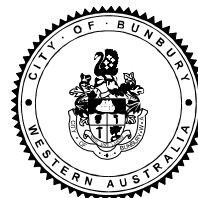


Council (Standing) Committee

Notice of Meeting & Agenda 7 December 2010

Committee Terms of Reference *(last updated 24/11/09)*

1. To review reports and recommendations that are to be submitted to a meeting of the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.
2. To request additional information necessary to assist the members of Council in making a decisions.
3. To make reference to appropriate legislation, Council's policies, local laws and the Strategic Plan when making Committee Recommendations to Council.



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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

Council (Standing) Committee Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Council (Standing) Committee will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on **Tuesday, 7 December 2010** at 6.00pm.

Geoff Klem
Acting Chief Executive Officer
(Date of Issue: 02/12/2010)

Agenda 7 December 2010

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

Council Committee Members:

His Worship the Mayor, Mr D Smith - **Presiding Member**
Deputy Mayor - Councillor Brendan Kelly
Councillor Judy Jones
Councillor Wayne Major
Councillor Stephen Craddock
Councillor Alfred Leigh
Councillor Karen Steele
Councillor Helen Punch
Councillor Noel Whittle
Councillor Ross Slater
Councillor Michelle Steck
Councillor Juliet Harrop
Councillor Derek Spencer

- 1. Declaration of Opening by the Presiding Member**

- 2. Record of Attendance, Apologies and Leave of Absence**

3. Responses to 'Public Questions' from the Previous Council Committee Meeting not Answered at that Meeting

4. Public Question Time

Members of the public please note, that:

- (1) Questions are to be brief, to the point and MUST relate to an item listed in this agenda.
- (2) If your question requires research or cannot be answered at the meeting, it will be taken 'on notice' and you will receive a written response.
- (3) Only a 'summary' of your question (and any responses provided) will be printed in the meeting minutes.

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

Cr Jones submitted the following question's (in writing) prior to the close of the meeting agenda. A response has been provided by the Executive Manager City Development:

Question 1: In relation to the 12-month extension of the Development Approval granted by the City of Bunbury for the St John's Hospital site on 20 April 2010, was a full report on the progress towards commencement of the project submitted to the City of Bunbury in compliance with the conditions of the extension?

Response 1: In relation to the 12 month extension of the Development Approval granted by the City of Bunbury for the St John's Hospital site on 20 April 2010, Juan Zuderfeld from Habitat International representing the owners of the site provided an update on progress of the development to Council at the briefing session on the 16 November 2010.

Question 2: What requirements did the City of Bunbury place on the developers of the St John's Hospital site to improve the management of the site?

Response 2: Council composed a list of immediate actions to improve management of the site were as follows:
a. Rat baiting to eradicate any rodents in or on (around) the premises;

- b. Removal of all redundant plant and building materials that may be used as a means of providing entry, particularly from the rear (South side) of the building;
- c. Removal of potentially dangerous damaged glazing panels from the Eastern elevation adjacent to the car parking area;
- d. Removal or replacement of security fences;
- e. Recommended additional "Trespassers will be Prosecuted" signage;
- f. Recommended removal of small walls to allow better surveillance of the building;
- g. Recommend removal of tubular steel awning at the North East corner of the building in order to prevent access;
- h. Recommend studding-out and enclosing of larger openings in the ground floor to provide for better surveillance of the building; and
- i. Removal of vegetation, hazardous and injurious materials from around the building such as broken glass and the like.

Question 3: Have the requirements for improved management of the St John's Hospital site been complied with by the developers within the prescribed timeframe?

Response 3: The developers have worked closely with the City in meeting the requirements as agreed however it is clear that the building has continued to deteriorate. There have also been continued incidents of unauthorised access and continued damage to the building resulting in damage to the structure.

Question 4: Did the prescribed requirements for the improved management of the St John's Hospital site include the removal of all glass from the building?

Response 4: As stated in answer 2 there was a request for action to remove the glass.

Notwithstanding the action taken up to date. It should be noted that due to the continued degradation of the building the City has now referred the matter to its solicitor for action under Section 408 (Removal of Neglected Buildings) of the Local Government Miscellaneous Provisions Act.

6. Confirmation of Previous Minutes

The minutes of the Council (Standing) Committee Meeting held 23 November 2010 have been circulated.

Recommendation

The minutes of the Council (Standing) Committee Meeting held 23 November 2010 be confirmed as a true and accurate record.

7. Disclosures of Interest Under the Local Government Act 1995

Members should fill in <i>Disclosure of Interest</i> forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member <u>before</u> the meeting commences.
--

8. Announcements by the Presiding Member (No Discussion Permitted)

9. Chief Executive Officer Reports/Discussion Topics

9.1 Local Government Act 1995 – Proposed Amendments Feedback Request

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

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.

10. Reception of Formal Petitions and Memorials

11. Reception of Reports and Recommendations from Officers & Advisory Committees

11.1 Healthy Clubs Grants Scheme - Summer 2010/2011

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

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	Yes	Will attend one by June 2011

				oven		
Bunbury Triathlon Club	\$790	\$395	\$395	Event trailer tyres and esky/coolers	Yes	Volunteer Workshop 2010
TOTALS	\$8,589	\$4,095	\$4,095			

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.

11.2 Nomination for Appointment to the Bunbury Airport Advisory Committee

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

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.

11.3 Policy Review and Development (Standing) Committee Terms of Reference

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

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 Administrative Policies and facilitate the development of new policies for consideration by the Council on an ongoing basis”; and**
- 2. Increase the Council 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.

11.4 Petition – Corellas at Horseshoe Lake

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

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.**

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.

11.5 Proposed Retrospective Planning Approval Widening of Driveway and Shade Sail for Existing Carwash – Lot: 336 DP: 38213 No. 4 Broadway, Pelican Point

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

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 J.F 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 J.F 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 600m² 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.

11.6 Proposed Office - Lots 1, 2, 3, 4, 52, 572 and Lot 0 DP: 6019 No. 2 Charles Street, Bunbury

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

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 m². 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.

11.7 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.

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

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 01 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

11.8 Local Planning Policy Review

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

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.

11.9 Financial Statements – November 2010

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

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

11.10 Advisory Committee Minutes to be Noted at the Council Committee Meeting

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

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.

12. Motions on Notice

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

14. Items to be Noted or Endorsed

14.1 Items to be Noted (No Discussion) at the Council Committee Meeting

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

Recommendation

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

- 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.

14.2 Items to be Endorsed (No Discussion) at the Council Committee Meeting

There are no items recommended for endorsement.

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

NOTE: Pursuant to Standing Order 15.10, the following Procedural Motion needs to be moved if there are items to be discussed under this heading: *"The meeting exclude members of the public to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed."*

16. Close of Meeting