



Bunbury City Council

Notice of Meeting and Agenda 1 September 2015



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

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Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Review:** When Council reviews decisions made by Officers.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Bunbury City Council Notice of Meeting

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 1 September 2015 at 5.30pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 28 August 2015)

Agenda

1 September 2015

Note: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

Council Members:

Mayor Gary Brennan
Deputy Mayor Councillor Brendan Kelly
Councillor Murray Cook
Councillor Wendy Giles
Councillor James Hayward
Councillor Judy Jones
Councillor Betty McCleary
Councillor Neville McNeill
Councillor Jaysen Miguel
Councillor Sam Morris
Councillor David Prosser
Councillor Michelle Steck
Councillor Karen Steele

1. Declaration of Opening/Announcements of Visitors

2. Disclaimer

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

3. Announcements from the Presiding Member

4. Attendance

4.1 Apologies

4.2 Approved Leave of Absence

4.2.1 Request for Leave of Absence – Cr Wendy Giles

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary/Background

Cr Wendy Giles requests leave of absence from all Council-related business from 1 September 2015 to 7 September 2015 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 (6) consecutive ordinary meetings of the Council.

Executive Recommendation

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Wendy Giles is granted leave of absence from all Council-related business from 1 September 2015 to 7 September 2015 inclusive.

5. Declaration of Interest

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

Section 5.60A: *“a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”*

Section 5.60B: *“a person has a **proximity interest** in a matter if the matter concerns –*

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or*
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or*
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality): *“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

Cr Prosser declared a proximity interest in the item titled “10.4.3 Proposed Electronic Graphic Display Screen Sign and Increased Height to Existing Limestone Wall Base at Lot 100 (#121) King Road, East Bunbury” as he is the beneficiary of a family trust which owns a business across the road from the site. Cr Prosser will leave the chamber for the duration of the discussion and the vote on the matter.

Cr Steck declared a proximity interest in the item titled “10.4.3 Proposed Electronic Graphic Display Screen Sign and Increased Height to Existing Limestone Wall Base at Lot 100 (#121) King Road, East Bunbury” as her partner is a Director of Citygate Properties which owns a business across the road from the site. Cr Steck will leave the chamber for the duration of the discussion and the vote on the matter.

Cr Jones declared an impartiality interest in the item titled “10.5.2 Adjustment to Truncated Boundary - Lot 701 Reserve 40573” as she is the Chairman of Directors at Aqwest. Cr Jones will remain in the chamber for the discussion and the vote on the matter.

6. Public Question Time

In accordance with Reg. 7(4)(a) of the Local Government (Administration) Regulations 1996, members of the public in attendance at the meeting may stand, state aloud their name and address, and ask a question in relation to any matter over which the municipality of Bunbury has jurisdiction or involvement.

In accordance with Standing Order 6.7(3)(a) a person wishing to ask a question, must complete a question form which is provided in the trays at the back of the public gallery and on the City's website. The completed form must include your name and address and contain no more than three (3) questions. 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 and a summary of your question (and any responses provided) will be printed in the minutes of the meeting.

6.1 Public Question Time

6.2 Responses to Public Questions Taken 'On Notice'

At the Council Meeting held 18 August 2015, a question was asked during Public Question Time that could not be answered during the meeting. A copy of the question and the written response will be forwarded to the questioner once compiled, at which time a copy will be provided in the Minutes.

7. Confirmation of Previous Minutes and other Meetings under Clause 19.1

7.1 *Minutes*

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 18 August 2015 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 18 August 2015 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 – Bunbury Setagaya Sister Cities Committee Minutes 17/06/2015 Appendix MTBN-2 – Community Access Committee Minutes 05/06/2016 Appendix MTBN-3 – Youth Advisory Council Committee Minutes 12/08/2015 Appendix MTBN-4 – Withers Advisory Committee Minutes 14/08/2015

Summary

The following Advisory Committee Meetings were held and the minutes are presented for noting:

1. Title: Bunbury Setagaya Sister Cities Committee Minutes 17/06/2015
Author: Jenni Brown, Sister Cities Administration Officer
Appendix: MTBN-1
2. Title: Community Access Committee Minutes 05/06/2016
Author: Elle Dixon, Community Development Officer
Appendix: MTBN-2
3. Title: Youth Advisory Council Committee Minutes 12/08/2015
Author: Michele Grimston, Community Development Officer
Appendix: MTBN-3
4. Title: Withers Advisory Committee Minutes 14/08/2015
Author: Alison Baker, Executive Officer Works and Services
Appendix: MTBN-4

Recommendation

The following Advisory Committee meeting minutes listed in the report be accepted and noted:

1. Bunbury Setagaya Sister Cities Committee Minutes 17/06/2015
2. Community Access Committee Minutes 05/06/2016
3. Youth Advisory Council Committee Minutes 12/08/2015
4. Withers Advisory Committee Minutes 14/08/2015

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, upon receiving a petition, the Council is to

- a) Receive the petition and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings; or
- b) Reject the petition

8.2 *Presentations*

Nil

8.3 *Deputations*

8.4 *Council Delegates' Reports*

Nil

8.5 *Conference Delegates' Reports*

Nil

9. Method of Dealing with Agenda Business

10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 RoadWise Committee

Applicant/Proponent:	RoadWise Committee
Author:	Phil Harris, Director Works & Services
Executive:	Phil Harris, Director Works & Services
Attachments:	Nil

Summary

At its meeting of 5 August 2015, the RoadWise Committee resolved to seek Council approval to amend the composition and meeting schedule of the Committee effective from the first meeting after the 17 October 2015 elections.

Committee Recommendation

That Council endorses the following changes to the Bunbury RoadWise Committee:

1. That the committee meet bi monthly following the 17 October 2015 elections;
2. That the quorum for the Committee is set at 5 members

* **Absolute Majority Vote required**

Strategic Relevance

Key Priority Area 5 Corporate
Objective 5.2 Maintain a high standard of corporate governance and improve access to information.

Background

The RoadWise Committee was established in accordance with section 5.8 of the *Local Government Act 1995* (the Act) and currently comprises two (2) elected members plus twelve (12) other community representatives or industry stakeholders.

The current membership is as follows:

City of Bunbury	Two (2) Councillors
WA Police Service	One (1) member
St Johns Ambulance	One (1) member
Main Roads WA	One (1) member
RAC	One (1) member
WALGA RoadWise Officer	One (1) member
Dept. Fire & Emergency Services	One (1) member
Community Members	Six (6) members

Council Policy Compliance

Not Applicable

Legislative Compliance

Section 5.15 of the *Local Government Act 1995* deals with committees and enables a local government to reduce the quorum at committee meetings.

Officer Comments

Since January 2015 a number of RoadWise Committee meetings have not proceeded due to the lack of a quorum with members indicating at the 5 August 2015 meeting that they would prefer to change the meeting cycle from monthly to bi-monthly. It was also recommended that the quorum for this Committee be reduced, as permitted by Section 5.15 of the *Local Government Act 1995*.

Whilst the Committee have struggled recently to achieve a quorum, the last twelve months may have been the most active for the Committee for some time with the implementation of the M8 You Can W8 promotion, the community number plate anti-theft screw installation day, and working with Rotary/Lions to reopen the bicycle education track.

More recently the RoadWise Committee has been working with the Choose Respect organisation to promote positive driver behaviour.

Council last reviewed the terms of reference for the Bunbury RoadWise Committee on 3 March 2015. As a result of the review, the terms of reference were left unchanged with only a change of name for the Committee enacted. The composition of the Committee was also considered as part of the review, which currently comprises two (2) Councillors and up to twelve (12) community representatives as voting members of the Committee. There were no changes proposed to membership composition.

The Bunbury RoadWise Committee is a committee that the Council is obligated to establish in order to meet the objectives of the Local Government Road Safety Strategy (issued by the State Government's Office of Road Safety).

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from the recommendations of this report.

Councillor/Officer Consultation

The RoadWise Committee members unanimously agreed to the proposed changes to the meeting schedule and Committee structure.

10.1.2 Decisions from Withers Advisory Committee Meeting 14-08-2015

Applicant/Proponent:	Withers Advisory Committee
Author:	Phil Harris, Director Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil

Summary

At the Withers Advisory Committee (WAC) Meeting held on 14 August 2015, the WAC endorsed the transfer from the Withers Reserve of \$35,000 for the Withers CCTV Extension and changed the date of the next Withers Advisory Committee meeting to Friday 16 October 2015.

Committee Recommendation

That Council approve and note the following decisions made under delegation by the Withers Advisory Committee at its meeting held 14 August 2015.

1. The allocation of \$35,000 from the Withers Reserve to a new project Withers CCTV optic fibre extension.
2. The extension of the CCTV optic fibre cable to the South West Sport Centre and reconfiguration of the system to enable a wireless link to the City's CCTV monitoring room.
3. The date of the next Withers Advisory Committee Meeting be moved from Friday 9 October 2015 to Friday 16 October 2015 at 1:00pm to be held in the Community Room of the Withers Library.

* **Absolute Majority Vote Required**

Background

At the WAC meeting held on 14 August 2015, the Committee endorsed the Withers CCTV Extension project. In 2014 the Withers CCTV project was completed incorporating 19 CCTV cameras to cover potential hotspots around Withers as prioritised by the WAC. The system is stand-alone with recording equipment based at the Withers Library. Access is possible via dial-in network allowing viewing of a single camera at a time.

The stand-alone system was the best solution at the time as the Withers Library does not have sufficient infrastructure nor is it in a suitable location to allow wireless signal transmission to the City's CBD monitoring facilities. Recent replacement of the optic fibre cable from Boulters Heights to the Stephen Street administration building has increased the capacity of the City's infrastructure to allow CCTV vision being transmitted from remote locations such as the South West Sports Centre. It is now viable to extend the Withers optic fibre from Parade Road to the South West Sports Centre then forward the signal via the City's existing wireless link to Boulters Heights.

The Withers CCTV network has been instrumental in the apprehension of alleged perpetrators of illegal activities, with the Police seeking vision of an undisclosed number of incidents.

A meeting with stakeholders to address the after-hours school activities for children and youth in Withers will be held on Friday 16 October 2015. The Withers Advisory Committee has endorsed changing the date of the next meeting from Friday 9 October 2015 to Friday 16 October 2015 to follow the meeting.

Council Policy Compliance

Not Applicable

Legislative Compliance

Section 5.16 of the *Local Government Act 1995* allows delegation to committees and section 5.17 (1) (c) (i) allows delegation to committees comprising of elected members and other persons (Community Members) for the proper management of Local Government property.

Officer Comments

Connecting the Withers CCTV network via wireless link will enable monitoring staff and the Police to view live vision similar to what is available in the CBD. The connection will also enable increased CCTV coverage of Hay Park with CCTV cameras proposed at the Hay Park South Pavilion which could potentially monitor the entire Hay Park complex south of the Sports Centre.

The current Withers CCTV system is effective but due to the need to access remotely or work from the Withers Library it has its limitation as it will only report faults or damaged cameras when someone manually accesses the system.

The recording and control systems for the Withers CCTV would remain fully operational at its current location.

The City's Manager Community Law, Safety and Emergency Services together with Information Technology staff and the Director Works and Services have been looking at options to improve the CCTV network across the City on a regular basis.

Analysis of Financial and Budget Implications

The balance of the Withers Reserve is as follows:-

Withers Reserve	\$1,500,000
Less 2011/2012 Projects	\$ 169,460
Less 2012/2013 Projects	\$ 44,727
Less 2013/2014 Projects	\$ 350,092
Less 2014/2015 Approved and Carried over Projects	\$ 563,276
Withers Reserve	\$ 372,445
Add 2014/2015 Net Project savings as at May 2015	\$ 32,198
Withers Reserve	\$ 404,643
Less 2014/2015 Approved Projects (12.06.15 meeting)	\$ 37,320
Add 2014/2015 Net Project savings as at June 2015	\$ 36,090
Balance of Withers Reserve including 2015/2016 Allocation	\$ 403,413

Withers Action Plan Funding

Balance of Withers Reserve	\$103,413
2015/2016 WAP Allocations	\$300,000
Balance	\$403,413
2015/2016 WAP Projects endorsed 14.08.15	\$ 35,000
Remaining 2015/2016 Funds including Withers Reserve	\$368,413

Council Decision 128/11 provides that \$300,000 per year for a period of five years to a total of \$1,500,000 be allocated to Withers Action Plan Projects.

Community Consultation

The Withers Advisory Committee plays an active role in the community consultation.

Councillor/Officer Consultation

Not Applicable

10.2 Chief Executive Officer Reports

10.2.1 Recommendations Draft South West Regional Waste Management Strategy

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CRUSC-1: South West Regional Waste Management Strategy

Summary

The Bunbury Wellington Group of Councils, Capes Regional Organisation of Councils and the Warren Blackwood Group of Councils agreed to form a collaboration known as the “South West Group” to consider regional waste management policies and procedures. The Group comprises of twelve (12) local authorities being the Shires of Capel, Dardanup, Collie, Donnybrook-Balingup, Harvey, Augusta-Margaret River, Bridgetown-Greenbushes, Manjimup, Bridgetown and Cities of Busselton and Bunbury.

Talis Consulting Group was engaged to prepare a “Regional Waste Management Strategy” on behalf of the group which has now been completed. A copy of the report is **attached** at Confidential Appendix CRUSC-1.

It is proposed that each local authority now present the Regional Waste Report to its respective Council to receive endorsement on the recommendations contained within the report as well as for each Council’s commitment to progressing to the next stages.

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Executive Recommendation

That Council:

1. Notes the South West Regional Waste Management Strategy provided by Talis Consultants.
2. Provides in principle endorsement of the recommendations contained in the South West Regional Waste Management Strategy, noting that any financial commitment decisions will be returned to Council for determination.
3. Agrees to its continued involvement in identifying a regional solution for waste management in the medium to longer term via the South West Group.

Background

The group has been actively exploring the development of a Regional Waste Facility and it was successful in obtaining funding under the Country Local Government Fund to assist with the purchase of a suitable site. Unfortunately, as an outcome of the decision by the Shire of Dardanup to go to public tender for the sale of the Banksia Road, there was a need to consider the implications in the longer term for the south west local governments in relation to waste management.

Now that the Regional Waste Management Study has been completed, each Council in the South West Group has been requested to consider whether they wish to remain involved in identifying a

regional solution in the medium to longer term and if they are to continue to participate in progressing to the next stage of undertaking further in-depth studies and the investment of funds this would require. It has been proposed that a meeting be arranged in late September 2015 to enable all Councils to consider if they are to continue with their involvement.

It is felt that as there are numerous matters with the identification and acquisition of sites, the development of governance and operating frameworks, the priorities outlined in the draft South West Regional Blueprint and the requirements of the Country Local Government Fund grant there is a need to consider how regional waste will be progressed.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not Applicable

Officer Comments

As a member of the Bunbury Wellington Group of Councils and given the work undertaken to date in relation to the development of a regional approach to waste management, it is considered appropriate for Council to continue with identifying a regional solution.

Following the receipt of the Regional Waste Management Strategy, the following key tasks have been identified from the Recommendations as a priority at this stage:

1. Undertake a detailed assessment of Clusters 1 and 3 to assess their technical and financial viability;
2. Organise a workshop with possible enterprise partnerships; and
3. Undertake a Regional Landfill Site Selection Study.

Outlined below is the proposed implementation plan for these tasks and provides indicative costs provided by Talis Consultants for each task.

Cluster Viability Assessment

To provide guidance in relation to the anticipated timelines and costs required to undertake detailed technical and financial viability assessments of the Strategic Options contained within Clusters 1 and 3, the following table outlines the tasks, descriptions, estimated timelines and indicative costs to complete the work and has been provided from Talis Consultants.

Task	Description	Timeline	Cost (ex GST)
Demand Analysis	Determine the future waste management processing needs for each LGA in relation to the Strategic Options identified within each Cluster	1 weeks	\$2,500

Task	Description	Timeline	Cost (ex GST)
Conceptualisation	Clearly define the various services and infrastructure requirements for the Strategic Options within each Cluster	2 weeks	\$7,500
Financial Modelling	Generate capital cost and operational cost estimates for each Strategic Option and develop a logistics model based on specific relevant local, sub-regional and regional characteristics	3 weeks	\$10,000
Technical Assessment	Technical assessment of the Strategic Options proposed against alternative options in terms of operational requirements, demand and cost	2 weeks	\$7,500
Reporting	Collate the results into a report indicating the viability of the Clusters for consideration by each LGA	4 weeks	\$15,000
TOTAL		12 weeks	\$42,500

Partnerships

There have been initial discussions for possible partnerships with local enterprise regarding the utilisation of waste as a fuel source. Talis have proposed to present the findings of the Strategy to key personnel and assist with the ongoing consultation process between Worsley Alumina and the South West Group in an effort to achieve a beneficial outcome for both parties.

Talis' proposed fee to alter the existing presentation and attend a workshop in the South West would be approximately **\$4,000** (ex GST).

Regional Landfill Siting Selection Study

To commence the identification of a suitable location for a Regional Landfill within the South West, it was recommended within the Strategy that a Siting Selection Study be undertaken that focusses on the Optimum Location. An outline of the key tasks provided by Talis are shown in the following table.

Task	Description	Timeline	Cost (ex GST)
Data	Data generation and gathering	0.5 Week	\$500
Site Selection Criteria	Development of Site Selection Criteria to identify the attributes of potential sites which relate to their suitability for the development of a landfill	0.5 Week	\$750
Constraints Mapping	Identify and map the key environmental, planning and social, and infrastructural constraints	1 Weeks	\$5,250
Areas and Sites of Interest	Identifying Sites and Areas of Interest that warrant further consideration due to their favourable attributes identified from the geospatial modelling	1.5 Weeks	\$3,250

Task	Description	Timeline	Cost (ex GST)
Multi Criteria Analysis	Undertake a Multi Criteria Analysis (MCA) on the Sites of Interest to identify a Preferred Site. The MCA will facilitate the comparison of Sites of Interest on a range of aspects and criteria to identify the strengths, weaknesses and points of differences between the various sites	1.5 Weeks	\$5,000
Identification of Preferred Site	Identify Preferred Site from MCA	1.5 Week	\$750
Site Selection Reporting	Prepare a Draft Site Selection Study Report which will be released for comment	2.5 Weeks	\$4,500
TOTAL		9 Weeks	\$20,000

The preferred site will be selected on the basis of available data through a desktop study. Detailed onsite tests such as flora/fauna, topographical, geotechnical, hydrological and hydrogeological studies will be required to confirm the suitability of the site and as inputs into the approvals and designs of the facility. Utilising this scope, the Siting Selection Study would determine the most suitable site for a Regional Landfill.

It should also be noted, the South West Regional Blueprint references the following two items:

Sustainable energy supply - Ensure there is access to sustainable, affordable energy supplies to support a growing region. The region is able to expand its economic and population base through the provision of adequate energy supplies and reliable distribution networks, and makes best possible use of renewable energy and provides an alternative source of fuel to coal as coal stocks deplete.

The South West has secure and sustainable energy supplies for a population of 500,000. All waste is recycled into energy production or alternative.

Regional waste - Build subregional waste facilities capable of recycling and managing waste to a forecast regional population of 500,000. All waste is recycled into energy production or alternative.

It is felt that the City should continue to participate in the South West Group in order to progress the priorities outlined in the draft South West Regional Blueprint and to identify a solution that meets the medium and long term requirements of local governments in the region and broader south west regarding waste management.

Analysis of Financial and Budget Implications

Cluster Viability Assessment

The estimated timeline and indicative costs to undertake a detailed viability study into Cluster 1 and 3 is approximately \$42,500 and would take approximately 3 months to complete.

This is a conservative estimate for both the timeline and costs and has been generated to provide an indication to the South West Group what is required to fully understand the viability of Cluster 1 and 3.

The cost estimates do not include any potential specialist studies such as flora/fauna, topographical, geotechnical, hydrological and hydrogeological which may be required in the future.

It should be noted, that under the current percentage payable by each Council in the South West Group, the City of Bunbury contribution is 22.88%. Therefore, the following is the anticipated contribution from the City towards each of the key tasks:

* Cluster Viability Assessment (\$42,500)	\$9,721.99
* Regional Landfill Siting Selection Study (\$20,000)	\$4,575.05
* Enterprise partnership Workshop (\$4,000)	<u>\$ 915.01</u>
	\$15,212.05

Upon acceptance of the Strategy by the Councils of the South West Group, the South West Group are in a position whereas they are able to consider the further engagement of a consultant to provide a more detailed scope of works and associated fees to undertake the key tasks listed above.

Community Consultation

There is no requirement for community consultation on this proposal.

Councillor/Officer Consultation

Council has considered this matter numerous times in the past and this report serves to bring the matter to the attention of all elected members.

Following the Ordinary Council Meeting held 18 August 2015 a Briefing was provided to all Councillors by the Chief Executive Officer on the Talis Report and its recommendations.

It has been proposed that a meeting be arranged in late September 2015 for all participating Councils to consider if they are to continue with their involvement.

10.2.2 Bunbury Airport, Lot 507 (DP74949) South Western Highway, Bunbury

File Ref:	F00080-11
Applicant/Proponent:	Bunbury Airport
Author:	Felicity Anderson, Manager Major Projects
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1: Location Plan Appendix CEO-2: Current Lease Rent Appendix CEO-3: Bunbury Airport Sites Expiring

Summary

Thirteen (13) Leases at the Bunbury Airport expire on 30 June 2016 located on Lot 507 (DP74949) South Western Highway, Bunbury. New Leases will be offered to eleven (11) of the current Lessees as listed and **attached** at Appendix CEO-2. These are to be granted for a five (5) year term with a further option of five (5) years. **Attached** at Appendix CEO-1 is a Location Plan and a Hangar Site Plan are **attached** at Appendix CEO-3.

Executive Recommendation

Council agrees to grant new Airport Hangar Leases to eleven (11) current Lessees as listed in Appendix CEO-2 at the Bunbury Airport located on Lot 507, (DP74949) South Western Highway, Bunbury for a term of five (5) years with a further option of five (5) years:

1. Subject to the terms and conditions as specified in the report for Leases which expire on 30 June 2016.
2. The applicants to pay all costs associated with the Lease application including document preparation.
3. Advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.
4. The Approval of the Minister for Lands.

Background

The Bunbury Airport is comprised within Reserve 27686, Lot 507 (DP74949) South Western Highway, Bunbury and is held by the City of Bunbury under Management Order 3040/1963 Crown Land Record Volume LR-3163 Folio 11 for the purpose of "Airport" with the power to lease subject to the consent of the Minister for Lands.

Pursuant to Section 18 of the *Land Administration Act 1997*, the Office of the Minister for Lands will be requested to grant "in principle" approval for the proposal subject to formal approval being granted on receipt of the signed Lease documents.

The applicants have complied with the provisions of the current Lease.

Current Licence Details

Commencement:	1 July 2011
Term:	Five (5) years
Expiry Date:	30 June 2016
Rental:	As shown per m ² on the attached spreadsheet per annum exclusive of GST plus CPI annually.
Outgoings:	Responsibility of the Lessee
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies, Workers compensation over the premises with Public Liability to be set at \$10(m)
Use of Premises:	Lessee responsible for maintaining and upkeep of the demised premises. The applicant to pay all costs associated with the lease application including document preparation.

Proposed New Licence Details

Commencement:	1 July 2016
Term:	Five (5) years with a further option of five (5) years
Expiry Date:	30 June 2026
Rental:	As shown per m ² on the attached spreadsheet per annum exclusive of GST plus CPI annually. CPI increase as at 1 July 2016.
Outgoings:	Responsibility of the Lessee
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies, Workers compensation over the premises with Public Liability to be set at \$10(m)
Use of Premises:	Lessee responsible for maintaining and upkeep of the demised premises.
Special Conditions:	The applicant to pay all costs associated with the lease application including document preparation. The applicant to pay all outgoings.

Council Policy Compliance

Not applicable.

Legislative Compliance

Section 3.58 of the *Local Government Act 1995*

Officer Comments

The applicants have satisfactorily fulfilled their obligations and responsibilities under the Lease which expires on 30 June 2016.

Analysis of Financial and Budget Implications

The lease rental is based upon a report provided by the Office of the Valuer General following its extensive review of similar airports throughout Western Australia. A copy of the lease rental cost per m² is **attached** at Appendix CEO-2.

Community Consultation

Advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*, public noticeboards and the City's website.

Councillor/Officer Consultation

Consultation with the Team Leader Airport and Design Engineering and the Technical Officer Design and Airport Engineering.

10.2.3 Reporting of Council Policy – Infringement Withdrawal – Requests received

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

At the Council Meeting held 8 July 2014, Council adopted Council Policy: Infringement Withdrawal.

The purpose of this report is for Council to be informed of any requests received, and the outcomes of each, relating to infringement withdrawal for Councillors or Council Officers.

Executive Recommendation

That in accordance with the Council Policy “Infringement Withdrawal”, Council notes that two (2) requests from an individual Council Officer for the withdrawal of infringements were received and the outcome of the requests determined that the infringement notices would be withdrawn.

Background

As part of the decision-making for item 15.1.2 Withdrawal of Parking Infringements at the Ordinary Council meeting held on 6 August 2013, Council resolved (Decision 253/13) as follows: *That Council will develop a policy whereby any request to withdraw or otherwise alter an infringement notice issued to a City of Bunbury staff member or Elected Members by the City of Bunbury will be referred to the Council.*

The Policy Review and Development Committee considered this draft policy at its meeting held on 19 June 2014, which was subsequently adopted by Council at the meeting of 8 July 2014.

Council Policy Compliance

This report is in accordance with Council Policy: Infringement Withdrawal.

Legislative Compliance

Division 2 of Part 9 of the *Local Government Act 1995* deals with Enforcement and Legal Proceedings.

Section 9.10 of the Act enables a local government to appoint authorised persons to perform particular functions. The City’s local laws define an authorised person as a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under the local law.

Officer Comments

Council’s Policy requires that Council be informed of any decisions made to withdraw an infringement issued under any of the City’s local laws, where the application for withdrawal was made by an Elected Member or City Officer.

The City received an appeal from a staff member to withdraw two (2) infringements received on 29 July 2015. The staff member is not located at the Administration building in their normal duties.

The staff member has advised that they were acting on the advice of other officers, who had directed them to park in the wrong area.

The outcome of the investigation was that the two (2) infringements have been withdrawn.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications arising from this report.

Community Consultation

There is no community consultation impacting on this report.

Councillor/Officer Consultation

This report emanates from compliance with Council's policy on the matter.

It should be noted that as a new measure, staff who organise and hold meetings/courses involving staff from outside locations, will be responsible to provide all attendees with information on where appropriate parking is available.

10.2.4 Schedule of Accounts Paid for the Period 1 July 2015 to 31 July 2015

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-4: Schedule of Accounts Paid

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 July 2015 to 31 July 2015 has been issued to elected members **attached** at Appendix CEO-4. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$7,411,237.38
2. Advance Account – payments totalling \$5,387,960.55
3. Trust Account – payments totalling \$23,600.57
4. Visitor Information Centre Trust Account – payments totalling \$4,795.00
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$399,251.21
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$322,212.57

Executive Recommendation

The Schedule of Accounts Paid for the period 1 July 2015 to 31 July 2015 be received.

10.2.5 Financial Management Report for the Period Ending 31 July 2015

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-5: Statement of Comprehensive Income Appendix CEO-6: Statement of Financial Activity Appendix CEO-7: Statement of Net Current Assets Appendix CEO-8: Capital Works Expenditure Summary Appendix CEO-9: Operating Project Summary

Summary

The following comments are provided on the key elements of Council's financial performance.

1. Statement of Comprehensive Income (**attached** at Appendix CEO-5)
Actual Financial Performance to 31 July 2015
 - Actual income of \$1.39M is \$18,022 greater than the year-to-date budgeted income of \$1.37M.
 - Actual expenditure of \$3.25M is \$712K less than the year-to-date budgeted expenditure of \$3.96M (refer explanation within the report).
 - Actual operating deficit of \$1.86M is \$730K less than the year-to-date budgeted operating deficit of \$2.59M.
2. Balance Sheet year-to-date and forecast balances are currently not available until the end of year audit for 2014/15 has been completed and the financial system rolled-over to 2015/16. A balance sheet will be provided with the September 2015 Financial Statements.
3. Capital Works (**attached** at Appendix CEO-8)
 - Actual capital works of \$79K is \$349K less than the year-to-date budgeted capital works of \$428K, (refer explanation within report).
4. Operating Project Expenditure (**attached** at Appendix CEO-9)
 - Actual operating project expenditure of \$39K is \$233K less than the year-to-date budgeted operating project expenditure of \$272K, (refer explanation within report).

Executive Recommendation

The Financial Management Report for the period ending 31 July 2015 be received.

Background

A financial management report is provided to Councillors on a monthly basis which includes the following summaries:

- Statement of Comprehensive Income (**attached** at Appendix CEO-5)
- Statement of Financial Activity (**attached** at Appendix CEO-6)
- Statement of Net Current Assets (**attached** at Appendix CEO-7)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-8)
- Operating Projects Summary (**attached** at Appendix CEO-9)

These summaries include end-of-year forecasts based on a monthly review of year-to-date income and expenditure for all accounts.

Council Policy Compliance

Not applicable.

Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix CEO-6) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Officer Comments

The following is an explanation of significant Operating and Capital variances identified in the Statement of Comprehensive Income and Statement of Financial Activity:

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
The Total Operating Income variance between actual and budget-to-date is a favourable variance of \$18,022. There are a number of income items that have a minor actual variance above or below budget-to-date due to the timing of the receipt of income.	\$18,022 1.3%
Fees and Charges <i>Property Lease and Rental Fee Income</i> – Unfavourable year-to-date variance of \$29,709 due to the timing of lease invoices being raised.	\$12,733 2%
Operating Expenditure	
The Total Operating Expenditure variance between actual and budget-to-date is a favourable variance of \$711,955. There are a number of expenditure items that have a minor actual variance above or below budget-to-date due to the timing of expenditure.	\$711,955 18%
Employee Costs <i>Other Employee Related Expenses</i> – Favourable year-to-date variance of \$241,454, mainly due to the timing of the workers compensation insurance invoice yet to be received.	\$310,570 16%

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
See explanation above included in the Statement of Comprehensive Income variances.	\$18,022 1.3%
Operating Expenses	
See explanation above included in the Statement of Comprehensive Income variances.	\$711,955 18%

Capital Expenses	
Acquisition of Assets – Variance due to delay in progress of various projects. Refer to Capital Expenditure report for project details.	\$348,641 81%

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

Council’s Executive Leadership Team, Department Managers and Finance staff monitor the City’s monthly revenue and expenditure and (as required) refers any variances requiring remedial action to Council.

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

10.2.6 Hay Park South Multi Sports Pavilion

Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-10: Hay Park Multisports Pavilion Report Appendix CEO-11: Draft Management Plan

Summary

Council has previously considered the matter of the lease of the Hay Park Multi-Purpose Sport Pavilion.

Following consultation with the two (2) key user groups, a proposal is now provided to Council for consideration.

Executive Recommendation

That Council:

1. Agrees to the development of a lease agreement for the Hay Park Multi-Sports Pavilion to the two (2) key user groups (Soccer and Rugby) following completion of appropriate due diligence.
2. Adopt the following as the basis for the lease:
 - (a) An initial five (5) year term with a five (5) year option at the discretion of Council.
 - (b) A subsidised rental for year one (1) and two (2) with a commercial review of the lease payment for years three (3), four (4) and five (5).
 - (c) The commercial review to be based on an open process including the provision of audited financial statements from the clubs over the life of the Lease
 - (d) The clubs to be responsible for all outgoings and operational expenses.
3. Provide in-principle support for the Clubs to apply for a liquor licence for the facility.

Background

The Chief Executive Officer along with other staff have met with representative of both key user groups being the South West Phoenix (Soccer) and South West Warriors (Rugby) to provide them with an understanding of how Council arrived at the whole of life costings and then translating this into the draft lease.

The RBB Report was undertaken to provide Council with a formal and sound basis from which to move to full cost recovery. Based on this data, the annual costs to maintain the facility was calculated at approximately \$165,000. This figure does not include the loan repayments. A copy of the RBB Report is **attached** at Appendix CEO-10.

When the Clubs were provided with this information, it was identified that this was neither practical nor affordable.

In discussions with the key user groups, they have requested an exclusive use lease of the facility with a separate lease on the grounds. This is primarily based on the business model that the Clubs have been working on with a focus of obtaining a liquor licence.

From a Council perspective there is a need to have the user groups fund the whole of life costings which was part of the original funding application.

The RBB report provides a summary of the financial implication for Council in the event that the key user groups do not contribute to the operation and maintenance of the facility.

Council Policy Compliance

Council Policy: Asset Management is applicable to this item and the Policy Statement is as follows:

The purpose of this policy is to provide clear direction in the management of all City assets, including land, buildings, parks and landscaping, natural environment and infrastructure assets to deliver best value outcomes for the community.

Council Policy: Recreation Facilities is applicable to this item and the Policy Statement is as follows:

The purpose of this policy is to enhance the quality of life for visitors and residents of Bunbury through the provision of a diverse range of high quality and cost effective active and passive recreational activities and/or facilities.

Council Policy: Lease and Licenses is applicable to this item and the Policy Statement is as follows:

The purpose of this policy is to ensure Lease and license rentals are determined in a fair, equitable and transparent manner in accordance with a valuation provided by an independent market rental evaluation and are assessed according to the City's Rent Tier Matrix structure.

Legislative Compliance

Not Applicable

Officer Comments

The Hay Park South Pavilion will become the City's second largest Council-built sport and recreation facility.

In order to finalise a draft lease and finalise negotiations on the agreement, there is a need to obtain a formal position from Council.

In the last few weeks, Council staff have been advised that South West Phoenix has lost its major sponsor and this may have an impact on the ability of the Club to meet full commercial payments for the facility moving forward. This matter is currently being explored with the Club to determine the long term implications of this.

South West Phoenix paid four (4) months of outstanding payments for grounds fees on 25 August 2015. The 2013/14 fees were outstanding until the end of the season, at which time they were paid.

Council has indicated a preference to move to full cost recovery from the groups for this facility and to continue with negotiations and finalisation of a draft lease prior to completion of the facility, the Council needs to provide some further clarity and direction.

There are a number of options that have been considered previously in relation to leasing arrangements including various management models. A copy of the previously provided draft management plan is **attached** at Appendix CEO-11 and outlines the operation of the facility under this arrangement.

Both clubs have previously raised concerns in regard to their ability to pay the full lease fees which might be applicable through the Rent Tier Matrix.

Council has previously been advised of three (3) options in relation to the facility being:

1. Apply the Rent Tier Matrix value to the full lease
2. Apply discretion and apply a lesser value to the full lease
3. Request the Chief Executive Officer to manage the facility with leases offered to clubs and user groups designed around their percentage usage of the facility.

With Option 3, the two primary users (South West Phoenix and South West Warriors) would have leases designed around their anticipated seasonal usage giving them full access and control of the facility during these times. Usage by other user groups outside of the prescribed times would be managed by the City.

This option is in line with the management model outline in the Royalties for Regions funding application for this facility.

“The Management plan for the facility proposes that the City of Bunbury manage the booking, maintenance and ‘use’ of the building, this ensures that clubs are not burdened with the financial cost of management and the community has access to the building through a formal booking process and this will also ensure fair and equitable facility use across all user groups.”

This allows the City to manage, promote and encourage utilisation of the facility outside of the primary users’ times of use and significantly reduces the financial implications for the primary users.

This alternate management plan and proposed lease arrangements also provide an opportunity for the major stakeholders to effectively only pay a lease fee for the actual times that they use the facility, rather than the standard lease model. Under standard lease arrangements, giving full access and control of the facility, and with the application of the Rent Tier Matrix, the projected fees are significantly higher.

It should be noted that the alternate management plan would not limit the capacity of the clubs utilise the facility to generate funds to support their operations as they would still have the opportunity to provide canteen, food and bar services to their members and associated supporters. They would also be able to provide these services to other hirers of the facility should the opportunity arise.

The alternate management plan under Option 3 is designed to accommodate the needs and requirements of the major stakeholders whilst at the same time still allowing broader community access. It is intended that the proposed associated leases for the facility would be further developed and reviewed regularly in the early stages to ensure effective and efficient use of the facility as demand and usage patterns develop.

Analysis of Financial and Budget Implications

The RBB Report indicated an estimate annual whole of life cost of the facility is in the order of \$165,000.

In the event that the Clubs do not cover the full whole of life costings, then the shortfall will need to be covered through Council's general revenue. At present this has been not been factored into the 2015/16 financial budget.

Any shortfall between the revenue generated from lease payments and the ongoing cost of operating and maintaining the facility will need to be reflected in Council's annual operating budget commencing 2016/17.

It is important to note that there are currently two projects: PR-3394 and PR-3393 relating to furniture and kitchen (utensil) fitouts for the buildings. Both these projects rely on a 50% contribution from the two clubs, totalling \$12,500. Without these contributions, these fitouts will not be able to be completed.

Community Consultation

There has been extensive consultation with the key user groups to discuss the management plan, draft leases, hypothetical lease and rate fees and naming opportunities for pavilion.

Councillor/Officer Consultation

The Chief Executive Officer and Director Corporate and Community Services have been included in the preparation of this report.

This matter has also had extensive Officer consultation involved in the processes to date.

10.2.7 Expression of Interest and Request Allocation of Funds – Lot 757 Ocean Drive, Bunbury

Applicant/Proponent:	Internal
Author:	Felicity Anderson, Manager Major Projects
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CRUSC-3-1: Expression of Interest Appendix CRUSC-3-2: Engineers Report Appendix CRUSC-3-3: Health Officer Report Appendix CRUSC-3-4: Cost Estimates

Summary

The City recently undertook inspection of the property being Lot 757 Ocean Drive to address matters of compliance prior to the development of an Expression of Interest document seeking to Lease the premises.

During the inspection both general and structural works were identified and required to be undertaken. It has been estimated that these works will cost approximately \$62,000.

This report seeks approval to allocate up to \$70,000 from the Building Restoration and Maintenance Reserve Account. The additional \$8,000 is requested to allow for the consideration of any possible additional costs.

Executive Recommendation

That Council:

1. Endorse the Expression of Interest document to Lease Lot 757 Ocean Drive, Bunbury.
2. Approve the allocation of up to \$70,000 from the Building Restoration and Maintenance Reserve Account for the purpose of completing structural and maintenance works required prior to the leasing of Lot 757 Ocean Drive.
3. Approve the repayment of the total expenditure back to the Building Restoration and Maintenance Reserve Account from the annual rent received from the Lessee over a period of five (5) years.

* **Absolute Majority Vote required**

Background

On 4 June 2015 Longshore Investments Pty Ltd surrendered their lease held over Lot 757 Ocean Drive Bunbury. This property was formerly trading as NooVoh Back Beach Restaurant.

On 23 June 2015 approval was sought from Council to allow the Chief Executive Officer to seek Expressions of Interest for the lease of Lot 757 Ocean Drive. Council decided (220/15):

That Council:

- “1. *Note the Surrender of the Lease by Longshore Investments Pty Ltd trading as NooVoh Back Beach Restaurant, effective 4 June 2015.*
2. *Requests the Chief Executive Officer seek Expressions of Interest from suitable applicants to Lease the premises formerly known as NooVoh Restaurant.*
3. *Appoint a Panel comprising Cr Giles, Cr Steele, Cr Miguel, the Chief Executive Officer and 1 internal person with the relevant expertise and experience to assess the submissions received in response to the Expression of Interest, for the Lease of the premises at Lot757 Ocean Drive, Bunbury formerly known as NooVoh Restaurant.*
4. *Request the Panel to make a recommendation to Council following the close of the Expression of Interest period.”*

Upon the City of Bunbury gaining access to the property, an inspection of the building was undertaken. This inspection was required prior to considering the possible re-leasing of the site to ensure building and health compliance and assist with the preparation of the Expression of Interest document **attached** at Appendix CRUSC-3-1.

In late June 2015 the City of Bunbury Building and Maintenance officers together with Property and Health Officers inspected the premises. The Health Officer provided an outline of required works to be undertaken to meet the current Health standards as **attached** at Appendix CRUSC-3-3.

During inspection a number of structural concerns were noted and Suckling Civil and Structural Engineers were engaged to complete a comprehensive inspection and provide a detailed report. This report was received on 30 July 2015 and is **attached** at Appendix CRUSC-3-2. The Engineers report noted a number of structural matters that require attention and provided the instruction to remedy the situations.

Following the receipt of the Engineers report, City of Bunbury maintenance officers sought quotes and estimated the expenditure to complete the list of proposed works needed to be undertaken as identified in from both the Health Officer and Engineer’s Reports. Estimated costs (**attached** at Appendix CRUSC-3-4) were identified at approximately \$62,000, plus GST.

Council Policy Compliance

Council Policy: Commercial Leases will apply to any future lease over this building and site.

Legislative Compliance

Section 3.58 of the *Local Government Act 1995* deals with disposal of property.

Analysis of Financial and Budget Implications

The Building Restoration and Maintenance Reserve Account contains sufficient funds to address the request of up to \$70,000 for the proposed works.

The proposed works are appropriate to the purpose of this Reserve Account.

It is proposed that the final expenditure will be returned to the Building Restoration and Maintenance Reserve Account by way of annual allocations from the annual rent received from the Lessee, payable over a period of five (5) years.

Community Consultation

Not Applicable

Councillor/Officer Consultation

This matter has included the consultation of the Executive, Building and Maintenance Officers, Health Officers and Property Officers.

10.3 Director Corporate and Community Services

10.3.1 Event Funding Program Allocations 2015/16

Applicant/Proponent:	Bunbury Events Coordination Group
Author:	Juaini Taylor, Senior Events Officer
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachment:	CRUSC-2: Grant Funding Program 'Event Category' Applicants 15/16

Summary

Action Sports Games has advised that it will not be running an event in Bunbury in 2016. In light of this, the Bunbury Event Coordination Group (BECG) request that Council consider reallocating the \$100,000 earmarked from the 2015/16 budget for the negotiation of an agreement with Action Sports Games back into the Grant Funding Program 'Events Category' 2015/16 budget to support a range of other events in Bunbury this financial year.

Bunbury Event Coordination Group Recommendation

That Council:

1. Reallocate the \$100,000 earmarked for the Action Sports Games event 2015/16 to the Grant Funding Program 'Events Category' to be awarded to a range of other events this financial year.
2. Endorse the Bunbury Event Coordination Group's proposed allocations for 2015/16 **attached** at CRUSC-2.

Background

At the Ordinary Council meeting held on the 17 March 2015, Council decided (94/15) to support in principle the proposal for a three (3) year contract with Action Sport Games subject to the development and approval of a satisfactory business case and due diligence report.

"That:

1. *Council support in principle the proposal for a three year contract with Action Sport Games.*
2. *Council endorse negotiation being entered into by the Chief Executive Officer for a three year contract with Action Sports Game.*
3. *Subject to the development and approval of a satisfactory business case and due diligence report, Council endorse utilising an allocation of \$100,000 per year for three years with funds being allocated from the annual Event Funding Round."*

The Action Sports Games event was also dependent on significant funding from the State Government to be able to go ahead, and discussions with Tourism WA/EventsCorp were conducted as part of the due diligence work undertaken to date.

The City's contribution of \$100,000 was to be included within the total amount of \$227,407 in the 2015/16 event funding budget, therefore leaving a remaining \$127,407 to award to other events (including the cost of providing in-kind support to Groovin' The Moo).

Since the 2015/16 budget was adopted by Council, new information has been received in regard to the proposed Action Sports Games event to be held in Bunbury 2016. The organiser of the event has advised that the funding application submitted to Tourism WA/EventsCorp, which was to contribute to the overall funding for the event, will not be considered in time for the event to proceed in early 2016 as originally anticipated. While the BECG and staff will continue discussions with Action Sports Games in regard to an event for the following financial year, it is now apparent that the \$100,000 reserved for Action Sports Games will not be used this financial year and the BECG requests that Council allow the money to be used to support a range of other events through the 2015/16 Grant Funding Program 'Events Category'.

An additional \$100,000 reserved solely for use towards a separate iconic event was approved by Council on the 9 June 2015 (200/15) but this was not to be included as part of the annual funding pool but rather as a contingency fund for a future (as yet unidentified) iconic event, subject to a business case to Council. This amount is not available to cover the current event applications and the BECG is supportive of keeping this money earmarked separately for an iconic event.

"That Council:

- 1. Provides in principle support to the BECG to continue to work to attract an iconic event for Bunbury.*
- 2. Will give consideration to funding an iconic event, by reserving an allocation of \$100,000, should one be identified by the BECG during the 2015/16 financial year, subject to a business case being presented for Council's consideration.*
- 3. Carry forward unallocated funds from the 2014/15 Event Funding Program budget into the 2015/16 Grant Funding, Events Category budget, to award to other events in the 2015/16 financial year."*

Council Policy Compliance

The funding program relates to Council Policy: Council Funding.

Legislative Compliance

Not applicable

Officer Comments

Although the Action Sports Games will not be considered for funding by Tourism WA/EventsCorp for 2016, the BECG and staff will continue conversations with the Action Sports Games in hope to deliver the event for 2017.

The BECG met in July 2015 to undertake an initial assessment of applications and this was reviewed again at another meeting on Wednesday 12 August 2015 following advice from Action Sports Games that their event would not be going ahead. The final proposed allocations are based on the

inclusion of the \$100,000 and the BECG have referred this to Council as it is outside the Chief Executive Officer's delegated authority to approve this reallocation.

Analysis of Financial and Budget Implications

In summary, should the Action Sports Games allocation of \$100,000 be returned to the funding pool, a total amount of \$227,407 will be available as follows:

Groovin' the Moo	\$10,000
Available to award to other events	<u>\$217,407</u>
Total:	\$227,407

This amount also includes the \$27,407 of unallocated funds from 2014/15 which was carried forward into the 2015/16 budget for event funding.

Community Consultation

The BECG met in July 2015 to undertake an initial assessment of applications and this was reviewed again at another meeting on Wednesday 12 August 2015 following advice from Action Sports Games that their event would not be going ahead. The final proposed allocations are based on the inclusion of the \$100,000 and the BECG have referred this to Council as it is outside the Chief Executive Officer's delegated authority to approve this reallocation.

Councillor/Officer Consultation

Cr Morris, the Director Corporate and Community Services, the Manager Tourism, Events and Wildlife Park and the Senior Events Officer attend meetings of the BECG and have been involved in the establishment of the event funding round and assessment of the applications.

10.4 Director Planning, Development and Regulatory Services Reports

10.4.1 Proposed Single Houses and Integrated Ancillary Dwellings – House Numbers 34, 36, 38 and 40 (Strata Lots 1, 2, and 1, 2) Jubilee Road, Glen Iris

File Ref:	P14383
Applicant/Proponent:	Dale Alcock Homes South West
Author:	Teshome Tadesse, Senior Planning Officer
Executive:	Bob Karaszewych, Director Planning, Development and Regulatory Services
Attachments:	Appendix DPDRS-1: Location Plan Appendix DPDRS-2: Scheme Extract Appendix DPDRS-3: Development Plans and Elevations Appendix DPDRS-4: Schedule of Submissions

Summary

The City of Bunbury has received applications for planning approval from Dale Alcock Homes South West for the development of four single houses integrated with ancillary dwellings on strata lots with house numbers 34, 36, 38 and 40 Jubilee Road, Glen Iris.

The proposal complies with the provisions of the Town Planning Scheme and the Residential Design Codes (or R-Codes). Furthermore, it is considered that the proposed four single houses and their integrated ancillary dwellings are similar in building form and character to other typical single house developments along the street.

Therefore, it is considered that the proposed developments will not have any significant impact on the established streetscape in the locality, and hence, it is recommended that planning approval be granted for the development of the proposed four single houses and associated ancillary dwellings.

Executive Recommendation

That Council:

1. In accordance with the Planning and Development Act 2005 (as amended), hereby resolves to grant planning approval for the proposed four single houses and the integrated ancillary dwellings on numbers 34, 36, 38 and 40 (strata lots 1, 2 and 1, 2) Jubilee Road, Glen Iris, subject to the following conditions:
 - 1.1 At all times, the development the subject of this planning approval must comply with the definition of 'Single House' and 'Ancillary Dwelling' as contained in the State Planning Policy 3.1 Residential Design Codes (the R-Codes).
 - 1.2 All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.
 - 1.3 This planning approval will expire if the approved development has not substantially commenced within two years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
 - 1.4 The proposed store at the rear of the strata lot is to comply with the R-Codes requirements in terms of building setbacks and outbuildings.
 - 1.5 All works required to satisfy a condition of this approval are required to be

- installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
- 1.6 Walls and fences are to be truncated or reduced to no higher than 0.75 m above natural ground level within 1.5 m of where walls and fences adjoin vehicle access points, where any driveway meets a public street and where two streets intersect.
 - 1.7 Before the development is occupied, the access way(s), car parking and turning area(s) shall be constructed in accordance with the development approval to the satisfaction of the City of Bunbury.
 - 1.8 Before the development commences, a crossover permit must be obtained from the City of Bunbury. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
 - 1.9 Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
 - 1.10 Before the development commences, a damage bond to the value of \$500 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.
 - 1.11 A minimum of 1m³ of stormwater storage for each 65m² of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties. Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan prior to the development being occupied.
 - 1.12 Before the development is occupied, the property(s) must be connected to the Water Corporation reticulated sewerage system.
 - 1.13 All verge areas shall be suitably grassed or planted and maintained at all times. The verge shall not be used for the purpose of parking. Additional hardstand or gravel sealing other than the crossover will not be permitted on the verge.
 - 1.14 The property owner/developer shall purchase street trees to be installed within the verge area to the specifications and satisfaction of the City of Bunbury.

Advice Notes:

1. This is a planning approval, and it is not a building permit. The development the subject of this approval is also regulated by the Building Code of Australia (BCA) and a separate building permit must be granted before the development commences. The owner is advised to liaise further with the City of Bunbury's Development Assessment and Building Certification department on (08) 9792 7000.
2. All documentation submitted with the building permit application shall be in accordance with the *Building Regulations 2012* and the Building Code of Australia – Volume 2, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, cross-over and parking areas (including pavement type), to the satisfaction of the City of Bunbury.
3. Energy efficiency details for the proposed project to comply with the Building Code of Australia – Volume 1, Part J for Climate Zone 5.
4. The plans and specifications must be submitted to the Water Corporation for approval (www.watercorporation.com.au, Level 3, 61 Victoria Street, Bunbury, WA, 6230, (08) 9791 0400).
5. Where a new crossover is proposed, and before construction of it can commence, a separate verge crossover application must be submitted and approved. A permit application form can be obtained on the City's website at www.bunbury.wa.gov.au.
6. Please be aware that the subject land is located in a high groundwater table area.

Treatments such as subsoil drainage may be required to prevent any increases to groundwater table levels on adjoining properties.

7. The development the subject of this planning approval must comply with the requirements of the *Health Act 1911*.
 8. The development the subject of this planning approval is required to comply with the City of Bunbury Health Local Laws 2001.
2. Advise the applicant and submitter of Council's decision.

Background

The proposed residential developments are located in a well-established neighbourhood area in the suburb of Glen Iris. The developments include two components - a single house and an ancillary dwelling collocated on each strata lot within one building framework.

The primary dwelling (single house) will have an area of 108m² with three bedrooms, while the integrated ancillary dwelling will have an area of 45m² with a single bedroom. The single house and the ancillary dwelling components of the development will have one entry at the front with separate access doors within the building. Effectively, they will have separate access to each living quarter once inside the building.

A location plan of the subject lots is **attached** at Appendix DPDRS-1.

Council Policy Compliance

The proposal complies with the City of Bunbury's Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles. The Local Planning Policy specifies that car parking for single houses is to be in accordance with the R-Codes. As such, the proposed developments comply with the R-Codes requirements in terms of car parking provision for a single house. It should be noted that one additional car parking space is required for each ancillary dwelling. The proposed developments show two car parking spaces for the single house component and one additional car parking space at the front for the ancillary dwelling component of the development on each strata lot.

Legislative Compliance

The proposal complies with the Town Planning Scheme in terms of land use permissibility in the 'Residential Zone' with a residential density coding of 'R20'.

Officer Comments

The proposed four single houses and integrated ancillary dwellings have been assessed on the basis of land use compatibility and R-Codes requirements.

Town Planning Scheme

The subject strata lots are included in the 'Residential Zone with a residential density coding of 'R20' under the Town Planning Scheme. The land use classes' of single house and ancillary dwelling are permitted ('P') and discretionary ('D') uses respectively under the Scheme.

An extract of the Scheme Map is **attached** at Appendix DPDRS-2.

The Scheme Map shows an area of ‘no zone’ on the northern portions of house numbers 34 and 36 (strata lots 1 and 2) Jubilee Road. This discrepancy in the Scheme Map will be rectified in the near future, and it will not impact on the processing and determination of the current development proposals.

The immediate locality is characterised by single house developments with direct access from the street. The proposed four single houses with integrated ancillary dwellings will have a similar built form, in that when viewed from the street, they will not be significantly different architecturally from other single houses in the locality. The only difference being that they will also incorporate an ancillary dwelling under the same roof.

Although the living arrangement is unique, the proposed developments are acceptable in terms of land use permissibility under the Town Planning Scheme and the R-Codes provisions.

The development plans and elevations are **attached** at Appendix DPDRS-3.

Residential Design Codes

The R-Codes provides the following land use definitions for ancillary dwelling and single house respectively:

Ancillary dwelling

Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

Single house

A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

In accordance with the deemed-to-comply provisions of the R-Codes, the ancillary dwelling component of the development proposals should satisfy the following criteria:

- * the lot is not less than 450m² in area
- * there is a maximum plot ratio area of 70m²
- * one additional car parking space
- * comply with R-Codes provisions applicable to single house except some selected criteria (site area, street surveillance and outdoor living area).

As such, the proposed developments comply with the R-Codes in terms of both land use definitions and the deemed-to-comply provisions applicable to both single houses and ancillary dwellings.

Analysis of Financial and Budget Implications

The application for planning approval relates to private lots, and therefore, the effect of the recommendation has no direct budgetary or financial implications for the City of Bunbury.

Community Consultation

The proposal was publicly advertised in accordance with the Town Planning Scheme for not less than 21 days, which included the following:

- * public notices placed in locally circulated newspapers;
- * public notice sign displayed on the subject site;
- * public notice posted on the City of Bunbury's website; and
- * relevant documents placed on display at the counter for public viewing.

A total of six (6) submissions were received, out of which one (1) was an objection from a landowner in the immediate locality, one (1) was in support from a member of the general public and four (4) government agencies and service providers submitted standard advice notes. The content of the submissions are summarised in the Schedule of Submissions (**attached** at Appendix DPDRS-4).

It should be noted that the subject strata lots are capable of being developed under the applicable R20 residential density coding, which allows for the development of a single house as of right and an ancillary dwelling on each strata lot. It should also be noted that an objection on the grounds that the proposed developments will devalue land is subjective and not a valid planning consideration in the determining of the application.

Councillor/Officer Consultation

The proposal has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report.

Delegation of Authority

This application for planning approval has been referred to Council for its determination, as a submission objecting to the proposal was received during the public consultation process, and hence, cannot be determined under delegation.

10.4.2 Proposed Home Business - Addition of Fish Processing to an Existing Home Occupation at Lot 32 (#32) Jubilee Road, Glen Iris

File Ref:	P05147, DA/2015/82/1
Applicant and Landowner:	Brian Scimone
Author:	Laura Sabitzer, A/Team Leader Development Assessment and Compliance
Executive:	Bob Karaszewych, Director Planning, Development and Regulatory Services
Attachments:	Appendix DPDRS-5: Location Plan Appendix DPDRS-6: Internal Photos Appendix DPDRS-7: Applicant Justification Appendix DPDRS-17: Development Plans Appendix DPDRS-8: Schedule of Submissions Appendix DPDRS-9: Applicant Response

Summary

This application for a home business licence seeks to incorporate the activity of fish processing (i.e. the filleting of fish) into an existing home based business carried out on Lot 32 (street address number 32) Jubilee Road, Glen Iris.

In 1992 a home occupation licence was issued for a fish freezing business at the subject address. The home occupation licence has since been renewed on an annual basis, and the City of Bunbury's records show no documented complaints since the operation's inception.

The proposal was publicly advertised to the community in accordance with the City of Bunbury Town Planning Scheme No. 7 (TPS7). Objections to the proposal were received from nearby landowners, who indicated concerns regarding the suitability of the activity in a residential area, potential noise and odour emissions, the disposal of waste and fish by-products, traffic and the necessity for contingencies during utility outages.

The proposal has been assessed against the Town Planning Scheme and relevant Local Planning Policies. If the proposal operates within the definition of a home business and as per the recommended conditions of planning approval, it is considered that there will be minimal adverse impacts on neighbouring properties.

As such, the home business would only be permitted to operate at a relatively small scale - with restrictions on the number of employees, size of business area, trading hours and retail sales not being permitted from the property address.

Therefore, the application for a home business licence is recommended for approval, subject to conditions. Following the granting of planning approval, registration of the home based business as an 'offensive trade' with the City of Bunbury and the issuing of a fish processors' licence by the Department of Fisheries will be required prior to fish processing commencing on the subject site.

Executive Recommendation

That Council resolves to:

1. Approve the application for a Home Business Licence (reference number DA/2015/82/1) to permit the activities of fish freezing and fish processing at Lot 32 (#32) Jubilee Road, Glen Iris, in accordance with City of Bunbury Town Planning Scheme No. 7, subject to the following conditions:
 - 1.1 This planning approval for a home business use applies to the applicant, Mr Brian Scimone and shall not be transferred or assigned to any other person.
 - 1.2 The home business use must be registered annually with the City of Bunbury (refer to Advice Note 1).
 - 1.3 The home business use shall not occupy an area greater than 50 square metres and the business activity shall only occur within the prescribed outbuilding. Prior to commencement of any fish processing, a floor plan drawn to scale showing the total floor space area of the home business use (up to a maximum of 50 square metres in gross floor area of the outbuilding), shall be submitted and approved by the City of Bunbury to the specifications and satisfaction of the local government.
 - 1.4 The home business use shall not employ more than two (2) people not members of the occupier's household.
 - 1.5 The home business use shall not involve the retail sale, display or hire of goods of any nature.
 - 1.6 In relation to vehicles and parking, the home business use shall not cause any traffic impacts as a result of the inadequacy of vehicle parking or an increase in traffic volumes in the neighbourhood, and shall not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.
 - 1.7 The home business use shall not involve the use of an essential service of greater capacity than normally required in the 'Residential Zone'. The supply of electricity to service the home business use is to be maintained constantly without fail, and the development is to have a backup generator available at all times, which is to be employed in the event of a power failure.
 - 1.8 Hours of operation of the home business use shall be limited to Monday to Saturday from 7 am to 7 pm, with no operation on Sunday and/or public holidays.
 - 1.9 Before the activity of fish processing commences, the property must be connected to the Water Corporation reticulated sewerage system.
 - 1.10 Before the activity of fish processing commences, a waste management plan is to be submitted for the approval of the Manager Environmental Health Services. The plan is to detail how and where waste produced during the operation the subject of this approval will be stored, handled and removed to the specifications and satisfaction of the local government.
 - 1.11 Under the *Health Act 1911* and the City of Bunbury Health Local Laws, the home business use is to be registered as an 'offensive trade'. In accordance with Part 9 of the City of Bunbury Health Local Laws, consent to establish an 'offensive trade' is required prior to commencement of the fish processing activity.

Advice Notes:

1. This approval is only valid until 31 December 2016. Should you wish to continue operating this home business, you will be required to complete a Renewal Form and pay the Annual Renewal Fee.
2. If and when you no longer wish to continue your home business, please advise the City of Bunbury in writing.

3. Failure to comply with planning conditions at any time may result in the withdrawal of the home business licence.
 4. Prior to the commencement of the fish processing activity, the Department of Fisheries advises that a fish processor's licence is required.
 5. The development the subject of this planning approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
 6. The development the subject of this planning approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharge) Regulations 2004* in relation to discharges into the environment. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.
 7. The premises and equipment the subject of this planning approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards. An application is to be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to commencing development.
 8. Two sets of scaled plans (minimum 1:100) and specifications detailing the design and fit out is to be submitted to the City of Bunbury's Environmental Health Services, and is to include the following information:
 - * the use of each room/area;
 - * the structural finishes of walls, floors, ceilings, benches, shelves and other surfaces;
 - * the position and type of all fixtures, fittings and equipment;
 - * all sanitary conveniences, floor wastes/bucket traps/cleaner's sinks, grease traps, etc.;
 - * waste storage and disposal areas;
 - * plans and specifications of the mechanical exhaust system if cooking is to take place in the food business;
 - * specifications of all cooking equipment (stoves, ovens, fryers, etc.); and
 - * elevations of food handling and storage areas; and details of the types of food being prepared or sold.
 9. Please refer to the City of Bunbury's Requirements for the Establishment, Construction and Fit-out of Food Premises available on the website at www.bunbury.wa.gov.au. A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation. Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.
 10. The home business use is defined as a 'Food Business' under the *Food Act 2008*, and hence, the development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
 11. The home business use is required to comply with the *Health Act 1911* and the City of Bunbury Health Local Laws 2001.
2. Advise the applicant and submitters of Council's decision.

Background

The subject site is located on Jubilee Road in Glen Iris and is 20,234m² (or 2.02 hectares) in area. The site contains a residential dwelling and large outbuilding, with the majority of the property

being undeveloped and containing vegetation. The surrounding properties are a mix of developed and undeveloped residential land.

A location plan showing the subject site and its surrounds is **attached** at DPDRS-5.

In 1992 a home occupation licence was issued for a fish freezing business at the subject address. The home occupation licence has since been renewed on an annual basis, and the City of Bunbury's records show no documented complaints since the inception of the home based businesses' operation.

The existing fish freezing and the proposed fish processing activities are to occur in the existing outbuilding, which is approximately 300m² in area and located at the rear of the residential dwelling. No additions are proposed to the outbuilding as a result of this application. Development plans showing the location of the outbuilding and photos taken by the City of Bunbury's officer on a site inspection are **attached** at Appendix DPDRS-6.

The purpose of this application for planning approval is for the addition of fish processing to the previously approved home occupation activity of fish freezing. The applicant describes the fish processing activity as:

"All product is landed and processed on the same day. It arrive on ice in a chiller (as it has done for 23 years) and only a portion of the catch will be filleted 5% as it will only be down on request. Waste will be vac packed into cartons for bait and fertilisers, and frozen immediately and removed regularly."

A full copy of the applicant's justification in support of the proposal is **attached** at Appendix DPDRS-7 and a copy of the applicant's submitted plan of the development is **attached** at Appendix DPDRS-17.

Council Policy and Legislative Compliance

Consideration of the following regulatory and policy documents is applicable to the assessment of this application for planning approval for a home business use:

- * *Planning and Development Act 2005;*
- * *City of Bunbury Town Planning Scheme No. 7;*
- * *Glen Iris Structure Plan;*
- * *Environmental Protection (Noise) Regulations 1997;* and
- * *Local Planning Policy: Home Based Businesses & Family Day Care.*

Officer Comments

Land Use

The subject site is included in the 'Development Zone – Residential' and shown on the Glen Iris Structure Plan map as 'Residential (R20)'. A home business land use class can therefore be permitted as a discretionary ('A') use under the Scheme where the local government has exercised its discretion by granting planning approval for the activity.

A home business is defined in the Town Planning Scheme as:

“means a business, service or profession carried out in a dwelling or on land around the dwelling which –

- (a) does not employ more than 2 people not members of the occupier’s household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 50 square metres;*
- (d) does not involve the retail sale, display or hire of goods of any nature;*
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicles more than 3.5 tonnes tare weight; and*
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.”*

A summary assessment of the proposal against the above requirement is as follows:

Scheme Requirements	Proposed
Does not employ more than 2 people not members of the occupier’s household	The applicant has advised that employees will be family members who reside at the dwelling. No external employees will be present.
Will not cause injury to or adversely affect the amenity of the neighbourhood	-
Does not occupy an area greater than 50 square metres	The existing outbuilding is approximately 300 m ² in area. In order to be in compliance with the home business definition requirements, only 50 m ² gross floor area of the subject site can be used for fish freezing and fish processing. Please refer to recommended Condition (3).
Does not involve the retail sale, display or hire of goods of any nature	The applicant has confirmed that there will be no retail sales at the address. The fish will be transported from the site to stockists. Please refer to recommended Condition (5).
In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicles more than 3.5 tonnes tare weight.	As the employees will be residents of the dwelling, no additional car parking spaces are required. However, due to the size of the property, there is substantial area for parking onsite. The traffic generated by the home business use would be for the transport of fish to and from the site. The applicant has stated that there will be no additional vehicle movements than the existing situation. Please refer to recommended Condition (6).
Does not involve the use of an essential service of greater capacity than normally required in the zone.	As part of this application no increases to service supply or additions to the outbuilding are proposed. However a backup power generator will be required. Please refer to recommended Condition (7).

To ensure compliance with the above listed home business requirement, it is recommended that applicable conditions are imposed, and as such, please refer to the executive recommendation section of this report. Therefore if any conditions of planning approval are not met and the

applicant is not willing to rectify the issue, the home business licence may be revoked or not renewed.

The home business licence is renewed annually and therefore, should the property be subdivided or developed, the suitability of the activity can be reconsidered at that time.

Smell and Disposal of Waste

The applicant has advised all fish waste is to be packaged, frozen and transported from the subject site. Specifically, the applicant describes in their justification **attached** at Appendix DPDRS-7, the waste disposal process:

“All product is landed and processed on the same day. It arrives on ice in a chiller (has done for 24 years). Only a portion of the catch will be filleted 5% as it will only be done on request. Waste will be vac packed into cartons for bait and fertilizer and frozen immediately. Waste in a frozen form will be removed regularly. Any wash down chemicals or deodorizers will wash away into the required drains traps specified by the health building and designated plumbers.”

Therefore, if waste is handled assiduously in accordance with the process described above, it can be expected that there will be minimal odour produced. Prior to the fish processing activity commencing, the City of Bunbury’s Environmental Health department has recommended that a waste management plan be submitted for approval. Please refer to recommended Condition (9).

Noise

A home business land use activity is required to comply with the *Environmental Protection (Noise) Regulations 1997*. Further to this, a condition of planning approval is recommended limiting the operating hours of the home business use, in accordance with the provisions of Local Planning Policy: Home Based Businesses & Family Day Care, in order to protect local residential amenity. Please refer to recommended condition 1.8.

Traffic

It can be expected that there will be minimal traffic generated as a result of the home business use, as there will be no external employees or retail sales from the address. The only traffic generated as a direct result from the home business use would be transport of fish to and from the subject site. The applicant has stated that there will be no additional vehicle movements than the existing situation.

Utility Outages

Some of the submissions received during the public consultation process indicate a concern if there were power outages experienced. It is therefore recommended that a condition be imposed requiring backup power generation, so that refrigeration systems can continue to operate. Please refer to recommended condition (7).

Analysis of Financial and Budget Implications

The application for planning approval relates to private property, and therefore, the effect of the recommendation has no direct budgetary or financial implications for the City of Bunbury.

Community Consultation

The application for planning approval was advertised for public comment from 13 May 2015 to 26 May 2015. Public consultation measures included the following:

- * letters sent to surrounding landowners;
- * notification signs on-site;
- * notice of proposal published in local newspaper (two consecutive editions);
- * notice of proposal on the City of Bunbury's website; and
- * copies of plans and supporting information made available at the City of Bunbury's Customer Service Centre.

In total 11 submissions of objection were received from surrounding landowners during the consultation period. Additionally two late objections were received after the conclusion of the consultation period. The main concerns raised in the submissions received were:

- * the suitability of the activity of fish processing occurring in a residential area;
- * emissions of noise and odour;
- * disposal of waste and fish by-products;
- * air and ground pollution;
- * traffic, including increased truck movements;
- * contingencies for utility outages;
- * adversely impacting property value; and
- * the consultation process.

Refer to the Schedule of Submissions **attached** at Appendix DPDRS-8.

The applicant's response to the comments received during the submission period is **attached** at Appendix DPDRS-9.

The application for planning approval was also referred to the following state government agencies:

- * Department of Environmental Regulation – provided no comment response; and
- * Department of Fisheries – advised that a fish processors' licence is required, however local government approval for fish processing activities to be conducted at the subject location is required prior to a licence being issued.

Councillor/Officer Consultation

The proposal has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report.

Delegation of Authority

This application for planning approval has been referred to Council for its determination, as submissions objecting to the proposal were received during the public consultation process, and therefore, cannot be determined under delegation.

10.4.3 Proposed Electronic Graphic Display Screen Sign and Increased Height to Existing Limestone Wall Base at Lot 100 (#121) King Road, East Bunbury

File Ref:	P14370, DA/2014/228
Applicant/Proponent:	Pinnacle Planning on behalf of Donald Charles Maasdorp
Author:	Laura Sabitzer, Senior Planning Officer
Executive:	Bob Karaszekwych, Director Planning, Development and Regulatory Services
Attachments:	Appendix DPDRS-10: Location Plan Appendix DPDRS-11: Photographs Appendix DPDRS-12: Development Plans Appendix DPDRS-13: Applicant first letter Appendix DPDRS-14: Applicant second letter Appendix DPDRS-15: Traffic Engineer Report Appendix DPDRS-16: Schedule of Submissions

Summary

Planning approval is sought to replace an existing billboard sign near the intersection of King Road, Picton Road and Sandridge Road in East Bunbury with an LED illuminated electronic graphic display screen.

It is proposed in the application for planning approval that the electronic graphic display screen sign will display third party advertising, with the advertising content being rotated every 10 seconds and containing a rotation of six advertisements per month.

The existing billboard sign located on Lot 100 (street address number 121) King Road, East Bunbury, has been subject to previous Council decisions and a State Administrative Tribunal (SAT) appeal. The previous sign licence issued restricted the advertising content to community based and locally owned businesses, and expired on 30 September 2014.

The purpose of this report is for Council to consider:

- this application for an electronic graphic display screen sign at the subject site; and
- the long term visual amenity impacts and desirability of retaining billboard signage at the location.

The proposal has been assessed against Council's adopted Local Planning Policy: Signage and Advertisements, where variations are proposed in relation to:

- the size of the sign
- the illumination of the sign during night time hours
- third party advertising content being displayed outside of the 'City Centre Zone'
- the type of sign (i.e. an electronic graphic display screen) being located outside of the 'City Centre Zone'.

The application for planning approval was referred to Main Roads Western Australia (MRWA) and the Bunbury RoadWise Committee, which have both objected to the proposal on road safety grounds.

The subject site and adjoining properties are include in the 'Residential Zone' under the City of Bunbury Town Planning Scheme No. 7 (TPS7), and the proposal is deemed to be inconsistent with the zoning objectives. It is considered that approval of such a proposal would not represent orderly and proper planning, and therefore, for the reasons outlined above the application is recommended for refusal.

Executive Recommendation

That Council resolves to:

1. Refuse the application for planning approval (application reference: DA/2014/228) for the development of the proposed electronic graphic display screen sign and increased height of the existing limestone wall base at Lot 100 (street address number 121) King Road, East Bunbury, in accordance with the City of Bunbury's Town Planning Scheme No. 7, for the following reasons:
 - (a) The proposed electronic graphic display screen sign being located outside of the 'City Centre Zone' is contrary to Local Planning Policy: Signage and Advertisements. Table 3 of the Local Planning Policy lists 'electronic graphic display screen' signage as being 'X' not permitted in the 'Residential Zone'.
 - (b) The proposed electronic graphic display screen sign is inconsistent with the aims of the Scheme and objectives of the 'Residential Zone', and the display of third party advertising in a zoning outside the 'City Centre Zone' is contrary to Local Planning Policy: Signage and Advertisements.
 - (c) The proposed sign face area of 40.3 m² exceeds the prescribed maximum of 20 m² for electronic graphic display screen signs, and hence, represents a significant variation to the specifications set out in Local Planning Policy: Signage and Advertisements.
 - (d) The proposal is contrary to objective (c) of Local Planning Policy: Signage and Advertisements, which relates to the safety and operation of "Other Regional Roads Reserve".
 - (e) The proposal is likely result in adverse impacts on road safety and the visual amenity of the locality, and hence, does not represent orderly and proper planning.
2. Advise the applicant, landowner and submitters of Council's decision.

Alternate Recommendation

That Council advises the landowner and applicant that it would consider a separate application for planning approval, submitted in accordance with the provisions of the City of Bunbury's Town Planning Scheme No. 7 and Local Planning Policy: Signage and Advertisements, for a 'billboard sign - large' (i.e. a non-illuminated static sign); displaying advertising content restricted to community based or locally owned business advertisements, to the specifications and satisfaction of the local government.

Background

The subject site is located near the major intersection of King Road, Picton Road and Sandridge Road in East Bunbury, and currently contains a static billboard sign. The subject site and the adjoining land to the north and east are included in the 'Residential Zone'. To the west of the site, on the opposite side of King Road, the lots are included in the 'Mixed Business Zone' and are developed for commercial purposes.

A location plan showing the subject site and its surrounds is **attached** at Appendix DPSR-10. Photographs of the existing billboard sign and the adjacent intersection are **attached** at Appendix DPDRS-11.

The proposed signage consists of an LED screen measuring 3.2 m x 12.6 m sitting on top of a three metre high limestone wall base. The proposed signage is single faced, with the rear to be cladded in Colorbond sheeting. In comparison to the existing static billboard signage on the subject site, the sign face area will retain the same dimensions, albeit elevated one metre higher above the natural ground level. The existing limestone wall base for the sign is proposed to be increase up to three metres in height to purportedly reduce the risk of vandalism to the LED screen.

The proposed development plan is attached at Appendix DPDRS-12 and information letters from the applicant are **attached** at Appendices DPDRS-13 and DPDRS-14.

The existing billboard sign at this site has been subject to numerous Council decisions since 2009. A summary of the key decisions is as follows:

Date	Decision
December 2009	Application for two large billboards at the site was refused for the reasons of size, the number of billboards and inclusion of third party advertising. There was also community objection to the proposal.
April 2010	Application for a single large billboard at the site was approved on the basis that the billboard graphic related to community based advertisements. This approval was specific to a road safety message advertisement and valid for a two year period.
October 2010	Application for a change to billboard advertisement graphic was approved. The new advertisement was for the local campus of Edith Cowan University. This decision also required further approval for future changes to the advertisement graphic.
April 2011	Application to modify the previous conditions imposed on the sign license in respect to requiring further approval for future changes to advertisement graphic and time limitations. This application for the extension of time until October 2011 was approved; however, advertisement content was conditioned to only be approved by Council and for community based or locally owned businesses.
August 2011	<p>The previous Council decision was appealed at the SAT. Council was invited by section 31 SAT request to reconsider its decision with respect to requiring further approval for future changes to advertisement graphic and time limitations.</p> <p>Council determined that:</p> <ul style="list-style-type: none"> (a) The sign licence be valid until 30 September 2014. (b) Changes to signage content displayed are exempted from requiring the submission of a formal sign license where these relate to: <ul style="list-style-type: none"> (i) community based content; or (ii) a locally owned business (c) No changes to the display content of the sign shall occur without the prior consideration and written approval of: <ul style="list-style-type: none"> (i) the CEO where this relates to signage with community based content; or (ii) Council, where this relates to signage that contains content

Date	Decision
	related to a locally owned business.
October 2011	Application for a change of billboard advertisement graphic for a locally owned business was approved.
December 2011	Application for a change of billboard advertisement graphic for a locally owned business was approved.
March 2012	Application for a change of billboard advertisement graphic for a locally owned business was approved.
August 2014	This application for planning approval for a proposed electronic graphic display screen sign and increased height of existing limestone wall base was submitted.
September 2014	Sign license for billboard at the site expired.
October 2014	<p>This application for planning approval was publicly advertised for comment.</p> <p>It should be noted that following the applicant being furnished with the summary of submissions received during the public advertising period, the application for planning approval has been on hold at the applicant’s own request, pending the applicant providing further justification and traffic engineer advice.</p>

Since dealing with previous billboard signage applications, all new proposals for signage are now being dealt with as applications for planning approval rather than as sign licences granted under the Local Law Relating to Advertising Devices. This is due to advice issued by the Director General of the Department of Local Government to all local governments in Western Australia - that the *Planning and Development Act 2005*, rather than local laws under the *Local Government Act 1995*, is the appropriate statutory framework for regulating advertising on zoned land. To address this matter, the City of Bunbury prepared the Local Planning Policy: Signage and Advertisements, which was adopted by Council on 10 June 2014 (Council Decision: 199/14).

Council Policy and Legislative Compliance

The following regulatory and policy documents are applicable to the assessment of this application for planning approval:

- Planning and Development Act 2005;
- Greater Bunbury Region Scheme (GBRS);
 - Note: the subject site abuts ‘Other Regional Roads Reserve’ under the GBRS; however, the Department of Planning has advised that in this circumstance GBRS approval is not required.
- City of Bunbury Town Planning Scheme No. 7 (TPS7); and
- Local Planning Policy: Signage and Advertisements.

Officer Comments

The application for planning approval has been assessed against the provisions of the Scheme and subordinate Local Planning Policy: Signage and Advertisements, with the proposed signage type being classified as an ‘electronic graphic display screen’ sign. The Local Planning Policy defines ‘electronic graphic display screen’ signage as:

“... a sign usually including Light Emitting Diode (LED) technology and associated technology and software, capable of producing still images, video replay, live television broadcasts and animations as programmed.”

The proposal has been assessed against the requirements of the Local Planning Policy, and as such, the following matters are considered relevant in determining the suitability or otherwise of developing an electronic graphic display screen sign on the subject site:

Local Planning Policy Requirements	Proposed Variations
Electronic graphic display screen signage is listed as an 'X' use that is not permitted in the 'Residential Zone' and is to only be located in the 'City Centre Zone'.	The subject site is included in the 'Residential Zone' and is proposed in a location that is approximately two kilometres away from the 'City Centre Zone'.
The advertising content is classed as 'Third Party Signage', which should only be located in the 'City Centre Zone'.	The subject site is in the 'Residential Zone' and is proposed to be located approximately two kilometres away from the 'City Centre Zone'.
In the 'Residential Zone', illuminated signage should be switched off between 11 pm and sunrise.	The subject site is in the 'Residential Zone' and the signage is proposed to be illuminated 24 hours a day.
For electronic graphic display screen signage the maximum sign face area is limited to a maximum of 20 m ² .	The proposed sign face area is 40.3 m ² (with dimensions of 3.2 m x 12.6 m).

Zoning

The subject site is included in the 'Residential Zone' under the Town Planning Scheme. To the north and the east of the subject site, the adjoining lots are zoned Residential. To the west of the site, the lots are zoned Mixed Business and contain commercial uses.

Table 3 of Local Planning Policy: Signage and Advertisements lists 'electronic graphic display screen' signage as 'X' not permitted in the 'Residential Zone'. As such, the Local Planning Policy states 'X' not permitted means that:

"... the proposal is considered to be inconsistent with the objectives of the zones of the Scheme, is considered to be inappropriate in accordance with clause 10.2 of the Scheme and is considered to be not permissible in accordance with this Local Planning Policy."

With the exception of the 'City Centre Zone, where such signage may be considered at the local government's discretion following public consultation, electronic graphic display screen signs are not permitted in any other zones in the City of Bunbury. The 'City Centre Zone' is recognised as having distinct characteristics, which Local Planning Policy: Signage and Advertisements acknowledges through its objectives and the creation of a specific 'City Centre Zone Signage Control Area'.

The applicant advocates that although the subject site is zoned Residential, it does not contain the attributes typical of a residential environment (i.e. low traffic volumes, lack of land diversity, lack of ambient light and noise); and therefore, the applicant believes that it should not strictly be considered as such in any assessment against Local Planning Policy: Signage and Advertisements.

The City of Bunbury acknowledges that the subject site is located at the intersection of major roads, but recognises the fact that the site is immediately encompassed by residential land developed for dwellings to the north and east, and could also be potentially viewed by residences to the south. Further, that the subject site does not display characteristics akin to a city centre or CBD like environment, and that even if the site had a different zoning (i.e. 'Mixed Business Zone'), under

Local Planning Policy: Signage and Advertisements, electronic graphic display screen signage would still be listed as 'X' not permitted.

Third Party Advertising Content

In accordance with Local Planning Policy: Signage and Advertisements, third party advertising is only permitted in the 'City Centre Zone'. The subject site is included in the 'Residential Zone', where third party advertising is not permitted.

The issue of third party advertising content was a point of contention in the previous application for the existing billboard signage. Through mediation at SAT, the following process in relation to the control of advertising content was derived:

- (a) community based advertisements require Chief Executive Officer approval prior to installation; and
- (b) locally owned business advertisements required Council approval prior to installation.

The applicant wishes to take advantage of the proposed digital screen format allowing for a wider variety of content - proposing that advertisements rotate every 10 seconds and be on a rotation of six advertisements per month. The applicant also puts forward that: "our client is keen to work with the City of Bunbury in providing local tourism, event and branding messages", which it can be assumed would be on a commercial basis. For more information, please refer to the applicant's information letter **attached** at Appendix DPDRS-13.

It is acknowledged that concessions were previously granted to allow for community based and locally owned third party advertisement to be displayed. If the application is approved as proposed, it is recommended that this restriction remains as a condition of any planning approval.

Illumination

Local Planning Policy: Signage and Advertisements requires that in the 'Residential Zone', illuminated signage is to be switched off between 11 pm and sunrise. In this case, the subject site is situated in the 'Residential Zone' and the signage is proposed to be illuminated 24 hours a day.

The applicant has provided additional information in relation to signage illumination, which can be viewed **attached** at Appendix DPDRS-14.

It is considered that the impacts of illumination on surrounding properties and road users could be somewhat mitigated through planning conditions. However, the size of the proposed screen being illuminated 24 hours a day, is not supported outside of the 'City Centre Zone' for visual amenity reasons.

Sign Face Area

The sign face area of the proposed electronic graphic display screen sign is 40.3 m², which is more than double the maximum sign face area of 20 m² stipulated in Local Planning Policy: Signage and Advertisements. This is deemed to be a significant variation to the policy requirements, and is not supported in or adjoining 'Residential Zone' land for visual amenity reasons.

It is acknowledged that the size of the LED screen is to be the same dimensions as the existing billboard sign; however, the illumination and rotation of advertisements in conjunction with the size of signage can be expected to result in driver distraction.

Road Safety

Due to the type of development proposed and its proximity to a major intersection, the application was referred to the Bunbury RoadWise Committee and MRWA for comment. This is in accordance with clause 10.1 of the Scheme, which asserts that the local government may consult with any other authorities it considers appropriate.

The Bunbury RoadWise Committee stated that it:

“... strongly objects to the “Electronic Graphic Display Screen” proposed for #121 King Road, East Bunbury, as well as any other static signage that may contribute to driver distraction at this important intersection.

Furthermore, the Bunbury Region RoadWise Committee requests that the Development Application be referred to Main Roads WA for comment”.

The Bunbury RoadWise Committee also advised that the intersection was a high volume traffic area identified by Bunbury Police as a “hot spot” qualifying for a red light camera.

The proposal was also referred to MRWA, which in summary advised that:

“The current sign is located approximately 35 metres from the nearest traffic control signal, which is less than half of the recommended minimum distance.

If the advertising device was to be illuminated there would need to be strict controls applied in relation to colours (to not conflict with the traffic control signals) and luminance or increased levels of driver distraction could result.

Given that the advertising sign is already situated too close to the traffic control signals, and that there is no scope to achieve the desired clearance distance, Main Roads does not support the proposal to increase the size of the sign or to illuminate it”.

It should be noted that the size of the sign face area is not proposed to increase with this application; however, the supporting limestone wall at the base of the sign is proposed to increase by one metre in height above the natural ground level.

In response to these comments, the applicant commissioned a traffic engineering report, which is **attached** at Appendix DPDRS-15.

In summary the applicant’s report concludes that:

“... Main Roads WA has no jurisdiction over the approval of the proposed sign ... the proposed sign does not undermine traffic operations or road safety and will not create driver distraction. Any perceived concerns ... can be addressed through appropriate conditions of Development Approval”.

In MRWA comments they referred to provisions of their Main Roads WA Policy and Application Guidelines for Advertising Signs (MRWA guidelines). Whilst the document is not statutorily

applicable to the circumstances, given that the proposed location of the sign is not in or adjacent to a state controlled main road, the content specific to electronic signage can nevertheless be given due regard under clause 10.2 of the Scheme for guidance purposes.

It is of note that these guidelines have recently been updated, with one of the revision being the inclusion of more robust guidelines for electronic signs. For example, the guideline now state that:

“For reasons of general road user safety and amenity Main Roads will not approve the display of billboard signs in ... freeway/controlled access highway interchange areas”.

“Billboard signs shall be restricted to static displays that are externally illuminated during hours of darkness, or alternatively are displayed electronically”.

The MRWA guidelines also indicates in Table 4.2 of the document that electronic advertising dwell/duration times in locations where the speed limit is 60 km/h, is to be a minimum of 40 seconds, rather than 10 seconds as proposed in the current application for planning approval.

Although the intersection in question is not a designated highway or freeway, it is nevertheless a four lane road interchange of key distributor roads within the Greater Bunbury region and is controlled by traffic lights; and as such, Sandridge Road and Picton Road are both recognised under the GBRS as ‘Other Regional Roads Reserve’.

Therefore, it is considered that the location and size of the proposed illuminated electronic graphic display screen sign, in conjunction with the frequency of advertisement rotation and rotation of advertisements during night time hours, will likely result in adverse impacts on road safety and the visual amenity of the locality.

Analysis of Financial and Budget Implications

The application for planning approval relates to private property, and therefore, the effect of the recommendation has no direct budgetary or financial implications for the City of Bunbury.

If the applicant is aggrieved by Council’s decision they may apply for a review of the decision through SAT. If the decision is forwarded to SAT for appeal, the City of Bunbury may incur legal costs.

Community Consultation

The development application was advertised for public comment from 15 October 2014 to 28 October 2014. Public consultation measures included the following:

- letters sent to surrounding landowners
- public notification signs erected onsite
- public notice of proposal published in a locally circulated newspaper (two consecutive editions)
- public notice of proposal posted on the City of Bunbury’s website
- copies of plans and supporting information made available at the City of Bunbury’s customer service centre.

In total, five objections were received from surrounding landowners and one each from MRWA and the Bunbury RoadWise Committee. Main Roads Western Australia provided its comments

objecting to the proposal on 17 November 2014. The Bunbury RoadWise Committee provided its comments objecting to the proposal on 7 November 2014.

The main issues raised in submissions were in relation to the signage being distracting to drivers, objection to the existing billboard sign at the location, non-compliance with Local Planning Policy provisions, security of adjoining residential properties and adverse impacts on the amenity of the local area.

Refer to the Schedule of Submissions **attached** at Appendix DPDRS-16.

Please note that following the applicant being furnished with the summary of submissions received during the public advertising period, the application for planning approval was held in abeyance at the applicant's own request, pending the applicant providing further justification and traffic engineer advice.

Councillor/Officer Consultation

The proposal has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report. Additionally, the proposal was referred to the Department of Planning, MRWA and Bunbury RoadWise Committee for comment and advice.

Delegation of Authority

This application for planning approval has been referred to Council for its determination, as submissions objecting to the proposal were received during the public consultation process, and therefore, cannot be determined under delegation.

Relevant Precedents

The Bunbury Farmers Market electronic graphic display screen sign (located at #2-6 Vittoria Road, Glen Iris) was approved under delegation in 2013 (application reference DA/2013/266). This was prior to the adoption of Local Planning Policy: Signage and Advertisements. The development plans were submitted and approved by MRWA. The digital screen component of this sign is 14.3 m² (3.2 m x 4.48 m), which is approximately one third the size of the screen proposed in the current application for planning approval.

10.4.4 Proposed Modifications to Ward Street Detailed Area Plan, South Bunbury

File Ref:	P00934
Applicant/Proponent:	TME Town Planning Management Engineering Pty Ltd
Author:	Anthony Pick, Planning Officer Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Bob Karaszekwych, Director Planning, Development and Regulatory Services
Attachments:	Appendix DPDRS-18: Site Plan Appendix DPDRS-19: Adopted DAP Appendix DPDRS-20: Modified LDP Appendix DPDRS-21: Schedule of Submissions

Summary

TME Town Planning Management Engineering Pty Ltd on behalf of the landowners of Lot 80 (house number 4) Ward Street and Lot 81 (house number 162) Blair Street have lodged a submission for the modification of the existing Ward Street Detailed Area Plan (DAP), which was adopted by Council on 11 June 2013.

The proposal is to reconfigure the planned development of Lots 80 and 81 so that the building envelopes are moved forward to better address the primary street frontage, with car parking located to the rear of any future buildings. The remaining Lots 73 to 79 will remain as per the existing adopted Detailed Area Plan, that is, with the built form situated to the rear of the lots and car parking located in the front setback area, which is to be accessed from Ward Street. A site plan is **attached** at Appendix DPDRS-18.

In order to avoid confusion with Development Assessment Panels, the term 'Local Development Plan' (LDP) was introduced to replace the previous term of 'Detailed Area Plan' as part of a revision to State Planning Policy 3.1 Residential Design Codes (the R-Codes). Therefore, it is considered opportune to change the title of the plan from Detailed Area Plan to Local Development Plan in conjunction with the other proposed text changes, which are intended to provide greater clarity on the urban design and infrastructure implementation requirements of the plan.

It is recommended that the modifications be supported in its submitted format.

Executive Recommendation

That Council:

1. In accordance with clause 6.2.7.1 (c) of the City of Bunbury Town Planning Scheme No. 7, resolves to approve the proposed modifications to the retitled draft Local Development Plan: Ward Street (Reference Number: 11130P-DP-04B) and associated Infrastructure Implementation Plan, subject to the revised wording of the City of Bunbury's endorsement stamp from 'Structure Plan' to 'Local Development Plan'.
2. Forward a copy of the modified Local Development Plan: Ward Street to the Western Australian Planning Commission within 10 days of Council's approval in accordance with clause 6.2.7.1 (e) of the City of Bunbury Town Planning Scheme No. 7.

3. Advise the proponent, submitters, and landowners of Council's decision.

Background

Scheme amendment number 42 to the City of Bunbury Town Planning Scheme No. 7 (TPS7) was gazetted on 4 November 2011, which rezoned Lots 73 to 81 inclusive from 'Residential Zone' to 'Special Use Zone No. 53' (S.U.53). The rezoning was intended to facilitate the introduction of a commercially oriented mixed use precinct.

Consequently, the following land use classes were listed under 'Special Use Zone No. 53' as discretionary 'D' uses, where identified on an adopted Detailed Area Plan (now referenced as a Local Development Plan). All other land uses listed but not identified on the Detailed Area Plan are to be considered as discretionary 'A' uses, requiring public advertising under clause 9.4 of the Scheme. These land use classes include the following:

- * Child Care Premises
- * Civic Use
- * Club Premises
- * Community Purpose
- * Consulting Rooms
- * Educational Establishment
- * Exhibition Centre
- * Home Business
- * Home Occupation
- * Lunch Bar
- * Medical Centre
- * Multiple Dwelling (R60)
- * Office
- * Reception Centre
- * Restaurant
- * Showroom
- * Veterinary Centre.

Condition 1 of 'Special Use Zone No. 53' states that:

"The Local Government shall require the preparation and submission of a Detailed Area Plan for the entire "development site", to be adopted by Council prior to any subdivision or planning approval being granted.

The currently approved Ward Street Detailed Area Plan (**attached** at Appendix DPDRS-19) was adopted by Council on 11 June 2013 (Council Decision 170/13). A location plan and a copy of the proposed modifications to the proposed draft Local Development Plan: Ward Street are **attached** at Appendix DPDRS-20.

Council Policy/Legislative Compliance

The following regulatory and policy documents are applicable to the assessment of any submission proposing modifications to the adopted Ward Street Detailed Area Plan:

- * *Planning and Development Act 2005;*
- * *Greater Bunbury Region Scheme (GBRS);*

- * City of Bunbury Town Planning Scheme No. 7, Schedule 2 – Special Use Zone No. 53, Condition 1; and
- * Ward Street Detailed Area Plan.

The proposed modifications to the adopted Ward Street Detailed Area Plan have been prepared in accordance with the clause 6.2.7 of the Scheme.

Officer Comments

The adopted Ward Street Detailed Area Plan provides guidance on the land use and development requirements and standards applicable to all properties include in 'Special Use Zone No. 53'. As such, the existing Detailed Area Plan prepared by the proponent (TME) and adopted by Council reflects a conventional style of commercial built form that typically suits showroom like developments.

In summary, the main differences between the existing adopted Detailed Area Plan and the proposed draft Local Development Plan include the following:

- * Previously Lot 81 was identified as car parking for Lot 80, which featured a 7.5 m set back from Blair Street. The remainder of the lots were configured so that car parking is to the front with the indicative building envelope to the rear. The revised configuration identifies car parking for Lots 80 and 81 to the rear with access from Higgins Street and the rear laneway;
- * The setback for Lots 80 and 81 is now proposed to be two metres from the primary and secondary street.
- * Removal of the 7.5 m building setback requirement to the primary street (i.e. Ward Street) on the eastern boundary.
- * Minor text changes to the Local Development Plan in the interests of clarity and using current terminology.
- * Minor text changes to the Infrastructure Implementation Plan in the interests of clarity.

The main modification is the reconfiguration of Lots 80 and 81, resulting in any future buildings being located closer to the Blair Street frontage with car parking situated to the rear. The setback proposed is reduced to two metres, which is in line with the proposed development standards under the draft Local Planning Scheme No. 8 (LPS8) for a new 'Mixed Use Core Zone'.

This is considered to be a better urban design solution for mixed use environments - with developments being more pedestrian oriented by having buildings addressing the primary street with vehicular access and circulation to the rear. The proposal in itself is therefore supported and would be consistent with the future intent of the proposed mixed use zoning under the draft new Scheme.

The main concern raised by submissions is the achievement of a coherent built form of development across the remainder of the precinct. The best planning outcome would be for the remaining lots to follow the same pattern of development with buildings moved forward and car parking and circulation areas moved to the rear to better utilise the existing laneway. This approach would also enable existing buildings to be retained, and upgraded where appropriate, for commercial uses such as consulting rooms. Currently, the City of Bunbury is unable to support commercial uses operating from the existing dwellings as it is not in accordance with the adopted Ward Street Detailed Area Plan.

Nevertheless, the proposed modifications to the Detailed Area Plan can be accommodated at this time without affecting the operation and implementation of the plan and without prejudicing the future development opportunities and outcomes of the other remaining lots in the precinct, as Lots 80 and 81 can be developed independently in terms of their vehicle access, parking and circulation arrangements due to their corner location.

In conclusion, the proposed modifications to the adopted Detailed Area Plan are consistent with the aims and objectives of the revised draft Local Planning Scheme. As it is intended that the provisions of the new mixed use zones as proposed in the revised draft Local Planning Scheme will address the matter of enabling more flexible building setbacks as raised by submissions, and in particular, the proposed new 'Mixed Use Core Zone' that will eventually replace 'Special Use Zone No. 53' will do away with the need for a Local Development Plan for the whole of the precinct. As such, consultation with the remaining landowners can occur during the public advertising period for the draft new Scheme, during which officers can engage with the local community at that stage to explore the benefits of developing in the same pattern of built form as allowed for by the currently proposed modifications to the Detailed Area Plan.

Analysis of Financial and Budget Implications

The proposed modifications to the adopted Ward Street Detailed Area Plan relate to private property, and therefore, the effect of the recommendation does not change the budgetary or financial implications for the City of Bunbury in relation to this matter.

Community Consultation

The proposed draft Local Development Plan: Ward Street was advertised for public comment from 27 May 2015 to 17 June 2015. Public consultation measures included the following:

- * the proposal was advertised for 21 days with public notices placed in locally circulated newspapers;
- * four public notice advertising signs were erected on the subject site;
- * a public notice was posted on the City of Bunbury's website; and
- * copies of the proposed draft Local Development Plan: Ward Street document were placed at the counter for public viewing.

A total of six submissions (with two being from landowners) were received. The main issue raised is that the proposed draft Local Development Plan: Ward Street should be consistent and that it would be beneficial for all development to have the building to the front and car parking to the rear. A summary of the submissions and the corresponding officer's comments can be viewed in the Schedule of Submissions (refer to **attached** Appendix DPDRS-21).

Councillor/Officer Consultation

The proposal has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report.

Delegation of Authority

The proposed modifications to Council’s adopted Ward Street Detailed Area Plan alters or varies some of the land use and/or development requirements of this is statutory planning instrument, and therefore, this proposal has been referred to Council for its consideration, as it cannot be determined under delegation.

10.5 Director Works and Services Reports

10.5.1 Bolton Street, Fielder Street and Joseph Buswell Road Traffic Modification

File Ref:	R00157
Applicant/Proponent:	Internal Report
Author:	Brad Brooksby, Contract Engineering Officer
Executive:	Phil Harris Director Works & Services
Attachments:	Appendix DWS-1: Public Consultation Bolton Street Fielder Street and Joseph Buswell Road Traffic Modification

Summary

At the Ordinary Council Meeting held 12 May 2015, Council decided (155/15) to defer traffic modifications to Bolton Street, Fielder Street and Joseph Buswell Road. A revised questionnaire was distributed to residents and owners of the surrounding streets. This report details the results of the questionnaire.

Executive Recommendation

That Council support:

1. The conversion of Joseph Buswell Road between Beach Road and Bolton Street to One-way in a southbound direction
2. The conversion of Fielder Street between Joseph Buswell Road and Spencer Street to One-way in an eastbound direction, and
3. The retention of Bolton Street as two way however alter the intersection at Spencer Street to Left in only (No exit onto Spencer Street).

Background

Bolton Street, Fielder Street and the northern section of Joseph Buswell Road, between Bolton Street and Beach Road have narrow road reserves with a road pavement width of 4 metres and currently configured for two way traffic. Current standards nominate the acceptable road pavement width for two way narrow suburban access streets as 5.5 m to 6.0 m

Council has received complaints from residents that passing vehicles need to mount the kerb to pass and cause a risk to pedestrians walking on the path or verge. The narrow road reserves limit the City's ability to undertake road widening without impacting on services and reducing pedestrian facilities.

On 1 April 2015, letters were posted to 63 affected property owners and four (4) advertisements also appeared in the City Focus advising the broader community of the proposal.

An agenda item was placed before Council at its meeting of the 12 May 2015 where Council decided (155/15):

In accordance with clause 11.1(b) of the City of Bunbury's Standing Orders Local law 20112 the discussion on the item "Traffic Flow Modifications Proposal Bolton Street, Fielder Street and Joseph Buswell Road" be adjourned and the item be deferred for one month to enable further discussion to be held on the implication of what is proposed.

A residents' meeting was held on Wednesday 27 May 2015 and was attended by 16 residents and seven (7) Councillors. The meeting was chaired by Deputy Mayor Brendan Kelly. The outcome of the meeting was that staff would redesign the proposed traffic movement diagrams and provide three (3) options to the stakeholders. The three (3) options could be implemented in whole or individually subject to community acceptance with the consultation area increased to include Tuart Street to the east and Plaza Street for further consultation.

A new questionnaire dated 22 June 2015 that reflected the wishes of the residents meeting was sent out to 133 residents and landowners requesting their input on three questions.

Option 1: Convert Joseph Buswell Dr (between Beach Rd and Bolton St) to ONE WAY southbound.

Option 2: Convert Fielder St (between Joseph Buswell Rd and Spencer St) to ONE WAY eastbound.

Option 3: Retain Bolton St as TWO WAY however alter the intersection at Spencer St to LEFT-IN ONLY (i.e. no exit onto Spencer St).

There were 33 submissions received including four (4) late submissions.

Option	Support	Against
1	23	7
2	26	6
3	22	10

Full details are **attached** at Appendix DWS-1 - Public Consultation – Bolton Street, Fielder Street, Joseph Buswell Road Traffic Modification.

A further residents' meeting was held on Wednesday 5 August 2015 and was attended by nine (9) residents and one (1) councillor. Discussion occurred on the likely alterations for placement of rubbish bins for collections and what construction was required for the change of traffic direction. The outcome of the meeting was agreement with the three options proceeding.

Council Policy Compliance

Not Applicable

Legislative Compliance

A Council Resolution and advertising is required under Regulation 291 of the *Road Traffic Code 2000*. Evidence of Council and community support is required by the Minister of Transport.

Officer Comments

Widening the road pavement of Bolton Street, Fielder Street and the northern section of Joseph Buswell Road is considered unachievable due to the narrow road reserve. A wider road pavement would encourage speed and reduce the width available for paths and services to be located in the verge. The existing wooden power poles would need to be removed and power undergrounded at considerable cost. There is an amount of development occurring currently with several homes being built, the additional homes will add to the traffic volume both pedestrians and vehicles within the precinct.

While most of the comments received were positive there were several people who did not support the revised proposals as they were deemed to be unnecessary, would not work and widen the road pavement.

Analysis of Financial and Budget Implications

It is recommended that a small concrete island be installed at the north eastern corner of Fielder Street and Joseph Buswell Road to delineate traffic movement. It is also recommended that modifications occur to the drainage pit at the corner of Spencer Street and Bolton Street to provide easier access. Also 'One Way' and 'No Entry' signage reinforced with painted arrows, it is anticipated that the total cost of the project would be approximately \$10,000 and funded from road signing and maintenance budgets.

Community Consultation

Letters describing the original proposal accompanied with a plan were and return form were posted to affected property owners on 1 April 2015 with the comment period closing at 4.00pm on Friday 24 April 2015. An advertisement describing the proposal appeared in the City Focus columns in the Bunbury Mail on the 1st, 8th, 15th and 22nd April 2015.

A residents meeting was held on Wednesday 27 May 2015 and was attended by 16 residents and seven (7) Councillors. The meeting was chaired by Deputy Mayor Brendan Kelly.

A further questionnaire dated 22 June 2015 that reflected the feedback from the residents' meeting was sent out to 133 residents and landowners requesting their input on three (3) questions with the comment period closing on 10 July 2015.

A residents' meeting was held on Wednesday 5 August 2015 and was attended by nine (9) residents and one (1) Councillor.

Councillor/Officer Consultation

The proposal to convert Bolton Street, Fielder Street and Joseph Buswell Road to one way traffic flow originated from ratepayer contact with Cr Cook. This was then raised with the Director of Works and Services and Manger Engineering.

10.5.2 Adjustment to Truncated Boundary - Lot 701 Reserve 40573

Applicant/Proponent:	Internal
Author:	Garry Nolan Senior Engineering Technical Officer
Executive:	Phil Harris, Director Works & Services
Attachments:	Appendix DWS-3: Truncation Site Plan

Summary

The City of Bunbury has initiated a project which will upgrade Pennant Road including the provision of Traffic Control Signals at the intersection of Sandridge and Pennant Roads. As part of the process a section of Aqwest water main requires relocation to accommodate the road widening and pedestrian medians. The alignment that Aqwest have requested will cross the existing road reserve boundary into Lot 701 crown reserve 40573 vested in the City of Bunbury. In order for the proposed new Aqwest water main alignment to remain within the road reserve it is proposed that the corner boundary truncation of Lot 701 be increased from 6 metres x 6 metres to 18 metres x 18 metres to accommodate the proposed Aqwest realignment (see Site Plan **attached** at Appendix DWS-3).

Executive Recommendation

That Council approve the dedication of 144m² portion of Lot 701, Reserve 40573 as Road Reserve in accordance with section 56(2) of the *Land Administration Act* to allow for the realignment of an Aqwest water main.

Background

The City of Bunbury propose to install Traffic Control Signals at the intersection of Sandridge and Pennant Roads and reconstruct Pennant Road through to Strickland Street.

This involves widening of the intersection at Sandridge and Pennant Roads which has a direct impact on service alignments particularly the Aqwest water main alignment. In order to accommodate the Aqwest water main within the road reserve it is proposed that the truncated corner be increased from 6 metres x 6 metres to 18 metres x 18 metres incorporating land from Lot 701 which is Crown land reserve 40573 vested in the City of Bunbury. Originally it was suggested by Aqwest that an easement be created through Lot 701 reserve 40573, however due to the close proximity of the truncated boundary it was suggested that increasing the truncation to 18 metres x 18 metres would allow the proposed relocation of the Aqwest water main to remain within the road reserve. This would also comply with the utility providers Code of Practise for Western Australia.

Council Policy Compliance

As the purpose of the land remains as a reserve it is not subject to Council policy.

Legislative Compliance

The City of Bunbury is obligated to comply with Section 56(2) of the *Land Administration Act*.

Officer Comments

The City of Bunbury is committed to the installation of Traffic Control Signals at the intersection of Sandridge and Pennant Roads. This requires the road to be widened to accommodate an adjusted slip lane allowing for new pedestrian refuge islands that will directly affect the services below and create less space in the road reserve. This has caused existing services, in particular the Aqwest water main, to be realigned behind the proposed new kerb lines. Due to the proximity of the existing City of Bunbury drainage reserve boundary Aqwest will require an Easement or a larger road reserve to accommodate the new pipe alignment. It is considered by the Engineering Department and the Executive Leadership Team that increasing the truncated corner to 18 metres x 18 metres is a much better option than creating an easement travelling through the Council drainage reserve.

As stated previously, increasing the truncated boundary to allow for an increased service corridor would also comply with the requirements of the Utility Providers Code of Practice Western Australia.

Analysis of Financial and Budget Implications

There will be minimal costs involved with this proposal mainly fees for the Department for Land and the services of contract Surveyors. These costs can be covered within the existing budget of PR-1194 Install Traffic Control Signals at Sandridge and Pennant Roads.

Community Consultation

Due to the proposed boundary change being between road reserve and drainage reserve the only parties affected are the City of Bunbury and Service providers. All service providers that have infrastructure located within the vicinity of the proposed truncation have been approached and given their consent to the proposal. The owners of the Bunbury Forum site have been consulted during the process.

Councillor/Officer Consultation

Initially the proposal was discussed with the Team Leader Engineering Design and then Director of Works and Services. It was subsequently discussed by the Executive Leadership Team who agreed that increasing the truncation to accommodate the new Aqwest alignment was the preferred option instead of creating an easement through the City of Bunbury Drainage Reserve, which had been requested by Aqwest.

10.5.3 Naming of Dog Exercise Area at Hay Park – John Banks Memorial Dog Park

Applicant/Proponent:	Internal
Author:	Alison Baker Executive Assistant Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-2: Site Map – Dog Exercise Area

Summary

This purpose of this report is for Council to consider naming the dog exercise area at Hay Park the 'John Banks Memorial Dog Park'.

Executive Recommendation

Council endorse naming the dog exercise area at Hay Park the 'John Banks Memorial Dog Park'.

Background

Council has constructed a fenced area in Hay Park fronting Parade Road (see site plan **attached** at Appendix DWS-2) for a dog exercise area. The area is well patronised and there are future plans to develop the area further. It is considered appropriate to name the area after John Banks, a Council Officer who passed away near this site in February 2011 whilst performing his work duties.

Council Policy Compliance

This proposal complies with Council Policy: Naming of Roads, Reserves, Bridges and Other Places.

Legislative Compliance

Not applicable.

Officer Comments

Mr John Banks was employed by an external contractor undertaking work for the City. On 18 February 2011 Mr Banks was working in the vicinity for the newly constructed dog exercise area when he was stung by a bee, went into anaphylactic shock and unfortunately passed away. In memory of Mr Banks it is recommended that the dog exercise area be named 'John Banks Memorial Dog Park'.

Analysis of Financial and Budget Implications

The cost of a sign will be \$500 and can be funded from Building and Trades signage budget.

Community Consultation

Mr Banks' widow has been consulted and advised that she has no objections to the name of the area. The Bunbury and Districts Dog Club Inc support the naming of the area. Geographic Names Committee (Landgate) advised that as this is part of reserve – Hay Park that approval is not required, however they request that the name met the GNC Policies and Standards which it does.

Councillor/Officer Consultation

Not applicable

11. Applications for Leave of Absence

11.1 Request for Leave of Absence – Cr Judy Jones

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary/Background

Cr Judy Jones requests leave of absence from all Council-related business from 9 September 2015 to 14 September 2015 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 (6) consecutive ordinary meetings of the Council.

Executive Recommendation

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Judy Jones is granted leave of absence from all Council-related business from 9 September 2015 to 14 September 2015 inclusive.

12. Motions on Notice

No Motions on Notice had been received at the time of printing.

13. Questions on Notice

13.1 *Response to Previous Questions from Members taken on Notice*

Nil

13.2 *Questions from Members*

14. New Business of an Urgent Nature Introduced by Decision of the Meeting

15. Meeting Closed to Public

15.1 *Matters for which the Meeting may be Closed*

15.2 *Public Reading of Resolutions that may be made Public*

16. Closure