular basis in order to keep them updated and relevant.

The LPP review process is being undertaken in accordance with a quality assured approach that is being documented in a Local Planning Policy Review Manual. The manual is a technical and operationally focused document that provides a legacy for benchmarking and constant improvement. Specifically, the manual clarifies the review process and provides the background analysis, justification and rationale for a comprehensive review of all current LPP.



Modifications, which are proposed as part of this review, are generally minor in nature (including structural changes like formatting, upgrading references to current legislation and review of maps/areas) and do not change the overall purpose or intent of the LPP. A summary of modifications is provided in the report circulated **under separate cover** (attachment 10).

Some of the reviewed LPP are now utilising a nationally accepted practice of setting out Performance Criteria ("PC") and Acceptable Development ("AD") solutions. When policy is written in this way it is commonly referred to as a performance based "code". A good example of the performance based approach can be seen in the Western Australian Planning Commission's Residential Design Codes ("R-Codes").

Using the code approach means that the Local Government can differentiate between specifying those aspects of development that must not be contravened under almost any circumstance from those aspects that are open to negotiation or that constantly change over time in response to the community's values, taste, technology, etc.

Council previously adopted a review of 42 LPP in one round. There are now 65 LPP adopted under TPS7. The bulk of reviewed LPP is proposed to be presented to Council in blocks of 3-4 rounds. This is the first round (**under separate cover** Attachments 1-9). Some policies will be presented to Council separately due to links to scheme amendments, other planning processes or the scope of the content/topic.

Since the introduction of LPP, new policies have been added regularly. During the review process, LPP which are not up to date and/or relevant have been identified, and the following LPP will be revoked in accordance with TPS7:

- a) Design Guidelines for Lot 28 Alexander Street, South Bunbury;
- b) Residential Development Design Guidelines;
- c) Taunton Street Precinct Design Guidelines;
- d) Woodcrest Rise (Stage 1) Design Guidelines;
- e) Development Applications Assessment Processes: Rights of the Applicant and the Community;
- f) Family Day Care Premises; and
- g) Private Treatments for Council Road Verges.

### **Background**

The last comprehensive Local Planning Policy review was presented to Council on 18 February 2003 in conjunction with gazettal of TPS7. At the time 42 Local Planning Policies have been adopted in one round.

### **Officer Comments**

Local Planning Policies should be reviewed on a regular basis.

### **Strategic Relevance**

It is considered that the proposed Local Planning Policy Review Process satisfies the general direction of the City of Bunbury 2007 – 2012 Strategic Plan and in particular with respect to Strategy 5.3 “*Provide a cohesive system of integrated land use planning*”, which outlines the importance of a comprehensive and integrated planning system to meet community expectations.

### **Community Consultation**

It is proposed to advertise all reviewed Local Planning Policies for community comment in accordance with clause 2.3 of TPS7.

### **Councillor/Officer Consultation**

All of the reviewed Local Planning Policies have previously been endorsed by Council.

### **Legislative Compliance**

Amendments to Local Planning Policies are required to be advertised for public comment in accordance with clause 2.3 of TPS7.

Local Planning Policies will be revoked in accordance with clause 2.4.1 (b) of TPS7.

### **Relevant Precedents**

Council has previously resolved to modify Local Planning Policies. The last formal review of LPP was in February 2003 (Council Decision 47/03 on 18 February 2003 refers).

### **Options**

#### Option 1

As per the recommendation.

#### Option 2

As per the recommendation with amendments (as determined by Council as a result of Council deliberations).

#### Option 3

Council resolves not to proceed with the advertising of the reviewed Local Planning Policies.

### **Outcome – Council Committee Meeting 7 December 2010**

Cr Slater left the meeting at 9.35pm and was not present to vote on the remaining items on the agenda.

The Recommendation (as printed) was moved Cr Craddock seconded Cr Major.

The Mayor put the motion to the vote and was adopted to become the Committee's Recommendation on the matter.

**Outcome – Council Meeting 14 December 2010**

The Committee recommendation (as printed) was moved Cr Major seconded Cr Craddock.

The Mayor put the motion to the vote and was adopted to become Council's decision on the matter.

**Council Decision 272/10**

***Council, pursuant to the Planning and Development Act 2005, hereby resolves to:***

- 1. Advertise the following reviewed Local Planning Policies:***
  - a) Home Based Businesses & Family Day Care;***
  - b) Bed & Breakfast Accommodation;***
  - c) Mixed Business Zone – Special Development Area (Residential/Mixed Use Development);***
  - d) Building Façades of Commercial and Industrial Development;***
  - e) Non-Residential Development within or adjoining Residential Areas;***
  - f) Minor Structures (including Outbuildings);***
  - g) Halifax Industrial Park Precinct Design Guidelines;***
  - h) Detailed Area Plan – Blair Street (former Hospital Site); and***
  - i) Detailed Area Plan – Stirton Court (former Adam Road)***

***for public comment for a period of 30 days (not including public holidays) in accordance with clause 2.3 of the City of Bunbury Town Planning Scheme No.7.***

- 2. Subject to no objections being received during the advertising period, Council adopt the policies, as listed in part 1 above, without modification.***

CARRIED  
10 votes "for" / 2 votes "against"

It was requested the votes be recorded as follows;

For: Mayor D Smith, Deputy Mayor Cr Kelly, Cr Craddock, Cr Leigh, Cr Harrop, Cr Major, Cr Jones, Cr Whittle, Cr Slater, Cr Punch  
Against: Cr Steck, Cr Steele

## 12. Motions on Notice

### 12.1 Motion on Notice – Permission to Hold the Bunbury Horse & Country Music Show & Market Carnival on the Council Reserve of Hay Park South (Corner Bussell Highway & Rotary Drive)

<b>File Ref:</b>	A00217
<b>Applicant/Proponent:</b>	Councillor Major
<b>Author:</b>	Councillor Major
<b>Executive:</b>	<i>If adopted by Council refer to: Mike Scott, Executive Manager of City Services</i>
<b>Attachments:</b>	Appendix 16 & Confidential Report

Cr Major submitted the following motion for the Council Meeting on 14 December 2010:

*“That Council grant permission to hold the Bunbury Horse & Country Music Show & Market Carnival on the Council Reserve of Hay Park South (Corner Bussell Highway & Rotary Drive), in 2011.”*

#### Comments - Cr Major

In support of his motion, Cr Major states that;

- "1. The area being proposed is utilised by junior sporting Clubs, so the surface is not maintained at such a high level as with a senior sporting facility.*
- 2. Sara Storer and Greg Storer internationally known Country Music Artists, will require a larger area for an expected larger audience.*
- 3. Markets: Need room for 150 or more stalls, and activities entertainment. For example, farm yard on wheels, junkart workshop, outback show, lions train rides, bouncy castles and lots more.”*

#### Executive Comments

The potential for damage to recently installed reticulation and playing surface upgrades at Hay Park on the Bunbury Agricultural Society's preferred location (south) at Hay Park may have a deleterious impact on the event and Council's Parks budget. Council paid \$150,000 for the upgrades to southern area preferred by the Society. A further \$110,000 was spent on irrigation upgrades to the northern area of Hay Park.

The show event may impact on other community organisations wanting to use Hay Park. The proposed dates (7 to 12 April 2011 - includes set up and pull down) coincides with the junior football winter programme. The Society's preferred location is on the junior football grounds (south). All sporting codes expect their playing surfaces to be in its best possible condition for their players. Last year while

upgrades to Hay Park were being undertaken, soccer users had to be rescheduled to other grounds. Scheduling delays due to the possible damage and subsequent repair to either location at Hay Park may not be acceptable to the junior football and soccer communities.

Hay Park has been used previously for ad hoc events. As an example, the Groovin' the Moo event held at on the junior football grounds (south) attracted a bond of \$20,000 on the basis that truck ground compaction, foot traffic and static stage installations would be minimal. Based on experience at the Recreation Ground, Parks technical Staff considers horse traffic and events to have the most potential for damage to the playing surface and reticulation installations. The Society proposes to increase the number of equestrian events and competitions in 2011.

Council officers do not have sufficient information to determine the number of City of Bunbury ratepayers participating in the proposed equestrian activities or attending the event.

Council has previously resolved to allow the Society to use the Recreation Ground (File reference F00109). City Services officers have offered assistance and compromise to make this venue work for the Society. A Council resolution is required to allow use of the Hay Park ground by the Society.

Copies of correspondence with the Society are contained in the Confidential Report circulated **under separate cover** and a site map regarding this matter is **attached** at Appendix 16.

### **Cr Major's Motion**

That Council grant permission to hold the Bunbury Horse & Country Music Show & Market Carnival on the Council Reserve of Hay Park South (Corner Bussell Highway & Rotary Drive).

### **Outcome – Council Meeting 14 December 2010**

The Mayor gave a 5 minute adjournment for Councillors to read the material relating to this item. The meeting was adjourned at 8.35pm.

The meeting was resumed at 8.44pm.

The Mayor asked if there were any members of the public that wished to address the Committee.

Professor Egan, President of the Bunbury Agricultural Society, addressed the Council and spoke in support of the Motion on Notice. The following is a summary of his submission. Professor Egan advised that the Agricultural Society is seeking a Council resolution to approve Hay Park South. He advised that the City of Bunbury do not have multi-purpose land to use for these events. The Agricultural Society has planned a substantial addition and change for 2011 and need a greater area to accommodate this. The equestrian needs two (2) areas for the show, one for holding of the horses and the other for the jumping. This has not caused damage to the irrigation during the horse jumping at the Recreation Ground. Hay Park South area provides a greater area and allows the additional entertainment which is low impact.

The area is needed for extra seating and room for traders. Also there has been an increase in horse breeds but this is also low impact.

The recommendation (as printed) was moved Cr Major seconded Cr Steck.

The Mayor put the motion to the vote and was adopted to become Council's decision on the matter.

**Council Decision 273/10**

***That Council grant permission to hold the Bunbury Horse & Country Music Show & Market Carnival on the Council Reserve of Hay Park South (Corner Bussell Highway & Rotary Drive).***

CARRIED

12 votes "for" / Nil votes "against"

**13. Urgent Business** *(With Approval of Majority of Members Present as Permitted Under Standing Order 5.1.13)*

The Mayor requested Councillors move behind closed doors to enter into discussions relating to the appointment of the new Chief Executive Officer. Pursuant to the City of Bunbury Standing Order 15.10, Cr Major moved Cr Jones seconded that the meeting exclude members of the public and staff to permit the discussion of Confidential Business.

No formal recommendations were made at this point.

**14. Items to be Noted or Endorsed**

Nil.

**15. Confidential Business as Stipulated Under Section 5.23(2) of the Local Government Act 1995**

Nil.

**16. Close of Meeting**

The meeting was declared closed to the public at 9.45pm.