Council (Standing) Committee

Notice of Meeting and Agenda
4 December 2012

Committee Terms of Reference (last updated 18/11/11)

1. To review reports and recommendations that are to be submitted to a meeting of the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.

2. To request additional information necessary to assist the members of Council in making a decision.

3. To make reference to appropriate legislation, Council’s policies, local laws and the Strategic Plan when making Committee Recommendations to Council.
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Council (Standing) Committee
Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Council (Standing) Committee will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 4 December 2012 at 6.00pm.

Andrew Brien
Chief Executive Officer
(Date of Issue: 29/11/2012)

Agenda
4 December 2012

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

Council Members”

His Worship the Mayor, Mr D Smith – Presiding Member
Deputy Mayor Councillor Stephen Craddock
Councillor Murray Cook
Councillor Judy Jones
Councillor Brendan Kelly
Councillor Alfred Leigh
Councillor Neville McNeill
Councillor Sam Morris
Councillor David Prosser
Councillor Ross Slater
Councillor Michelle Steck
Councillor Karen Steele

1. Declaration of Opening / Announcements of Visitors
2. Disclaimer

NOTE: WHERE A RECORDING OR LIVE STREAMING OF A MEETING IS TO TAKE PLACE, THE PRESIDING MEMBER WILL ADVISE THOSE PRESENT THAT SUCH ACTION WILL BE OCCURRING.

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. From time to time the proceedings of this meeting may 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

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
6. Public Question Time

Members of the Public please note that:

(1) Questions are to be brief, to the point and MUST relate to an item listed in this agenda;
(2) A completed Question Form is to be filled out and left in the tray provided in the Council chambers. Forms can be found inside the chambers at the back of the public gallery or on the Council’s website;
(3) Form must include name and address of the person asking the question.
(4) The person asking the question must be present at the meeting;
(5) Only three (3) questions are to be asked;
(6) 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
(7) Only a ‘summary’ of your question (and any responses provided) will be printed in the minutes of the meeting.

6.1 Responses to Public Questions Taken ‘On Notice’

Nil

6.2 Public Question Time

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

7.1 Minutes

7.1.1 Council (Standing) Committee Meetings

At the Council (Standing) Committee held 13 November 2012, the minutes of the Council (Standing) Committee meeting of 23 October 2012 were adjourned (laid on the table) in order for amendments to be made. Those amendments have now been incorporated as requested.

The minutes of the Council (Standing) Committee meeting held 13 November 2012 have been circulated.

Recommendation

1. The minutes (as amended) of the Council (Standing) Committee meeting held 23 October 2012 be confirmed as a true and accurate record.
2. The minutes of the Council (Standing) Committee meeting held 13 November 2012 be confirmed as a true and accurate record.
7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>Various</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Various</td>
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<tr>
<td>Executive:</td>
<td>Various</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix</td>
</tr>
</tbody>
</table>

**Recommendation**

The following Advisory Committee Meeting Minutes listed in the report, be accepted and noted:

1. **Title:** Minutes – Leschenault Inlet Masterplan Project Management Group Meeting 14/09/2012  
   **Author:** Liz Allen, Administration Project Officer  
   **File:** A05205  
   **Appendix:** MTBN-1

2. **Title:** Minutes – Leschenault Inlet Masterplan Project Management Group Meeting 12/10/2012  
   **Author:** Liz Allen, Administration Project Officer  
   **File:** A05205  
   **Appendix:** MTBN-2

3. **Title:** Minutes – Leschenault Inlet Masterplan Project Management Group Meeting 16/11/2012  
   **Author:** Liz Allen, Administration Project Officer  
   **File:** A05205  
   **Appendix:** MTBN-3

4. **Title:** Minutes – Bunbury Region RoadWise Committee Meeting 03/10/2012  
   **Author:** Jason Gick, Manager Engineering  
   **File:** SF/511  
   **Appendix:** MTBN-4

5. **Title:** Notes – Policy Review and Development (Standing) Committee Meeting 20/11/2012  
   **Author:** Greg Golinski, Manager Corporate Performance  
   **File:** A04051  
   **Appendix:** MTBN-5

6. **Title:** Minutes – City of Bunbury Art Collection Management Committee Meeting 12/11/2012  
   **Author:** Margy Timmermans, Team Leader Arts and Culture  
   **File:** A00168  
   **Appendix:** MTBN-6

7. **Title:** Minutes – NFP Accommodation Stirling Street Arts Centre and Jaycee Park Masterplans PMG Meeting 30/08/2012  
   **Author:** Liz Allen, Administration Project Officer  
   **File:** A05597  
   **Appendix:** MTBN-7
8. Title: Minutes – NFP Accommodation Stirling Street Arts Centre and Jaycee Park Masterplans PMG Meeting 01/11/2012  
Author: Liz Allen, Administration Project Officer  
File: A05597  
Appendix: MTBN-8

9. Title: Minutes – Youth Advisory Council Committee Meeting 07/11/2012  
Author: Isabell Evans, Community Development Officer  
File: A05254  
Appendix: MTBN-9
8. Presentations

8.1 Petitions

8.2 Presentations

8.3 Deputations

8.4 Council Delegates’ Reports

8.5 Conference Delegates’ Reports

9. Method of Dealing with Agenda Business
10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 Leeuwin Ocean Adventure Foundation Funds Allocation

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A05254</th>
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</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal</td>
</tr>
<tr>
<td>Author:</td>
<td>Isabell Evans, Community Development Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Stephanie Addison-Brown, Director Community and Customer Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Summary

The City of Bunbury has an existing allocation of funds with the Leeuwin Ocean Adventure Foundation. This report seeks approval for the allocation of these funds to an annual scholarship prize awarded to a Youth Advisory Council member who has consistently demonstrated leadership and dedication to their community over the previous calendar year.

Youth Advisory Council Committee Recommendation

That Council;

1. Approves the allocation of funds to the creation of an annual Leeuwin Youth Advisory Council Member of the Year Prize.
2. Approves the full cost of the Youth Explorer Voyage to be awarded ($1,800/voyage for 2013).

Background

The Leeuwin Ocean Adventure Foundation is a not-for-profit organisation that operates sailing voyages aboard the *Leeuwin II*, Western Australia’s own Tall Ship. The Foundation runs a youth development program aimed at participants aged fourteen (14) to twenty five (25) which centres on a seven (7) day/six (6) night Youth Explorer Voyage. Voyages both depart and arrive from Fremantle, Bunbury, Busselton and Monkey Mia. During this time participants learn everything there is to know about sailing a ship; from hauling lines, climbing the rigging, stowing sails, cleaning the ship, scaling the masts, taking the helm and navigating. The aim of the program is for participants to sail the ship themselves for the last day of the voyage.

There are up to forty (40) participants on each voyage (and fifteen (15) staff) hailing from a range of backgrounds and locations who will have to learn to work, rest and play together throughout the voyage. All participants are expected to develop key life skills in four (4) broad areas:

1. The concept of self
2. Communication skills
3. Teamwork
4. A sense of community
In 2010 the City allocated a total of $7,900 to the Foundation from which only two scholarships were awarded, thus leaving a balance of $5,050. Generally, local governments nominate their own candidates to participate in these voyages, and choose to offer them full or partial scholarships. Often fundraising initiatives are undertaken to fund the excess if partial scholarships are awarded.

**Council Policy Compliance**

Not applicable

**Legislative Compliance**

Not applicable

**Officer Comments**

It is proposed that a panel comprising of three (3) City of Bunbury nominees (one staff member and two Councillors) will select the recipient of the Leeuwin Prize to acknowledge outstanding leadership both within the Youth Advisory Council and in the community.

It is also proposed that selection will be based upon the following criteria. That is, the Leeuwin Prize recipient is a young person who;

1. consistently demonstrates leadership within the YAC and amongst the community;
2. actively participates in community affairs and events;
3. demonstrates dedication to excellence in all facets of life (including YAC, home, school and sporting life);
4. is supportive, encouraging and empathetic of other young people;
5. is a YAC Committee member or regular attendee of the City of Bunbury Youth Reference group (consecutive attendance more than three months).

**Analysis of Financial and Budget Implications**

At present no budget is allocated as these funds are currently being held by the Leeuwin Ocean Adventure Foundation. However, if the Prize is to be ongoing funds will need to be allocated in future budgets. This is estimated to be between $1,800 and $2,000 annually.

**Community Consultation**

It is proposed that this prize will be made known to current Youth Advisory Council members and possible future members at promotional activities to encourage future participation in the Council should ongoing funding be available.

**Councillor/Officer Consultation**

This item brings the matter to Council’s attention. The Council representatives mentioned above are aware of the proposal.
10.2 **Director Community and Customer Service Reports**

### 10.2.1 Extension of BRAMB Chairperson Tenure

<table>
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<th>File Ref:</th>
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<tr>
<td>Applicant/Proponent:</td>
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<tr>
<td>Author:</td>
<td>Stephanie Addison-Brown, Director Community and Customer Services</td>
</tr>
<tr>
<td>Executive:</td>
<td>Stephanie Addison-Brown, Director Community and Customer Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
</tr>
</tbody>
</table>

**Summary**

The constitution of the Bunbury Regional Arts Management Board Inc. (BRAMB) which is the incorporated body responsible for management of the Bunbury Regional Art Galleries requires the Bunbury City Council to approve all appointments to its Board.

Mr Bill Cowan, Chairperson of the Bunbury Regional Arts Management Board has elected not to renominate for an additional term on the Board. Mr Cowan’s current term will expire in December 2012.

While he will not nominate for another term, Mr Cowan has offered to remain on the Board in the position of Chair until 31 March 2013 to provide continuity pending appointment of two (2) new Board members and appointment and endorsement of a new Chair. BRAMB endorsed this proposal at its meeting on Monday 19 November 2012. This will require the endorsement of Council.

**Executive Recommendation**

That Bunbury City Council endorses the appointment of Mr Bill Cowan’s continued Chairmanship of BRAMB until 31 March 2013.

**Background**

BRAMB manages the Bunbury Regional Arts Galleries (BRAG) based at the former Sisters of Mercy Convent – a City of Bunbury owned asset.

The main objectives of the Board are:
1. To provide leadership in the creation and promotion of innovative opportunities to increase community interest, awareness and active participation in the arts
2. To improve efficiency within the operations of the Bunbury Regional Art Galleries
3. To heighten employee commitment and sense of achievement
4. To exceed arts industry standards
5. To increase community support and satisfaction
6. To continually improve the scope and quality of exhibitions and programmes
7. To develop and improve the funding base for the galleries

The Galleries are managed by the BRAMB and membership of its Board is currently:
- Bill Cowan, Chairperson
- Margaret Perkins, Stirling Street Arts Centre Representative
- Gary Dufour, Art Gallery of Western Australia Representative
The BRAMB is an independent, not-for-profit community organisation and its Board is comprised of one (1) representative of the Bunbury City Council together with interested members of the community with a commitment to the visual arts.

**Council Policy Compliance**

This item does not contravene any existing Council policy or work procedure.

**Legislative Compliance**

This item complies with the Local Government Act 1995.

**Officer Comments**

Mr Cowan's term on the Board expires at the end of 2012. Mr Cowan advised he does not wish to renominate to the Board, however, given the time required to advertise for the two (2) vacant positions on BRAMB and the need for BRAMB to nominate and appoint a new Chair (an appointment which must be endorsed by Council) and the fact the Galleries are at a critical stage with the art gallery project work close to completion, it makes sense to ensure the Board retains Mr Cowan, pending appointment of a replacement Chair.

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

There has been no direct community consultation as this proposal is concerned with the re-appointment of an existing Board member for a short fixed term.

**Councillor/Officer Consultation**

Director of Community and Customer Services is a member of BRAMB and has been involved in discussions. The Chief Executive Officer and Cr Slater were also in attendance at the BRAMB meeting on 19 November 2012 when the Board made its recommendation to extend Mr Cowan's Chairmanship until 31 March 2013.
10.2.2 2013 Bunbury Kidsfest Recreation Ground Site

<table>
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<th>File Ref:</th>
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</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Kate Jowett, Bunbury Kidsfest Coordinator</td>
</tr>
<tr>
<td>Executive:</td>
<td>Stephanie Addison-Brown, Director Community and Customer Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DCCS-3</td>
</tr>
</tbody>
</table>

Summary

In debriefing the 2012 Bunbury Kidsfest event, discussions were had about the location of the event in 2013. Members of the Executive Leadership Team requested a comparison be done between the 2012 site (The Bunbury Recreation Ground) and Bicentennial Square. The Executive Leadership Team discussed this report at a meeting on Wednesday November 21 2012 and made the recommendation

Executive Recommendation

That the Bunbury Kidsfest remains at the Bunbury Recreation Ground for 2013, with a full review of the festival to take place after it has run for three (3) years.

Background

In 2011, the inaugural Bunbury Kidsfest event was held at the Bunbury Regional Entertainment Centre and surrounding car park. It was evident from patron feedback that the event venue needed to grow. With renovations planned at BREC in 2012, the decision to relocate the 2012 Bunbury Kidsfest event to the Recreation Ground was made. This site was chosen because it was located within the CBD, was a large, level, open space and that it provided on-site parking for patrons.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

The Events Tourism and Promotions team is willing to work on either site to deliver this event and is committed to working through challenges in a collaborative way.

If the event is to remain in the CBD area, as specified in its objectives, the weaknesses of the Recreation Ground site (identified in the attached 2012 Event Operational Report at Appendix DCCS-3) appear easier to rectify.

The cost difference between the two (2) sites is not significant ($5,718 more if the event is held at Bicentennial Square). While there are some savings to stage and production by using the sound shell, the need for more security, concrete marquee weights and additional fencing will not result in an overall cost saving.
Staying at the Recreation Ground does also offer some consistency for event organisers and patrons as there was strong support for this site in the patron survey comments (See 2012 Event Operational Report).

Hay Park has not been considered as a site option as it is not within the CBD. However, it possibly has less implications for use than the other two (2) sites, with the only major concern being that visitors are less likely to be drawn into the CBD.

It is recommended that location is looked at as part of the full Bunbury Kidsfest review after the 2013 event, with Hay Park and the renovated Bunbury Regional Entertainment Centre potential sites.

**Analysis of Financial and Budget Implications**

See attached (at Appendix DCCS-3) report for cost comparison estimates between each site.

**Community Consultation**

Two (2) community consultation workshops were held in 2009 to identify and develop a new event for Bunbury. Feedback surveys were conducted at both the 2011 and 2012 festivals. See attached (at Appendix DCCS-3) 2012 Event Operational Report for feedback from patrons regarding the Recreation Ground site.

**Councillor/Officer Consultation**

Consulted with members of the Events Tourism and Promotions Team, Executive Leadership Team, City of Bunbury Parking Team Leader and Works and Services Department.
10.3 Director Corporate Services Reports

10.3.1 Proposed Street Renaming – Portion of Wisbey Street, Carey Park

<table>
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<tr>
<th>File Ref:</th>
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<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Leonie Barwick, Team Leader Corporate Revenue</td>
</tr>
<tr>
<td>Executive:</td>
<td>Wayne Wright, Director Corporate Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DCS-1</td>
</tr>
</tbody>
</table>

Summary

Council, at its 25 September 2012 Council meeting, resolved to shortlist a selection of names for the renaming of a portion of Wisbey Street, between Steere Crescent and Mitchell Crescent, Carey Park and to commence public consultation of the affected property owners. The public consultation process has been completed and Council is now required to nominate a street name.

Executive Recommendation

That Council proceeds with the renaming of Wisbey Street, between Steere Crescent and Mitchell Crescent, Carey Park to Dobbie Street, Carey Park.

Background

A letter was sent to the nine (9) affected property owners on the 1 November 2012. The property owners were given the option of either Dobbie Street or Triadic Street (Note: Council also selected Whiteman Street and St Edmund Street but these names were subsequently rejected by Landgate as double names are unsuitable and no longer meet Street Addressing Guidelines and Whiteman Street was unsuitable as it is close in name and located within 3km to Whatman Way and Whitely Place).

Following the close of submissions on 16 November 2012, seven (7) responses had been received and are attached at Appendix DCS-1.

The following is a summary of their responses:

<table>
<thead>
<tr>
<th>Preferred Name</th>
<th>Public Comments</th>
<th>Officer Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dobbie Street</td>
<td>Dobbie Street is preferred name however would prefer “Wisbey Street West” or “Little Wisbey Street”.</td>
<td>As per Landgate Guidelines the option to give a street a directional name or to put “Little” in front of the street name is not allowed.</td>
</tr>
<tr>
<td>Dobbie Street</td>
<td>No comment made.</td>
<td></td>
</tr>
<tr>
<td>Dobbie Street</td>
<td>No comment made.</td>
<td></td>
</tr>
<tr>
<td>Triadic Street</td>
<td>Deeply disappointed about street renaming and does not like either option.</td>
<td></td>
</tr>
<tr>
<td>No name selected</td>
<td>Object to both street names and would like other street names to choose from.</td>
<td></td>
</tr>
<tr>
<td>No name</td>
<td>Advised that letter box is</td>
<td>Property is a corner block and can</td>
</tr>
</tbody>
</table>


selected situated on Steere Crescent. retain their current address.
No name selected Advised that letter box is situated on Mitchell Crescent. Property is a corner block and can retain their current address.

Two responses were not received.

**Legislative Compliance**

The renaming of this portion of Wisbey Street, Carey Park has been carried out in accordance with the *Australian/New Zealand Standard 4819:2011 – Rural and Urban Addressing*.

**Analysis of Financial and Budget Implications**

Affected property owners were advised during the public consultation period that the City of Bunbury would pay $17.50 for a mail re-direction for one (1) month upon presentation of proof of payment. This expenditure is covered in the 2012/13 Budget.

**Community Consultation**

Community consultation with the affected property owners has taken place as part of this process. The City of Bunbury will notify the following relevant Government authorities on behalf of property owners:

<table>
<thead>
<tr>
<th>Alinta Gas</th>
<th>Landgate – Titles Office</th>
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</thead>
<tbody>
<tr>
<td>Aqwest (Bunbury Water Board)</td>
<td>Synergy/Western Power</td>
</tr>
<tr>
<td>Australia Post</td>
<td>Telstra</td>
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<tr>
<td>Electoral Commission</td>
<td>Water Corporation</td>
</tr>
<tr>
<td>Emergency Services</td>
<td></td>
</tr>
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</table>

Affected land owners will be advised of Council’s decision.

**Councillor/Officer Consultation**

This report addresses the issues raised by Councillor McNeill and serves to bring the matter to the attention of all Elected Members. Councillors had previously selected possible street names for owners to choose from which were used during public consultation.
10.4 Director Planning and Development Services Reports

10.4.1 Home Based Business – Tattoo studio

<table>
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<tr>
<th>File Ref:</th>
<th>P13547, DA/2012/230/1</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Peter Russel Hill</td>
</tr>
<tr>
<td>Author:</td>
<td>Greg Bird, Town Planner</td>
</tr>
<tr>
<td>Executive:</td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DPDS-1</td>
</tr>
</tbody>
</table>

Summary

This Home Based Business application is for the use of an existing outbuilding within a residential lot for purposes of a tattoo studio.

Executive Recommendation

Council, pursuant to the provisions of the Planning and Development Act 2005 (as amended), hereby resolves to:

1. Grant (conditional) Planning Approval for a Home Based Business (Tattoo Studio) at 14 Windich Way, Carey Park.

Note: Conditions to be to the satisfaction of the Manager Development Assessment and Building Certification.

Background

The site is located within a residential area zoned R40/60.

There is no planning history for the site other than the construction of the original residential dwelling.

The original dwelling has a small extension to the rear and two (2) small outbuildings. One outbuilding is a garden shed and the other is the building used for the tattoo studio. There are no additional structures proposed to accommodate the Home Based Business.

Council Policy Compliance

Home Based Business applications are assessed against the requirements outlined within the Local Planning Policy: Home Based Businesses and Family Day Care and with due consideration of the requirements of the City of Bunbury Town Planning Scheme No.7 (TPS7).

The Use Class ‘Home Business’ falls within the ‘A’ (Advertising required) designation as listed under the TPS7 table of Use Classes (Table 1). As such and as defined under the Legislative Compliance section below, the application has been advertised accordingly.
Legislative Compliance

Under Clause 9.4.1 of the TPS7 the proposal has been advertised for a period of 14 days. Advertising was carried out in the Bunbury Mail newspaper; a site notice was placed in the front yard of the application site; and the immediately adjoining and surrounding neighbours were advised by mail.

Officer Comments

As indicated previously in this report, Home Based Business applications are assessed against the criteria within the Local Planning Policy: Home Based Businesses and Family Day Care.

This application meets the requirements as of this Local Planning Policy in regards to appropriate zoning, lot size, maximum area defined for the business within the site, materials and appearance, access, parking, signage and advertising, staff numbers, proposed operating hours, and amenity/quality of environment.

In this regard, the proposal is deemed to comply with the requirements for a Home Based Business.

There have been a total of 35 representations from residents – one (1) letter in support and 34 letters of objection. The letters of objection are broken into the following reasons (and frequency) of objection:

- Loss of Privacy – 1
- Health and Hygiene Concerns – 13
- Hours of use – 1
- Parking and traffic congestion – 8
- Signage – 1
- Competition to other businesses/lack of professionalism – 10
- Inappropriate use in a residential setting – 16

Loss of Privacy

There has been one (1) letter of concern from an immediate neighbour in regards to overlooking into private amenity space from clients of the tattoo studio. Any approval issued by the City can be conditioned to ensure suitable screening is provided to address this issue.

Health and Hygiene Concerns

This objection is in regards to the transfer of blood borne infections and the disposal of needles.

The Department of Health have raised concerns that this form of business being conducted from a residential setting is not the original intention of the Health (Skin Penetration Procedure) Regulations 1998 and the Code of Practice for Skin Penetration Procedures. They have not objected to the proposal however, and have advised 'The DOH highly recommends that compliance with the relevant legislation is proven before the City of Bunbury allows tattooing from a domestic premise'.

The Manager of the City’s Environmental Health Department advises that Tattooists are classified as a high risk premises and have a greater potential for the transfer of blood borne infections compared to that of other Home Based Businesses such as Beauty
therapists whom are regulated under the same act (Health (Skin Penetration Procedure) Regulations 1998). However there is the capacity to ensure compliance with the regulations through an initial inspection, and mandatory twice yearly inspections.

To alleviate local residents concerns, the following conditions could be attached to any approval issued by the City as follows:

(i) All medical waste generated from the business is to be disposed of in receptacles for contaminated waste and removed from site by an appropriate waste disposal company;
(ii) The applicant is to develop a policy concerning needle stick and blood accident exposure;
(iii) Animals are prohibited in the premises where skin penetration procedures are undertaken;
(iv) Use of single dose vials and single use sterile skin penetrating equipment shall be used in all cases;
(v) All equipment must be appropriately cleaned or sterilised between each client in accordance with the Code of Practice for Skin Penetration Procedures;
(vi) The premises is to comply with the standards specified in the Code of Practice of Practice for Skin Penetration Procedures and prior to the business commencing operations, an inspection is to occur to ensure compliance;
(vii) The applicant shall keep accurate records of every procedure for every client to allow for traceability of blood borne infections if required.

To ensure compliance with the Health Department’s requirements and local concerns, a condition granting a temporary twelve (12) month approval, upon which time the applicant will be required to re-submit an application requiring re-assessment.

Hours of Use

The hours of use proposed fall within that which is considered acceptable as advised within the Local Planning Policy: Home Based Businesses and Family Day Care – Table of Acceptable Development AD7.1: Operating Hours for Home Based Businesses.

Parking and Congestion

The Local Planning Policy: Home Based Businesses & Family Day Care provides the following information on parking requirement:

“is on-site, and the number of vehicle parking bays provided, their design and construction is in accordance with the Scheme, the Residential Design Codes and relevant Local Planning Policy”.

The TPS7 and Residential Design Codes advise that the parking requirement for a Home Based Business is 1 bay per employee in addition to the residential requirement.

The applicant is the resident and tattooist in this instance, and as such there is a requirement for 3 car parking spaces onsite. Although not indicated specifically on the plans, there is the capacity for 3 vehicles to be parked upon within the front driveway and yard and this requirement is deemed to be met in principle.

Signage

There is no proposed signage as part of this application.
**Competition to other businesses/lack of professionalism**

A number of the letters of objection are from tattooists operating within Bunbury. They have concerns regarding the lack of professionalism and quality of work being conducted from the application site, as well as the loss of business from established Tattoo studios.

These points are noted, however it is stressed that this application is assessed purely in regards to the planning related issues only – as per the mandate for Development Assessment.

**Inappropriate use in a residential setting**

The majority of the points of objection are in regards to the inappropriateness of a tattoo studio in a residential setting. There is concern that such a business is not compatible within a residential setting and that it draws an element of society that is undesirable.

Objective 3(c) of the *Local Planning Policy: Home Based Businesses and Family Day Care* states that ‘Home based business activities should not impact upon the residential character and amenity, particularly in terms of noise and odour’. It could be argued that although there are no issues of noise or odour, the general lack of general perceived amenity brought about by this form of Home Based Business warrants note.

However, there is no direction in regards to what is or is not a suitable type of Home Based Business within the Local Planning Policy. The general principle of Home Based Businesses is supported by Council, as another objective of the Local Planning Policy describes: *to promote the economic and lifestyle importance of home based businesses in the City of Bunbury and to acknowledge evolving work practices and technology*.

The balance of the provision of businesses within residential settings and the subsequent effect upon the neighbourhood amenity can at times become contentious – as in this case. It is therefore a recommendation of this report to attach to any approval granted by the City a 12 month period of operation only, upon which expiration of will require the re-application and re-assessment of the business in regards to the effect upon the amenity of the neighbouring residents.

Taking these factors into account, it is recommended that Council support the proposed development subject to applicable standard development conditions as determined by the Manager Development Assessment and Building Certification. This will include a condition requiring a review of the Home Based Business after a twelve (12) month period as discussed in the paragraph above.

**Analysis of Financial and Budget Implications**

The proposal has no budget implications for the City.

**Community Consultation**

Advertising for the proposed development was conducted in October in the form of a site notice, newspaper advertisements and neighbouring resident letter notification.

As previously mentioned there were thirty-five representations for this application. These objections have been addressed in the Officer’s Comments section above.

The schedule of submission detailing the main points of objection is attached at Appendix DPDS-1.
Councillor/Officer Consultation

There have been no objections from internal consultation with the City’s Building Certification, Health and Development Engineering Officers. The City’s Health officer has requested suitable conditions be attached to any approval granted by the City.

Economic, Social and Heritage Issues

Economic

There are no economic implications for the City with the proposed Home Base Business.

Social

As covered in the both in the Community Consultation and Officers Comments section above, thirty-four local residents have objected to the proposal.

Heritage

There are no heritage implications for the City with the proposed Home Base Business.

Delegation of Authority

This application has been assessed purely in regards to the planning related issues only - as per the mandate for Development Assessment. The proposal complies with the requirements for Home Based Businesses as outlined within the Local Planning Policy: Home Based Businesses and Family Day Care, and is subsequently considered acceptable.

However in light of the objections raised by local residents the application is considered to be contentious at a local level, and as such has been submitted to Council for determination.

Relevant Precedents

The City of Bunbury is home to many varied Home Based Businesses. There is on average 13 applications for Home Based Business per calendar year. Currently there are no other Tattooist Home Based Businesses that the City is aware of.
10.4.2 Change of Use from Restaurant to Small Bar with Ancillary Restaurant

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>P10147 - DA/2012/227/1</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Jason Casella</td>
</tr>
<tr>
<td>Author:</td>
<td>Greg Bird, Town Planner</td>
</tr>
<tr>
<td>Executive:</td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DPDS-2, DPDS-3</td>
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Summary

The application is for the Change of Use of the site from Restaurant (previously the Hogs Breath Café) to small bar with an ancillary Restaurant. There are no external changes proposed to the site. A copy of the site plan is attached at Appendix DPDS-2.

Executive Recommendation

Council, pursuant to the provisions of the Planning and Development Act 2005 (as amended), hereby resolves to:

1. Grant (conditional) Planning Approval for a proposed Change of Use of the site from Restaurant to small bar with ancillary restaurant (Lot 10, No. 5 Victoria Street (Refer floor plan drawings dated August 2012, November 2012).

Note: Conditions to be to the satisfaction of the Manager Development Assessment and Building Certification.

Background

The site is located within the City Centre Zone as defined in the City of Bunbury Town Planning Scheme No.7. It falls within the Marlston Hill Stage 1 Design Guidelines Policy Boundary. The building is also listed on the City’s Municipal Inventory.

In January 1998 the City of Bunbury granted permission for a change of use from a Commercial tenancy to a Restaurant (Hogs Breath Café). The Hogs Breath Café closed down several years later and the site became vacant and has been since.

On the 12 March 2007 the City of Bunbury granted permission for twelve (12) Multiple Dwellings on the site (DA/2006/435/1). This was never implemented due to the onset of the Global Financial Crisis and the approval was consequently extended by the City in February 2008 and February 2010 for two (2) year periods upon request of the applicant. The approval finally expired on the 14 February 2012.

There are several structures on the site; however the proposed Change of Use includes only the building fronting onto Victoria Street (and excludes the colourbond shed and existing single residential dwelling to the rear).

Council Policy Compliance

In 2007 the Liquor Control Act 1988 was amended to include a ‘Small Bar’ licence as a form of Hotel Licence. In Planning Bulletin 85 (September 2007) the Western Australian Planning Commission (WAPC) acknowledged that some Local Authorities would not have a
'Small Bar’ listed as a Use Class within their Planning Schemes. As an interim measure their advice was

“If the zoning table in a scheme includes the categories of hotel and/or tavern, it may be reasonable to consider that the use of premises as a small bar is consistent with the objectives of the particular zone that permits a hotel or tavern.”

The proposed Use Class ‘small bar’ is not listed under the City of Bunbury Town Planning Scheme No.7 (TPS7) table of Use Classes (Table 1).

Following the guidance of the WAPC and for purposes of this assessment, the ‘small bar’ is reasonably categorised as a similar use class as a ‘Hotel’ or ‘Tavern’. These classes have ‘P’ (Permitted Use) designations as defined in Table 1 of the City of Bunbury Town Planning Scheme No.7 (TPS7). The TPS7 states that

“Local Government will not refuse a ‘P’ use because of the unsuitability of the use for the zone, but instead may impose conditions on the use of the land to comply with any relevant development standards or requirements of the scheme”.

**Legislative Compliance**

Under Clause 9.4.2 of the TPS7 the proposal has been advertised for a period of 14 days.

**Officer Comments**

As described in the Council Policy Compliance section above, the Use Class ‘small bar’ is not listed under the City of Bunbury Town Planning Scheme No.7 (TPS7) table of Use Classes (Table 1).

However there is provision to assess the application under the same Use Class as a Tavern or Hotel. Due to the location of the site within the City Centre the proposed use falls within the ‘P’ (Permitted Use) designation. Taking this into consideration, it is considered the change of the use of the site is appropriate.

There are no external changes to the building and internal changes are minor and cosmetic. In regards to the impact upon the Municipal Listed building, the City’s Planning (Heritage) Officer has raised no objection to the proposal.

There have been representations from nine local residents who have voiced concerns about a number of issues. The predominant concern is the potential antisocial behaviour attributed to a small bar, and the noise associated with such a use for the proposed hours of operation. Other matters of concern relate to waste, refuse and odours, loss of privacy and loss of land value.

**Antisocial Behaviour**

In regards to the issues of antisocial behaviour, the representations are noted. Typically matters concerning the social implications of this form of development are considered formally by the Department of Racing, Gaming and Liquor pursuant to the provision of the Liquor Control Act 1988.

**Refuse storage**

In regards to refuse storage, an existing designated bin storage area located on the side of the building will be used to fit 4-5 standard (140lt) green wheelie bins. There is also an
expectation by the applicant that a larger bin (1100lt) will be placed to the rear of the building in the tenant car parking area. A new gate facing onto the adjacent laneway is proposed for access.

As with all commercial operations of this nature there is an expectation of a level of refuse waste commensurate with such use. The proposed bin provision is considered normal for a restaurant/bar, and the precedent has been set in regards to waste disposal access along the side alley with the previously operated Hogs Breath Café.

Noise

The Department of Environment and Conservation (DEC) have requested an acoustic report to ensure the impact upon the local residents will be mitigated as much as possible. Any approval granted by the City will include a condition requiring an acoustic report to be carried out, and specifying remediation works to ensure compliance with the standards provided by DEC.

Privacy

In regards to the matters of loss of privacy and land value, the proposal complies with the Town Planning scheme in regards to zoning, and there is no further loss of privacy than that which already exists on the site. The fact that the site has been vacant for several years does not negate the principle of the established use of the site in a non-residential capacity.

Concerns regarding loss land value are subjective and are not addressed in this report.

Parking

As the site falls within the ‘City Centre’ Zone and the floor area proposed (including the outdoor alfresco area) is less than 500m², it is considered that there is no requirement for the formal provision of car parking (TPS7 (Clause 5.7.3.13)).

Taking all these factors into account, it is therefore recommended that Council support the proposed development subject to applicable standard development conditions as determined by the Manager Development Assessment and Building Certification.

Analysis of Financial and Budget Implications

The proposal has no budget implications for the City.

Community Consultation

Advertising for the proposed development was conducted in October in the form of a site notice, newspaper advertisements and neighbouring resident letter notification.

There were nine responses against the development from local residents based primarily on reasons of the exacerbation of existing anti-social behaviour in the Town Centre and issues of noise and loss of amenity. These objections have been addressed in the Officer’s Comments section above.

The schedule of submissions is attached at Appendix DPDS-3 is a Schedule of Submissions detailing the main points of objection.
Councillor/Officer Consultation

Building Certification

No objection, standard conditions apply. The front doors should open in the opposite direction, and there needs to be a ramped/disabled access into the building.

Parks and Recreation

No objection, standard conditions apply.

Health

No objection in principle subject to standard conditions and the preparation and submission of an acoustic report. The acoustic report and any subsequent remediation works required shall be to the satisfaction of the Manager Development Assessment and Building Certification.

Development Engineer

Not applicable.

Economic, Social and Heritage Issues

Economic

The proposal will see the internal rejuvenation and reopening of a premises that has been vacant in excess of 5 years. As well as revitalising this quieter end of the City Centre there will also be the inclusion of employment opportunities.

Social

As covered in the both in the Community Consultation and Officers Comments above, nine local residents have objected to the proposal, primarily on antisocial grounds.

As previously noted, typically matters concerning the social implications of this form of development are considered formally by the Department of Racing, Gaming and Liquor pursuant to the provision of the Liquor Control Act 1988. However consideration needs to be given to the documented negative social impacts of alcohol on the community.

It is noted that the last use upon the site prior to its current vacancy (the Hogs breath Café) had a liquor licence issued under Section 40 of the Liquor Licencing Act 1988 for the consumption of alcohol without a meal. This also covered the outdoor eating area.

Heritage

The building is included on the Municipal Inventory. The Heritage officer has advised that as the proposed works are internal only and of a minor nature, there is no objection to the proposal.

Delegation of Authority

This application has been assessed purely in regards to the planning related issues only. The proposal complies with the requirements for Commercial Development as outlined within the City of Bunbury Town Planning Scheme No.7, and is considered acceptable.
As has been mentioned previously in this report, matters concerning the social implications of this form of development are considered formally by the Department of Racing, Gaming and Liquor pursuant to the provision of the Liquor Control Act 1988. However in light of the objections raised by local residents the application is considered to be contentious at a local level, and as such has been submitted to Council for determination.

Relevant Precedents

A ‘small bar’ licence was granted in 2011 for the Indian Ocean Lounge Bar and Bistro located at 27 Victoria Street. This is currently the only ‘small bar’ Licence in Bunbury.
10.4.3 Proposed Detailed Area Plan – Lot 1 Vittoria Road, Glen Iris

Summary

The preparation of a Detailed Area Plan (DAP) for Lot 1 Vittoria Road is a requirement under Town Planning Scheme No. 7. The applicant has submitted the proposed DAP for adoption by Council and for endorsement by the WAPC in accordance with the Scheme Requirements, as attached at Appendix DPDS-4.

Executive Recommendation

That Council

In accordance with the Planning and Development Act 2005 (as amended) resolves to:

1. Adopt the proposed Detailed Area Plan (DAP) for Bunbury Farmers Market – Lot 1 Vittoria Road, Glen Iris.

2. Refer the proposed Detailed Area Plan (DAP) to the Western Australian Planning Commission for endorsement in accordance with Condition 2.1 (a) of Special Use 54 of Town Planning Scheme No.7.

Background

The subject land is zoned Special Use 54 under Town Planning Scheme No.7. Condition 2.1 (a) of Special Use 54 specifies the preparation and submission of a Detailed Area Plan (DAP) by the applicant. Furthermore, it outlines the need for such a plan to be adopted by Council and ultimately to be endorsed by the Western Australian Planning Commission (WAPC) prior to any subdivision or planning approval being granted.

Council Policy Compliance

It is considered that no Local Planning Policy (LPP) is applicable in this particular case.

Detailed Area Plan (DAP) – Lot 1 Vittoria Road

The main purpose of the DAP is to provide a framework for future detailed planning at the subdivision and development stage of the subject land.

The proposed DAP – Lot 1 Vittoria Road includes the following main elements:

1. Indicative Building Footprints, and building orientations
2. Access to the site
3. Car-parking arrangements
4. Landscaping
5. Boundary Treatments
6. Provisions and Development Standards
1. **Indicative Building Footprints and Building Orientation**

The proposed DAP shows two indicative building footprints. The first building footprint fronts Vittoria road and that will be used as a produce market. The second building footprint is located behind the first building, which is adjoining residential development to the east, and will be used in line with land uses nominated under Special Use No. 54 of the Scheme.

The first building will have a lettable area of 1550m² in accordance with Condition 1.4 of Special Use No. 54. This building footprint essentially follows the existing building layout with some extensions and additions. It includes a further extension to the south abutting the existing school boundary and the plan also shows further additions towards the north facing the Australind Bypass. This first building addresses both Vittoria Road and the Australind Bypass. It is considered that the proposed building orientation which addresses both streets is acceptable in terms of building design and visual perspective, as the subject lot is located at the intersection of two roads (arterial and local road).

The second building is smaller than the first building footprint. It will be used for land uses that are nominated under Special Use No. 54 of the Scheme. It is also stated in the DAP that the final building area will be determined following a Traffic Impact Assessment to the satisfaction of the City.

The proposed second building layout is in close proximity to the residential development to the east of the subject site. It is considered that appropriate development control measures will be undertaken to minimise noise impacts. The DAP shows that boundary treatments between the non-residential and residential developments will be as per the City's Local Planning Policy: *Non-Residential Development within or adjoining Residential Areas*. The building layout addresses the Australind Bypass to the north and the proposed internal car-parking site to the west.

2. **Access to the site**

The proposed DAP shows both left in and left out and right in and right out arrangements. The City considers this arrangement and the road layout in the immediate locality as an interim arrangement for the reason that Main Roads in consultation with the City has developed a concept Road Improvement Works Plan which will be implemented in the near future upon endorsement by the concerned parties.

The Main Roads concept Road Improvement Works Plan covers the intersection of Australind Bypass and Vittoria Road and along Vittoria Road south. The plan at this stage is considered as concept only. However, works at the intersection of the Australind Bypass and Vittoria Road, which is under the control of the Main Roads, is under way including works for the ultimate installation of traffic lights at this intersection. The applicant will be required to contribute to the road improvement in the immediate locality. The details will be worked out at a later stage following the finalisation of the agreed Road Works Plan by the relevant authorities.

During the consultation process, Main Roads has raised access issues including concern to the closeness of the development site at the intersection of the Australind Bypass and Vittoria Road. It is considered that the matter of land use and development at this intersection have been addressed during the finalisation of
Scheme Amendment No. 29. The Amendment is now part of the Scheme; and therefore the subject land can be developed in accordance with the Scheme requirements, specifically in line with Special Use No. 54 requirements. It is also noted that the proposed DAP shows access from Vittoria Road at the furthest point that can possibly be achieved away from the intersection of the two roads. This is the maximum distance that can be achieved from the intersection; and therefore can be accepted.

3. **Car-parking**

The proposed DAP shows a total of 130 car-parking spaces. The final count of car-parking spaces on site can only be determined at the Development Application (DA) stage. The greater proportion of the proposed car-parking spaces will be located at the northern portion of the subject land facing the Australind Bypass. The plan also shows pedestrian crossing points at the appropriate locations with distinctive pedestrian crossing marks. It is considered that the car-parking arrangement and the locations of the pedestrian crossings are acceptable as proposed. However, it should be noted that the final count of car-parking spaces on the subject land will be determined at the DA stage.

4. **Landscaping**

The plan shows landscaping mainly at the Vittoria Road frontage and tree plantings scattered throughout the development site. It shows a row of trees along the northern boundary facing the Australind Bypass/Jubilee Road and at certain locations within the car-parking areas.

Special Use No. 54 does not specify landscaping requirements in terms of area coverage; however, it is considered that the proposed landscaping can be accepted.

5. **Boundary Treatments**

Lot 1 Vittoria Road is bounded by Australind Bypass/Jubilee Road to the north, Grace Christian School in the south, residential development in the east and Vittoria Road in the west at the frontage.

The Australind Bypass/Jubilee Road treatment will be addressed by the installation of 1.8m high fence with open infill above 750mm above the natural ground level. This is one of the requirements under Clause 1.2.5 (fencing) of the DAP. It is considered that the installation of a fence along this boundary will prevent access from the residential area via Jubilee Road.

No specific type of fence requirement has been incorporated along the southern boundary. The Water Corporation has advised that there is a sewerage pipe along the southern boundary and that if any solid fencing above 1.8m is proposed along this boundary the applicant should seek approval from the Water Corporation. The applicant will be advised of the Water Corporation requirements as required at the development application stage.

The subject land abuts a residential development site to the east. The proposed DAP provides that boundary treatment to the east which interfaces with the residential premises will be as per City’s Local Planning Policy: Non-Residential Development within or adjoining Residential Areas. This Policy specifies the construction of a masonry wall along the full length of property boundaries between the non-residential development adjoining residential premises. The Water
Corporation has advised that given that the proposed masonry wall along this boundary to the Corporation’s access chamber adjacent to the boundary, preliminary consultation is required prior to the construction of the wall. Notification has been incorporated in the DAP in this regard.

The Vittoria Road frontage will have a 1.8m high fence with open infill above 750mm. This is one of the requirements under the proposed DAP and that fencing with infill arrangement is acceptable in terms of its presentation at the frontage along Vittoria Road.

6. **General Standards for Land Use and Development**

The proposed DAP includes text which list provisions and standards applicable in the assessment subdivision/development of the subject land. The main provisions and standards include: Land Use and Development, Vehicle Access and Parking, Building Form, and Development Impact Statement requirements.

**Analysis of Financial and Budget Implications**

The City is currently in the process of engaging a consultant to undertake the preparation of a Corridor Plan. It is considered that the Corridor Plan will include a Traffic Impact Assessment for all potential developments in the locality that utilise Vittoria Road. It is expected that a Road Works Improvement Plan under the Corridor Plan for Vittoria Road will have budget implications. However, no details have been finalised at this point in time.

**Delegation of Authority**

Adoption of a Detailed Area Plan is by Council decision only.

**Community Consultation**

The proposed DAP was advertised in accordance with the Scheme requirements. At the end of the advertising period, only five (5) submissions / comments were received from service agencies, but no submissions were received from the general public, the Schedule of Submissions is as **attached** at Appendix DPDS-5. The service agencies submissions outline standard development requirements and their comments have been incorporate in the DAP as required.

**Councillor/ Officer Consultation**

Officers from Development Services have analysed the matter and provided inputs as required.

**Relevant Precedents**

Council adopted a number of Detailed Area Plans in the past as Local Planning Policies. The following are some of the DAP’s adopted by Council as LPP’s:

- Detailed Area Plan (DAP) – Hayward Street (LPP adopted by Council on 23 August 2011)
- Detailed Area Plan (DAP) – Moorland Avenue (LPP adopted by Council on 8 November 2011)
- Detailed Area Plan (DAP) – Casuarina Drive (LPP adopted by Council on 22 May 2012).
The proposed DAP will be adopted as a stand-alone development control mechanism as per Clause 6.2.7 of TPS 7.
10.4.4 Monitoring of CCTV

File Ref: A04965
Applicant/Proponent: Internal Report
Authors: Peta Nolan, Community Safety Officer
          Neil Dyer, Acting Manager Community Law, Safety and Emergency Management
Executive: Bob Karaszkewych, Director of Planning and Development Services
Attachments: Appendix DPDS-6

Summary

This report seeks the approval of Council for the continuation of the CCTV monitoring program for a further 5 year period as the current grant funding will be expended by the 31 December 2012.

Executive Recommendation

That Council agrees to:

1. Allocate $24,300 for the continuation of CCTV monitoring of public spaces on Friday and Saturday nights to the end of the financial year.

2. Investigate whether there is scope to pool the monitoring service as a new project with the Shires of Collie, Capel, Dardanup and Harvey and to make approaches to State Government to seek funding on a regional basis for the ongoing monitoring.

Background

In 2009, the City received funding from the Office of Crime Prevention of $120,000 ($60,000 per year) to employ staff to monitor the CCTV infrastructure in the CBD, in partnership with the WA Police Service. The City utilised Ranger personnel to undertake monitoring on a Thursday, Friday and Saturday evenings and into the early hours of the next day.

In May 2012, monitoring hours were reduced to Friday and Saturday evenings only to allow continuation of monitoring until December 2012.

Since the introduction of the monitoring program, the City has received positive feedback on its success from members of the Bunbury Alcohol Accord (Licensees/Bunbury Taxis/Health and WA Police). Further support for the monitoring program through community consultation surveys.

The Office of the Auditor General CCTV Report dated October 2011, identified positive outcomes of the CCTV monitoring, stating –

“The City of Bunbury and local police developed a range of strategies to address crime and antisocial behaviour in the City. This included the introduction of low tolerance high visibility policing, deployment of additional police resources into the CBD, reviewing camera locations with regard to changing needs and advising on aspects of crime prevention through environmental design including audits of street lighting. The frequency of incidents has declined significantly since monitoring and new policing
strategies were introduced. Incidents have halved in the City’s entertainment precinct. CCTV is seen as an important adjunct to these strategies.”

In addition, part of the funding agreement required the State Government to undertake an independent evaluation of the program, prior to the conclusion of the funding period to allow the City to consider the future of the project and to seek further funding to ensure continuity of the monitoring program.

Since the completion of the evaluation, the City wrote to the Minister for Police, the Honorable Liza Mary Harvey MLA, the Honourable John Castrilli MLA, Member for Bunbury and John Leembruggen, Acting Superintendent Strategic Crime Prevention Division WA Police seeking funding support.

At a meeting held between the Minister for Police and the City's Chief Executive Officer, despite publicly announcing support for the program generally the Minister advised that there would no further State government funding available for the continuation of the monitoring program.

The Auditor General report highlighted that there was a commitment to the program by the City of Bunbury and its partners, the WA Police, Bunbury Alcohol Accord and the Bunbury Chamber of Commerce and Industry and that the overall findings were positive and a reduction in crime rates can be identified.

WA Police Crime statistics indicate crime prevention strategies implemented by the City and Bunbury Police have delivered a positive downward effect on crime rates in the CBD. The program achieved significant improvements in communication and cooperation between relevant authorities, community stakeholders and improved community awareness and perceptions of community safety throughout the CBD.

In 2005, disorderly conduct and street drinking in the CBD were the most common incidents observed by the CCTV operators. Observations made by CCTV operators since 2010 has shown a decrease in street drinking and disorderly behaviour, however those offences still pose a safety risk in the CBD.

In 2005-06, the City Eye Project identified licensed premises as a factor in the majority of antisocial behaviour that in turn raised concerns over compliance with liquor licensing regulations. Since that time, the City has facilitated the formation and project management of the Alcohol Accord to ensure a more coordinated approach and firmer controls on licensed premises and crowd controllers. The Alcohol Accord supports the CCTV monitoring as an effective crime prevention tool.

The City operates and maintains approximately $500,000 in CCTV infrastructure and has invested approximately $300,000 upgrading the system since 2006. The City has strongly supported CCTV within the CBD with significant contribution to existing infrastructure and ongoing maintenance and upgrading of the CCTV system.

Staff continually pursues grant applications to assist with the ongoing system maintenance/expansion to ensure the highest standard and technology. The quality of infrastructure and the monitoring of the system undertaken to date has provided a reactive, rather than proactive approach to community safety and crime prevention.

**Council Policy Compliance**

Not applicable.
Legislative Compliance

Not applicable

Officer Comments

The CCTV monitoring program is one successful tool in a multi-faceted approach to achieve community safety and crime prevention in the Bunbury CBD. If funding and monitoring ceased, anti-social behaviour and criminal activity would likely return/potentially worsen, over time.

The CBD Local Area Plan Community Survey indicated 97% of youth and 91% of community consider CCTV as necessary in the CBD. The relatively minor financial contribution towards the continuation of the CCTV monitoring system would likely contribute to a further reduction in anti-social behaviour.

Statistically, the average cost of an assault (resulting in hospitalisation) is costed upwards of $16,000 (2005) in Australia. In Bunbury, a reduction in assaults of 33% equates to $464,000 in savings per year with multiplier organisational, economic, social, cultural and environmental benefits, such as cost benefits in the reduction of broken glass, graffiti and damage to City and private property.

CCTV monitoring staff undertakes Crime Prevention through Environmental Design (CPTED) lighting audits weekly, taxi rank queue numbers and monitor other identified Alcohol Accord initiatives.

CEO Comments

At a recent meeting with other CEOs this matter was raised and other local authorities within the region appear to be having similar issues. It may be appropriate to consider investigating whether there is scope to pool the monitoring service. Whilst this may create some additional capital costs through the provision of additional infrastructure, the ongoing operating costs could be significantly reduced. Further, there may be greater opportunity to make approaches to State Government to seek funding on a regional basis for the ongoing monitoring on a more regional basis.

Analysis of Financial and Budget Implications

The cost of providing monitoring for two nights (Friday and Saturday) would require funding of $24300 for the remainder of 2012/13 and further funding each year for five (5) years. Further research is being undertaken into effective and cost efficient approaches to the staffing of this program.

Community Consultation

Members of the Bunbury Alcohol Accord are key stakeholders in this program and are consulted with and receive reports regarding the outcomes and the operations of the CCTV monitoring program. The Alcohol Accord has been advised that the current funding for the monitoring will be expended by 31 December 2012. On 8 November 2012, Accord members unanimously agreed in support of the continuation of the CCTV monitoring as they see it as essential for community safety and an economic benefit to the CBD.

A letter from the Bunbury Alcohol Accord requesting support for the continuation of the CCTV Monitoring program is attached at Appendix DPDS-6.
Furthermore, the CBD Local Area Plan Community Survey highlighted that community safety and fostering a vibrant evening economy warranted support. Results indicated that personal safety was the most often prioritised issue.

Survey findings:
- 97% Youth / 91% Community consider CCTV as necessary
- Priority issues are personal safety / vandalism and graffiti prevention measures and litter
- 68% of Youth / 64% Community consider the CBD at night is not safe (perceived personal safety)

Councillor/Officer Consultation

Nil

Strategic Relevance

The CCTV program is an outcome of the Community Safety and Crime Prevention Plan 2007-2012 and aligns with the City’s Strategic Plan, Strategy 6: Develop Social Capital by means of social development, community wellbeing, culture, community health and safety, leisure, volunteerism and lifelong learning. The City of Bunbury creates a community in which people feel safe and included.

Economic, Social, Environmental and Heritage Issues

Economic

Any increase in antisocial or criminal behaviour within the CBD resulting from the failure to monitor the CCTV system, may adversely affect the viability of CBD businesses and the night time economy in Bunbury. This has an overall effect on the safety and security of all businesses within Bunbury and has particular effect on businesses.

Social

There is strong evidence that CCTV assists with the detection of crime and is considered to be a deterrent to criminal activities especially when a CCTV system is monitored. The success of the monitoring undertaken in the CBD has shown that CCTV can be used as a crime prevention tool to improve the perception of a safe environment where the public can socialise and recreate.

The perception of a safe environment is a major contributor to the vibrancy of the City that attracts people and provides social and economic and environmental benefits.

Relevant Precedents

The City has the past two (2) years supported the CCTV monitoring system through State government funding with resulting tangible benefits to the CBD.
10.4.5 Adoption of Back Beach Tourism Precinct Plan

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<td>Applicant/Proponent:</td>
<td>City of Bunbury</td>
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| Author:     | Thor Farnworth, Manager Sustainability and Integrated Land Use Planning  
Ann-Kristin Jank, Senior Strategic Planner |
| Executive:  | Bob Karaszkewych, Director Planning and Development Services |
| Attachments: | Appendix DPDS-7, DPDS-8, DPDS-9 |

Summary

The goal of the Back Beach Tourism Precinct Plan is to attract and facilitate public and private sector investment in the creation of an important tourism precinct in the City of Bunbury (attached at Appendix DPDS-7).

Stakeholder engagement and community consultation on the draft concept plan over a period of more than 30 days has generally drawn positive responses, and also yielded valuable information on issues and the contribution of ideas that have informed the refinement the precinct plan.

Purpose

The Back Beach Tourism Precinct Plan is to guide planning and development of the precinct for an appropriate range of unrestricted residential, short stay accommodation and non-residential uses oriented towards tourism based activities.

The development of the precinct as envisaged by the plan is intended to not just make a significant contribution to tourism in Bunbury, but to also create a place that is a long term asset to the city that makes a tangible contribution to the wider community and local and regional economy, including employment opportunities.

The vision for the precinct is to enable residents and visitors to stay in a unique place with an outlook onto the Indian Ocean and proximity to a vibrant regional city centre with a beachside lifestyle.

Public submissions (attached at Appendix DPDS-8) have informed the refinement of the precinct plan, and it is now ready to be presented to Council for its consideration for adoption to guide and inform future land use, infrastructure planning and capital works in the precinct.

Executive Recommendation

1. That Council adopts the Back Beach Tourism Precinct Plan as a policy position for guiding the consideration of:
   (a) Town Planning Scheme No.7 amendment submissions;
   (b) structure plan and detailed area plan proposals;
   (c) applications for subdivision and planning approvals;
   (d) Local Planning Strategy and Local Planning Scheme No.8 preparation;
   (e) developer contributions made as a condition of subdivision and/or planning approval (including cash in lieu of public open space);
(f) grant funding submissions for improvements to community facilities, roadways and pathways; and 
(g) capital works programmes for enhancement of public open spaces and recreational amenities.

Background

The need for undertaking the precinct planning project arose out of:
- a history of development proposals prepared in isolation that have lacked adequate community and/or market acceptance in a strategic location of the City; and
- the emerging need for a holistic conceptual planning framework to guide the coordinated and integrated development of the area as a precinct that is more optimally developed as an asset to the city.

The process for preparing the precinct plan has now achieved the project’s final milestone accordingly:
- Inaugural Charrette planning workshop conducted with staff on 17 February 2012 to kick off the project in scoping the precinct boundaries, vision, objectives and general parameters.
- Second Charrette workshop conducted on 3 May 2012 to explore the working draft vision and range of development parameters in detail.
- Workshop with Councillors on 10 May 2012, to confirm the vision and gain direction on desired approach and outcomes.
- Key stakeholder engagement and consultation during June and July 2012, to confirm and promote consensus of opinion.
- Public advertising of the draft concept plan during September and October 2012.

Council Policy Compliance

The Back Beach Tourism Precinct Plan responds to both adopted:
- City of Bunbury Local Planning Strategy for Tourism; and
- City of Bunbury Tourism Strategy.

Legislative Compliance

The precinct plan is not a statutory planning instrument; however, its adoption as a policy position of the Council is intended to provide guidance to property owners and investors in establishing a shared vision for the precinct’s development.

The benefit of preparing a precinct plan as a starting point in the planning process is that it is unfettered by the requirements of a statutory planning instrument, and hence, can more fully articulate outcomes in a manner that gives some degree of certainty, whilst retaining all possible flexibility.

Subsequent scheme amendment(s), structure plan and development proposals should therefore reflect the intent of the precinct plan’s objectives and principles as well as the defined parameters in seeking to achieve the vision for the precinct’s development as one of the City’s key tourism areas.

Officer Comments

Special Use Zone 1 - Hotel (S.U.1) encompassing Lot 76 Ocean Drive has been earmarked for tourism development since Town Planning Scheme No.6, but has remained vacant. When approached by landowners seeking to develop S.U.1 for potentially single houses and the redevelopment of Special Use Zone 31 – Restaurant and Motel (S.U.31) for
potentially short stay dwellings – the city sought to assist by undertaking the preparation of an overall precinct plan for the integrated development of the area.

This more holistic approach in terms of treating all land in the area as a defined ‘precinct’ area was considered more beneficial than dealing with each property and landowner separately. The need for a proactive response was also recognised due to the strategic significance of the precinct as an important future tourism destination for Bunbury.

The preparation of the precinct plan was initiated through charrette style workshops, similar to that of an ‘enquiry by design’ process; which involved representatives from each directorate of the City of Bunbury. The charrette methodology is an intensive and hands-on approach that brings together people with different skills and backgrounds to explore design options for a particular area or site. The goal of the charrette process was to capture a vision, values and ideas of participants. This work was further augmented by input from consultants (The Planning Group (TPG) Pty Ltd) acting on behalf of the landowners of Lot 1, 2 and 76 Ocean Drive, and the constructive comments made by the community during the public advertising period.

The resulting precinct plan is intended to be an evolving document that provides a broad analysis of the study area’s context in relation to constraints and opportunities, and presents a spatial framework for guiding desired development outcomes for both the private and public realm in terms of setting optimal land use and urban design parameters.

**Analysis of Financial and Budget Implications**

Adoption of the precinct plan has no impact on the existing Annual Budget, nor are there any expenses resulting from the recommendation, as all work has been done in-house.

It can be expected that a future scheme amendment to permit development of land within the precinct in accordance with a structure plan will require some form of infrastructure cost-share arrangement to be prepared where deemed necessary to the satisfaction of the local government.

Under the Planning and Development Act 2005, the necessary infrastructure works (e.g. roads, pathways and drainage) to permit the development of private land will be provided by landowners, at their cost, through normal land subdivision and planning approval processes.

Land for public purposes or open space and recreation will be vested in the Crown according to the standard contribution of 10% of the gross subdivisible area, as prescribed under section 152 of the Planning and Development Act 2005. Alternatively, under section 153 of the Act, landowners may pay cash-in-lieu of setting aside land for the improvement or development of public open spaces as identified in the precinct plan.

The further enhancement of public open spaces and roadways, over and above development contributions, will be in accordance with the City of Bunbury’s capital works program, which will be phased in a manner that is consistent with identified priorities and funding opportunities.

**Community Consultation**

Key stakeholders and the broader community have been consulted throughout the drafting of the precinct plan (refer to Communication and Consultation Programme [attached](DPDS-9) at Appendix DPDS-9).
There were a total of 60 submissions lodged, of which the table below provides a summary breakdown on the nature of the comments made.

<table>
<thead>
<tr>
<th>Information</th>
<th>Yes/Support</th>
<th>No/Do not support</th>
<th>Indifferent</th>
</tr>
</thead>
<tbody>
<tr>
<td>65% of submitters live in the vicinity of the precinct.</td>
<td>50%</td>
<td>18%</td>
<td>32%</td>
</tr>
<tr>
<td>A minority of the submitters provided negative feedback.</td>
<td>50%</td>
<td>18%</td>
<td>32%</td>
</tr>
<tr>
<td>Most of the submitters are more likely to visit the precinct once developed.</td>
<td>53%</td>
<td>27%</td>
<td>20%</td>
</tr>
<tr>
<td>68% of submitters did not mind the name “Back Beach”, 28% supported the name and 40% had no suggestions for a new name for the precinct.</td>
<td>78%</td>
<td>7%</td>
<td>15%</td>
</tr>
<tr>
<td>The majority of submitters would like to see a public square and promenade.</td>
<td>35%</td>
<td>15%</td>
<td>50%</td>
</tr>
<tr>
<td>Short stay accommodation and resort style living are supported land uses in the precinct.</td>
<td>57%</td>
<td>13%</td>
<td>30%</td>
</tr>
<tr>
<td>Submitters support mixed and commercial land uses in the precinct; but some expressed concerns about security, parking and the need for activation.</td>
<td>28%</td>
<td>22%</td>
<td>50%</td>
</tr>
<tr>
<td>The majority of submitters would like to see more sporting activities and recreation areas in the precinct.</td>
<td>55%</td>
<td>10%</td>
<td>35%</td>
</tr>
<tr>
<td>A third of submitters support existing building height limits. Of the submitters who do not support existing height limits, 66% want to see between 1 to 3 storeys only.</td>
<td>32%</td>
<td>57%</td>
<td>11%</td>
</tr>
<tr>
<td>The majority of submitters walk or cycle to the Precinct via Ocean Drive (24%) and Scott Street (19%).</td>
<td>32%</td>
<td>57%</td>
<td>11%</td>
</tr>
</tbody>
</table>

Whilst the majority of respondents did not advocate changing the locality’s geographical name from “Back Beach”, the following is a list of more popular names that were given in response to the question posed on a potential new place name for the precinct:
- Back Beach Promenade / Back Beach Esplanade
- Bunbury Sunset Beach / Bunbury Sunset Strip
- Bunbury Beach / Ocean Beach
- Bunbury Foreshore / Forrest Foreshore
- Indiana Promenade
- Water’s Edge
In relation to the submission made by TPG Town Planning & Urban Design (submission #58), given that the precinct plan is an expression of the desired outcomes tested through the consultation process, it is advised that the details of the requested changes should be addressed at the scheme amendment and structure planning stage. It is through those statutory procedures that such matters can be given the appropriate degree of scrutiny, and thus be resolved in suitable detail in each statutory planning instrument with legal certainty.

Nevertheless, for the purpose of providing guidance, it is considered that the following requested changes are not supported for the reasons given below:

<table>
<thead>
<tr>
<th>Deletion of short stay and other commercial uses only on the ground floor of the ocean frontage promenade, and replacement with inter alai:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- “…opportunities for tourism accommodation and associated facilities…”</td>
</tr>
<tr>
<td>- “…along the promenade with opportunities for tourism accommodation at ground floor…”; and</td>
</tr>
<tr>
<td>- “Secondary street frontages with tourism accommodation opportunities on ground floor”.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special Use Zone 1 and Special Use Zone 31 are presently limited to “Hotel”, “Restaurant” and “Motel” uses. The precinct plan does not propose to remove these development rights from either site. However, the precinct plan does entertain a significant departure from the Scheme in terms of enabling a diversity of land uses - including the potential for “Unrestricted Residential Accommodation” (URA) to be permitted on both sites (of a significantly greater percentage than compared to other tourism oriented Special Use Zones, which are restricted to a maximum of 25% that may be used for permanent residential).</th>
</tr>
</thead>
<tbody>
<tr>
<td>The suggested changes are a watering down of intent, that if translated into subsequent statutory planning instruments, would create the potential for no tourism accommodation being developed or redeveloped on either site. Hence, while the precinct plan is non-statutory, this change would fundamentally undermine Council’s adopted policy position given in its Local Planning Strategy for Tourism, which was endorsed by the Western Australian Planning Commission (WAPC) in consultation with Tourism Western Australia.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>“URA development being considered on performance basis utilising the guiding principles as set out under the performance criteria of the R-codes”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whilst the precinct plan is non-statutory, the inclusion of such a pre-emptive blanket statement is superfluous, as all residential and mixed use development proposals can be considered under the ‘performance criteria’ of the R-Codes based on the site conditions and the design merits of each individual proposal. Further, it is believed that Part 7 of the R-Codes and accompany explanatory guidelines provide all of the necessary controls and information to promote the desired quality of higher density mixed use development.</td>
</tr>
<tr>
<td>The precinct plan does not seek to alter the applicability or operation of the R-Codes, but instead should be read by designers and assessors in terms of providing supplementary information for deriving alternative solutions to the ‘acceptable development’ standards where necessary or desirable.</td>
</tr>
<tr>
<td>It is noted in the submission that a blanket statement permitting all development to be in accordance with performance criteria “may include the potential need to provide smaller dwelling types without the level of ancillary storage and other facilities typical of a normal dwelling and also the need to limit private open space areas due to management and maintenance considerations, or even a preference for the provision of more communal open</td>
</tr>
</tbody>
</table>
It is critical to understand that all “Hotel”, “Motel” and “Short Stay” uses are not subject to the R-Codes, and hence, can be design with appropriately reduced habitable room sizes, less or even nil storage and the provision of more communal open spaces instead of private open space.

It is also essential to understand that URA dwellings must satisfy the minimum residential standards for both human habitation on a permanent basis as well as that of short stay occupancy (classes 1/2 and 3 buildings respectively under the BCA).

Incorporating a blanket statement into the precinct plan (and any subsequent statutory planning instruments) creates the risk of permitting the precinct to be developed entirely with dwellings that do not achieve a wide range of minimum ‘acceptable development’ standards. Such an outcome would only compromise the amenity and quality of the precinct in terms of both tourism and residential outcomes.

<table>
<thead>
<tr>
<th>The use of a “caveated approach” to regulate future development</th>
<th>Planning Bulletin # 91 Estate Covenants: New Residential Subdivision, sets out the WAPC’s position on the application of restrictive covenants, but does not address caveats.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A covenant is a written agreement between the seller and purchaser of a piece of land restricting what the land can be used for. For example, restricting the type of building material the purchaser can use. Whereas, a caveat is a document that any person with a legal interest in a property can lodge with the Western Australian Land Information Authority (Landgate). After registration, a caveat note appears on the certificate of title giving prospective buyers notice that a third party claims an interest in the land.</td>
<td></td>
</tr>
<tr>
<td>A caveat may prohibit registration of dealing with respect to the land absolutely or subject to the consent of the person who lodged the caveat. Typically, caveats are used for commercial purposes (e.g. a tenant under a lease for more than five years will lodge a caveat to alert interested persons to the tenant’s interest under the lease), and together with covenants, are not considered suitable methods for regulating land use and development in this circumstance, as they are not readily transparent and are an administrative burden.</td>
<td></td>
</tr>
</tbody>
</table>

**Councillor/Officer Consultation**

Councillors and staff across all Directorates have taken part in a number of Charrettes and workshops to inform the composition of the precinct plan (details in background section of this report).
10.4.6 Petition - Construction of Telecommunications Tower Hennessy Road Bunbury

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>P04428</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Officers Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td>Executive:</td>
<td>Bob Karaszkewych, Director Planning and Development Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DPDS-10, DPDS-11</td>
</tr>
</tbody>
</table>

Summary

At the 30 October Council Meeting (Agenda Item 10.20 Proposed Telecommunications Infrastructure – Mobile Telephone Base Station) was considered the application and wide-ranging issues associated, such as its chosen location, visual amenity, compliance with health and telecommunications legislation, along with several submissions opposed to the application.

Council made a decision to support the application (Decision 328/12)

“That Council:

1. Pursuant to the Planning and Development Act 2005, hereby resolves to grant planning approval to Halsall and Associates for the proposed Telecommunications Infrastructure – Mobile Telephone Base Station at Lot 16, 9 Hennessy Road (facing Brashaw Street) subject to standard and applicable development conditions as determined by Manager Development Assessment and Building Certification and as determined by Council members as part of this deliberations on the matter.

2. Advise the applicant and submitters of its decision."

Council received a letter of objection from Mr Kyle Spragg and a petition from local residents following the issue of a Development Approval for the Telecommunications Tower.

Executive Recommendation

1. That Council, notes both the letter and petition.

2. The City write to Mr Kyle Spragg (author of the letter) accompanying the petition requesting that he advise each person on the petition the following:
   a) That Council has noted both the content of the letter and sentiment of objection expressed in the petition.
   b) That the Development Application advertised in accordance with legislative requirements; and.
   c) That the Development Approval was issued on 7 November 2012.

Background

A copy of the 30 October 2012 Council Meeting Agenda Item 10.20 Proposed Telecommunications Infrastructure – Mobile Telephone Base Station is attached at Appendix DPDS-10.

Both the letter and petition received from Bunbury Citizens in regards to the construction of a telecommunications tower on Hennessy Road Bunbury is also attached at Appendix DPDS-11.
Pursuant to City of Bunbury Standing Order 6.10(2), the only questions to be considered at the Council Meeting upon presentation of a petition are:

(a) Receive the petition and submit it to the relevant officer to be included in his or her report deliberations (to be submitted within the next 2 rounds of Council meetings) on the matter that is the topic of the petition, subject to sub-clause (3)

(b) If in the opinion of the Presiding Member the subject or topic of the petition does not fall within the jurisdiction of the Council, reject the petition.

Council at its meeting on 20 November 2012 granted Deputy Mayor Cr Craddock opportunity to table the petition regarding their concerns over the construction of a telecommunications tower on Hennessy Road. The petition contained 30 signatures.

Pursuant to Standing Order 6.10(2) (a) of the City of Bunbury Standing Orders, Deputy Mayor Cr Craddock moved, Cr Slater seconded that the petition be accepted and referred to the relevant officer for a report.

Council Decision 342/12, Pursuant to Standing Order 6.10(2)(a) of the City of Bunbury Standing Orders, the petition from the Bunbury Citizens be accepted and referred to the relevant officer for a report.

**Council Policy Compliance**

Not applicable

**Legislative Compliance**

- City of Bunbury Standing Order 6.10(2).
- The Planning and Development Act 2005.

**Officer Comments**

That Council Decision 328/12 is consistent with the Planning and Development Act 2005.

**Analysis of Financial and Budget Implications**

Not applicable

**Community Consultation**

The following public advertising of the Development Application was undertaken in accordance with legislation:

a. Advertising period of 21 days: from 1/2 to 22/2/2012
b. Two (2) onsite signs for the period 1/2 to 22/2/2012
c. Adverts in the City Focus: Wednesday 1 and 8 February 2012
d. Adjoining landowners were sent letter and a copy of the Notice of Planning Proposal advertisement and a submission form (ten (10) adjoining landowners were notified).
e. Notice of Public Advertisement was placed on display at both libraries and at customer service.
f. Notice of Public Advertisement was placed on the City of Bunbury website from 1/2 to 22/2/12
Councillor/ Officer Consultation

a. Councillors received a copy of the notice of public advertisement of planning proposal (submission form and memo).
b. An onsite meeting with landowners, staff and Councillors.

Strategic Relevance

The provision of telecommunications tower and associated services is likely to contribute to economic growth and employment in Bunbury region. The inherent multiplier effects attributed to this infrastructure is likely to attract and establish diverse employment opportunities and positively enhance social capital, wealth generation and community wellbeing, over time.

Economic, Social, Environmental and Heritage Issues

Economic

The proposal has been identified to have potential for significant economic and social benefits to the City residents, business and employment opportunities.

Delegation of Authority

Not applicable
10.5 Director Strategic Integration Reports

10.5.1 Leschenault Inlet Masterplan

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A05205</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal</td>
</tr>
<tr>
<td>Author:</td>
<td>Geoff Klem, Director Strategic Integration</td>
</tr>
<tr>
<td>Executive:</td>
<td>Geoff Klem, Director Strategic Integration</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DSI-1, DSI-2, DSI-3</td>
</tr>
</tbody>
</table>

Summary

The purpose of this report is to inform Council of the process and status of the Leschenault Inlet Masterplan project and to request approval to advertise the draft plan for public comment until the end of January 2013.

Executive Recommendation

That Council resolves to:

1. Adopt the Leschenault Inlet draft report for the purposes of advertising for public submissions, and
2. Advertise the Leschenault Inlet draft report for public comment from the 18 December 2012 until the end of January 2013.

Background

At the Ordinary Council meeting held 29 November 2011 Council Decided (285/11):

“That Council

1. Note the formation of a Project Management Group to progress the development of the Leschenault Inlet Masterplan;
2. Endorse the Leschenault Inlet Masterplan report as the basis for the calling of Expressions of Interest (EOI) to prepare a draft Masterplan for consideration by Council prior to public comment;
3. Appoint the Mayor, David Smith and the following Councillors:
   - Deputy Mayor Cr Stephen Craddock
   - Councillor Karen Steele
   - Councillor Sam Morris
   as Council members of the Project Management Group;
4. The Project Management Group to provide quarterly reports to Council and complete the project within twelve (12) months.”

In accordance with the above resolution, the Project Management Group has meet nine times over the past year (meetings and workshops) and comprehensive progress notes have previously been provided for Council review as Items to be Noted, with more being referred to Council at this time. Updates have also been provided at formal Council briefing sessions. The draft report has been completed within the 12 month period required by Council.
The project area has been divided into 10 precincts that reflect the unique physical (built and natural) characteristics of each area (attached at Appendix DSI-1). The precincts are:

1. Koombana North
2. Koombana South
3. City Square
4. Queen’s Gardens
5. Frank Buswell Foreshore
6. The Quays
7. Inlet Entrance
8. Mangrove Conservation
9. Koombana Tourism

In addition to the Masterplan concept designs for the precincts, Council agreed to fund additional detailed concept work for Koombana South (Water Playground) and Queen’s Gardens (Friendship Gardens for the Sister Cities of Setagaya and Jiaxing). Media coverage of the launches of the Friendship Gardens is attached at Appendix DSI-2.

During the preparation of the draft Masterplan, extensive consultation has been undertaken with the general public, special interest groups (including the local Noongar people) and relevant Government Agencies. A report on the public consultation is attached at Appendix DSI-3.

Currently there is no overall vision for the foreshore areas that can inform a strategy to achieve the development of a park of national and international quality. Further, the aforementioned precincts have developed without the benefit of a plan and strategy that integrates and connects key elements as well as coordinating management effort to achieve overall objectives for the Inlet foreshore.

**Council Policy Compliance**

The project is consistent with the following Council Policies.

- **Council Policy DWS-4 Provide Diverse Range of Activities and Facilities for Residents and Visitors** states:
  
  “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 recreational; activities and/or facilities.”

- **Council Policy DCS-4 Integrated Planning** states:
  
  “Council is committed to achieving best practice and legislative compliance in its Integrated Planning performance in which activities and services delivered by the City of Bunbury are aligned with community expectations and objectives.”

- **Council Policy CEO-5 Economic Development** states:
  
  “To promote Greater Bunbury’s regional advantage and support the necessary conditions for sustained investment, growth and employment generation.”

**Legislative Compliance**

Under the Planning and Development Act (2005) the Western Australian Planning Commission (WAPC) has responsibility for the administration of the Greater Bunbury Region Scheme (GBRS). As the majority of the Inlet is reserved for Regional Open Space
under the GBRS, the WAPC through the Department of Planning has both endorsed the preparation of the Masterplan and participated in the planning process. In addition, the Ministerial Taskforce for the Waterfront project has endorsed the preparation of the Masterplan.

**Officer Comments**

There has been a history of planning, development and management around the Leschenault Inlet being undertaken in an *ad hoc* manner which has militated against key nodes/locations being connected both functionally and aesthetically. In addition, the true potential of this important natural resource on the doorstep of the City has not been realised because of a lack of a clear vision and a comprehensive plan to achieve that vision.

With the development of the BREC expansion underway and the commencement of Stage 1 of the Waterfront Project (Koombana North), the timing is right to integrate the planning of the Inlet foreshore areas with major new projects that will change the face of the City.

The importance of the Masterplan has been recognized by the Ministerial Taskforce (Ministers Castrilli, Day and Grylls) for the Waterfront Project which endorsed the preparation of the plan as a joint effort with the Department of Planning on behalf of the WAPC. The involvement of the Department of Planning is necessary as the majority of the land, the subject of the plan, is reserved as Regional Open Space under the Greater Bunbury Region Scheme.

During the course of the preparation of Masterplan, there have been several key events and statements of community preference that have occurred. These include strong public support for a water playground on the foreshore opposite the Entertainment Centre, a commitment to plan and develop sister city gardens for Setagaya and Jiaxing and major interest in the marine archaeology on the north shore. These matters have all been addressed in the planning process.

The final draft plan has been designed to be implemented in manageable components over time as resources become available.

**Analysis of Financial and Budget Implications**

The financial and budget impact of the full implementation of the Masterplan is substantial and beyond the resources of the City alone to achieve. Hence, it is essential that there is State and Commonwealth Government financial support for the implementation.

The first step in progressing the implementation of the plan will be to provide the necessary funds to prepare the detailed designs for selected precincts (e.g. Precincts: 2 – Water Playground; 3 – Bicentennial Square; and 4 – Friendship Gardens). In this regard, proposals for this work will be included in the 10 year financial plan and 2013/14 budget for consideration by Council.

An important consideration in the process of design and development will be the assessment of the cost to Council of ongoing maintenance of improvements and asset management. Clearly the high standard of amenity envisaged in the Masterplan can only be achieved with an appropriate level of management and maintenance.

**Community Consultation**

A report on community consultation is attached at Appendix DSI-3.
Councillor/Officer Consultation

Over the past 12 months, there have been nine meetings of the Project Management Group which has included the Mayor, Deputy Mayor, Cr Steele, Cr Morris, the City’s Landscape Architect, the Team Leader of Strategic Planning (on behalf of Mr Karaszkewych) and the City Engineer (or his nominee).

Minutes of Project Management Group meetings have previously been included with Council Agendas, and further Minutes are included this round. Council has been briefed on progress at formal Briefing sessions. The public consultation process also provided several opportunities for Councillors and staff to obtain information on the project and/or contribute to the Masterplan development.

Strategic Relevance

The draft Masterplan is consistent with the following Strategic Objectives and Strategies:

1. **Strategic Objective 4** is to Implement the City Vision Strategy. The Action Plan states;

   “Allocate sufficient resources for the planning and development of the Leschenault Inlet Regional Park so that the area is established as a major tourist and recreation attraction.”

   The City Vision Strategy also provided a clear preference for civic, cultural and tourist orientated uses and for any development to be low impact.

2. **Strategic Objective 5** is to Promote Ecological Sustainable Development of the City’s Built Environment. The Masterplan places a high emphasis on the conservation of the natural values of the Inlet and improving the water quality in the Inlet. The Masterplan also promotes the integration of management effort through the rationalization of management orders and vestings.

3. **Strategic Objective 6** is to Develop Social Capital. There has been comprehensive community engagement in the planning process and the recommended strategies for implementation are designed to foster a sense of community.

Economic, Social, Environmental and Heritage Issues

**Economic**

The economic impact of the Masterplan when implemented is expected to be extremely positive as the City will have major new attractions for tourism and recreation as well as opportunities for development investment. In addition the viability of CBD retailing will be enhanced with improved amenity and increased visitations generated by new attractions.

**Social**

A primary objective of the Masterplan is to provide accessible, family friendly open space and public amenities with opportunities to undertake a variety of recreational activities. This contributes to healthier and more cohesive communities.
Environmental

A strong theme that emerged through the public and stakeholder consultation was the need to conserve the natural values of the Inlet and improve the water quality. Key areas such as the white mangrove colony have been designated for conservation and nature based tourism and recreation. In addition nutrient stripping and waste trapping facilities have been incorporated in the design.

Heritage

Running concurrently with the Masterplan study has been the maritime archaeological survey and excavations covering Lots 881, 882 and 883 Koombana Drive. Although incomplete at this point in time, there has been several significant finds which will make a major contribution to our knowledge of the early whaling industry that prospered in and around Koombana Bay 200 years ago.

The Masterplan makes explicit recommendations for the conservation and interpretation of the marine archaeology in Precinct 9.
10.5.2 Final Approval Town Planning Scheme Amendment No 56 Rezoning Lots 23, 50, 492 and 5002 (Reserve No 48825) and a Portion of Withers Crescent Road Reserve

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A4896</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>City of Bunbury</td>
</tr>
<tr>
<td>Author:</td>
<td>Neville Dowling, Strategic Projects Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Geoff Klem, Director Strategic Integration</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Appendix DSI-4, DSI-5, DSI-6</td>
</tr>
</tbody>
</table>

Summary

The intent of the proposal is to create a larger recreation area adjacent to the existing Boulters Heights lookout. The proposal will also facilitate improvements to the road alignment and car parking facilities adjacent to the lookout area. The matter has been in abeyance since December 2011 following concerns that were raised by the Bunbury High School Board regarding student safety, loss of visual amenity and the viability of the school purchasing Lot 5002 for future school use.

Executive Recommendation

That Council:

1. In accordance with the Planning and Development Act 2005 resolves to adopt Scheme Amendment number 56 to the City of Bunbury Town Planning Scheme No. 7 in accordance with the Scheme Amendment number 56 documentation (attached at Appendix DSI-4); and

2. Refers the modified Scheme Amendment Number 56 documentation to the Western Australian Planning Commission for final approval in accordance with the provisions of the Town Planning Regulations 1967.

Background

At its meeting on 23 August 2011 Council resolved as follows:

“Council Decision 182/11

That Council resolve:

1. Under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 (as amended), to rezone Lot 492 and a portion of Lot 50 Withers Crescent from “Public Purpose Reserve” to “Residential” with a density code of “R20/60” and to reserve portions of Lots 23, 50 and 5002 for “Access Road Reserve” and a portion of existing road reserve for “Parks and Recreation Reserve” as per COB Plan 1-2010-046-1, dated 7/07/2010.

2. To close an 889m² portion of the existing Withers Crescent road reserve in accordance with Department of Regional Development and Lands – State Lands requirements and to amalgamate the closed road reserve with the adjoining Boulters Heights reserve.

3. To purchase the balance 327m² area of Lot 5002 (Reserve No 48825) following the land exchange for portions of Lots 50 and 23 Withers Crescent in accordance with Department of Regional Development and Lands – State Lands requirements.”
Following advertising the proposal was presented to the Council Committee Meeting on 6 December 2011. Mr Domenic Van Gent, Chairperson of the School Board addressed the Committee and spoke against the Officer’s recommendation. The following is a summary of his address:

1. The documents have not been made available to Bunbury High School Administration.
2. Increase in traffic and student access.
3. Bunbury High School will be seeking to purchase Lot 5002 for expansion.
4. The High School is now heritage listed and it would destroy the visual amenity.
5. The Library is now the official exam centre and the development would need to be planned around the exams in November as the centre needs to be quiet during the 4 week exam period.

Council resolved as follows:

“Pursuant to the City of Bunbury Standing Orders, procedural motion 15.9 that the motion lay on the table until March 2012.” (Council Decision 297/11)

Geoff Klem and Neville Dowling (Strategic Integration) held a meeting with Mr Van Gent and the school principal Mr Craig Petit on the 30 March 2012. The school has been in the process of seeking support from the Education Department of WA in order to acquire Lot 5002. After a period of six (6) months whereby there had been no response from DoE, it was considered appropriate by Strategic Integration staff to not wait any longer for DoE comment and to progress the proposal. An email was received by the chairman of the school board on 4 October 2012 in agreement for Council to continue with the proposal. (See attached at Appendix DSI-6)

The amendment report (attached at Appendix DSI-4) includes the concept design (on page 10) for a realignment of Withers Crescent and new car parking facilities to determine final land requirements for the proposal.

Council Policy Compliance

Not applicable

Legislative Compliance

City of Bunbury Town Planning Scheme No.7

Life –cycle Maintenance Costs

Costs will mainly relate to standard road and parking area maintenance and upkeep of landscaping and grassed areas. Ongoing maintenance responsibilities will not vary significantly from the existing situation.

Economic, Social, Environmental and Heritage Issues

Detailed in the Amendment 56 report pages 14 – 15 (as attached at Appendix DSI-4).

Officer Comments

Following the proposed land exchange and purchase of the balance portion of Lot 5002 a land area of 1597m² will be available for residential development. In accordance with the proposed R20/60 coding the overall 1597m² Lot could accommodate up to approximately eight (8) grouped dwellings based on an average site area of 180m² per dwelling. If the overall 1597m² Lot was developed for multiple dwellings in accordance with the Residential
Design Codes the site could accommodate approximately fourteen (14) dwelling units based on a plot ratio of 0.7.

Submissions received from Local Residents outline concern with the proposed R20/60 coding of the subject land. The proposed coding is, however, consistent with the R20/60 zoning for the locality which came into existence under Amendment No 38 (gazetted on 6 December 2011). Issues in regard to building height and boundary setbacks will be dealt with in accordance with the Residential Design Codes requirements.

Issues raised by the Bunbury High School regarding safety of school children will be addressed by incorporating appropriate traffic management measures such as a footpath adjacent to the road, pedestrian crossing facilities and improved signage. The proposed realignment of the road and provision of a formal car parking area and bus parking facility will notably improve pedestrian and traffic safety around the lookout area. The new design includes a new road layout whereby the road is changed from an 88 degree curve to a gentler 110 degree curve which provides an improved sightline for both pedestrians and vehicles coming in each direction. The proposed layout also has a more distinct delineation between the parking area and roads and provides a one way system for vehicles entering and exiting the lookout carpark.

Two (2) meetings were held with officers of the DoE and the High School to discuss the School’s possible requirements. The school indicated that it was considering possible location of a music room facility on part of the reserve land adjacent to the existing library although no proposal was finalised.

The Bunbury Senior High School submission also requested an extension of time to make further comment in regard to preliminary discussions with the Department of Education and Council with regard to a possibility of a land swap arrangement. After a number of months the Department of Education had not provided any comments. The matter was again discussed with the Chairman of the School Board and it was agreed that the City of Bunbury should go ahead with the proposal as planned.

**Analysis of Financial and Budget Implications**

The total development cost was estimated by Council’s Engineering Services in October 2010 to be $185,000. Given inflation the current cost can be estimated at around $210,000. This will include road realignment, car parking construction, service relocation and extension of sewer and acquisition of the balance portion of Lot 5002. It is considered that the overall cost of the project can be more than adequately funded by the sale of the development site. The balance of funds will then be available to be utilised for improvements and upgrading of the overall Boulter’s Heights reserve area.

**Community Consultation**

Advertising for public comment closed on 9 November 2011 and nine (9) submissions were received. Four (4) submissions were received from Government agencies, one from Bunbury Senior High School and four from local residents.

Submissions from the Department of Education and Western Power advise of no objection to the proposal. Aqwest advises that an existing water main will need to be realigned to the proposed new road. The Water Corporation advises that sewer to service the subject land will need to be installed at the cost of the proponent.
The Bunbury Senior High School advised that the school has concerns for the safety of students and school site security, increased members of the community in the vicinity, increased traffic, risk to students and parents as roads are already narrow.

A schedule of submissions received during the advertising period for the amendment is attached at Appendix DSI-5.

The submissions from local residents outline concerns with regard to loss of overall reserve space, visual amenity, increased residential density coding and the need to provide mains sewerage to the subject land.

Two (2) submissions suggest that the area proposed for rezoning to residential should be retained as a reserve and not sold off. The proposal will not detract from the residential amenity of the locality or reduce visual amenity from the lookout area. One (1) submission outlines concern with increasing the size of the recreation reserve adjacent to the lookout area as it will create a larger meeting area for anti-social behaviour.

**Councillor/Officer Consultation**

No formal Councillor/Officer consultation has taken place other than presentation to Council Committee on 16 August 2011 and following advertising, to Council Committee 6 December 2011.
10.6 Director Works and Services Reports

10.6.1 Regional Development Australia Fund – Round Four

<table>
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<td>Applicant/Proponent:</td>
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<tr>
<td>Author:</td>
<td>Phil Harris, Director Works and Services</td>
</tr>
<tr>
<td>Executive:</td>
<td>Phil Harris, Director Works and Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Summary

Round Four of the Regional Development Australia Fund has opened with Expressions of Interest closing in December 2012. The City of Bunbury has an opportunity to submit an application for projects that meet the eligibility criteria.

The Executive Leadership Team has considered potential projects, nominating the Bunbury Waste Water Recycling Project as the most likely to advance to full grant submission.

Executive Recommendation

That Council authorises the Chief Executive Officer to submit an Expression of Interest to Regional Development Australia for the Bunbury Waste Water Recycling Project.

Background

The Regional Development Australia Fund provides $175 million in grants to strategic infrastructure projects in regional Australia. Funding for round four will be provided to the highest priorities of communities, and seek to improve liveability and the sense of community. Regional Development Australia will identify projects to proceed to full application with priorities to those projects in the committees Regional Plan with leverage funding.

The City of Bunbury has been unsuccessful in previous Regional Development Australia Funding rounds with feedback indicating that the Water Corporation in-kind contribution of redundant in ground waste water reticulation mains as not being compliant.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

While previous grant applications for the Bunbury Waste Water Reuse project have been unsuccessful, a change in the guidelines and greater opportunities to expand the use of waste water increase the opportunities for council to be successful. Regional Development Australia advise that 23 projects that were unsuccessful in round one were successful in round two, encouraging applicants to review priority projects and resubmit.
The previous applications were based on an in-kind contribution of fifty percent of the total project cost being the gifting of the existing redundant reticulation mains owned by the Water Corporation.

Council Officers have scheduled meetings with officials from RDA and Water Corporation subject to council's endorsement of the Expression of Interest

**Analysis of Financial and Budget Implications**

The lodgement of an Expression of Interest has no financial implications however should Council be invited to proceed to full application then a commitment from Council would be required. The previous in-kind contribution of $3,689,403 was limited to the Water Corporations gifted assets. To gain further leverage it may be worth Council considering a further cash contribution.

**Community Consultation**

The Waste Water Reuse project aligns with the following strategic plans which have been subject to community and stakeholder consultation:
- South West Regional Plan 2012 – 2013 (Regional Development Australia – South West)
- South West Regional Water Plan 2012 – 2030 (Department of Water, 2010)
- City Vision (City of Bunbury, 2007)

**Councillor/Officer Consultation**

The Executive Leadership team reviewed potential projects for Regional Development Australia Funding and nominated the Waste Water Recycling Project.
10.6.2 City of Bunbury Depot

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<th>File Ref:</th>
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<td>Author:</td>
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<td>Executive:</td>
<td>Phil Harris, Director Works and Services</td>
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<tr>
<td>Attachments:</td>
<td>Appendix DWS-1; DWS-2</td>
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Summary

In April 2012 Cr Michelle Steck submitted a Motion on Notice requesting a review of options for a new council depot. This report provides details of Council Decision 124/12 and other options to either lease a purpose built depot or make temporary modifications to the existing facilities at Nuytsia Avenue.

Executive Recommendation

That Council

a) notes the review of options and sites for a City of Bunbury depot.

b) operations remain at the Nuytsia Avenue depot until funding becomes available for the development of a depot at an alternate site.

c) Authorise the CEO to call for tenders for the supply of temporary administration and ablution buildings to be located at Nuytsia.

d) Council staff continue to investigate alternative locations for a new permanent depot location.

Background

Council construction and maintenance staff have been based at its Nuytsia Road depot since approximately 1954 with only minor improvements to building conditions since that time. At the present time there are approximately 60 staff based at Nuytsia Avenue depot and 15 at McCombe Road depot.

Consultants have been engaged on no less than seven (7) occasions to provide feasibility studies on thirteen (13) sites for potential depot development since 2003. Five (5) sets of preliminary plans were also prepared in the corresponding period. Refer Depot Redevelopment - Chronology of Events attached at Appendix DWS-1.

A site at Temple Road, North Preston, as detailed, in Council Decision 253/08 has been considered since 2010, however as this site is subject to Landcorp environmental and subdivision finalisation there are no firm timelines on land availability or costs associated with the land acquisition or servicing.

A Motion of Notice – ‘Rescind Council Decision 258/08 of 16 December 2008 and Consider Future Depot Options’ was tabled at the 24 April 2012 meeting of Council by Cr Michelle Steck. The resultant recommendation.
“Council Decision 124/12

Part 1:
That Council request the Chief Executive Officer to compile a report to determine the potential of a rescission motion of the previous council Decision No. 253/08 made on 16 December 2008 which read as follows:

1. Council approves the North Preston Industrial Park site for development as a combined Parks, Construction, Waste and Maintenance facility and QS costed implementation plans and designs be developed for Council’s further consideration before the end of the 2008/09 Financial Year.

2. That Council forms a Project Control Group for the Combined Works Depot Site Relocation:
   a) That the terms of reference for the Project Control Group be formulated to include negotiations for freehold title of the proposed North Preston Industrial Site as part of the land swap for Nuytsia Avenue, and;
   b) That the proposed Project Control Group be listed as a Committee Meeting agenda item for the meeting to be held 3 February 2009.

Part 2:
The report to include, for the purposes of providing Council with an opportunity to consider an option of calling for:

1. Expressions of interest from land owners to supply land and construct a purpose built building for the purposes of a council depot.

2. Other potential Depot Locations; and

3. That the CEO compiles and delivers the report to Council on or before 24 June 2012.”

In recent months Council officers have been reviewing options available for leasing suitable office accommodation for the existing site or for a developer to construct and lease back to Council a purpose built depot. These options include:

Option 1
Developer to supply land, construct purpose built depot facilities with lease back for a 20 year period.

Land area approximately 2.3 hectare with bitumen / asphalt sealing and fully fenced and drained inclusive of:
- 450m² commercial office accommodation fully air conditioned with floor coverings and ablutions
- 200m² Workshop
- 600m² Storage – Fully secure
- 2240m² Carport – Undercover alarmed storage area for plant and equipment

Net rental approximately $550,000 per annum plus GST

Option 2

| Procure 108m² relocatable building (used) | $50,000 |
| Lease 108m² relocatable building (used)   | $ 6,600 per annum |
**Option 3**

Defer further action until Preston North sub division is completed and clear direction from the State Government on amalgamation is available.

**Option 4**

Lease of a relocatable building for the existing Nuytsia Avenue site

Lease of a relocatable building for temporary siting at Nuytsia Avenue until a new depot site is developed. The buildings could then be relocated to a future depot site.

<table>
<thead>
<tr>
<th>Relocatable Building</th>
<th>Type</th>
<th>Lease per month</th>
<th>Indicative Purchase Cost</th>
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<tr>
<td>Administration Building 360m²</td>
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<td>Shell</td>
<td>$3,800</td>
<td>$145,600</td>
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*Estimates are based on the provision of presentable good quality buildings.

**Option 5 (Executive preferred option)**

Purchase a relocatable building for the existing Nuytsia Avenue site.

Purchase of a relocatable building for temporary siting at Nuytsia Avenue until a new depot site is developed. The buildings could then be relocated to a future depot site, or be sold to help offset the capital costs of a new building.

<table>
<thead>
<tr>
<th>Relocatable Building</th>
<th>Type</th>
<th>Indicative Purchase Cost</th>
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<tbody>
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<td>Shell</td>
<td>$465,000</td>
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<tr>
<td>Meeting / Ablution / Kitchen 72m²</td>
<td>Fitted</td>
<td>$144,000</td>
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<tr>
<td></td>
<td>Shell</td>
<td>$108,000</td>
</tr>
</tbody>
</table>

*Estimates are based on the provision of presentable good quality buildings.

**Alternate Sites**

In February 2012 the City’s Senior Environmental Officer produced a GIS analysis of potential freehold land that could potentially be suitable to accommodate depot facilities.

These sites include
- Lot 3 Rawlings Road
- Lots 11 and 14 South Western Highway
- Lot 501 Ecclestone Street (Donaldson Park)
- Lot 200 Robertson Drive (dog pound)
- Lot 6092 Halifax Drive
- Existing depot on Nuytsia Avenue
- Existing Parks Depot in Halifax

A summary of the assessment forms is attached at Appendix DWS-2
A further preliminary report on site conditions at the existing Nuytsia Avenue site was completed by GHD in June 2012. The report was limited to a desk top analysis of the 1999 site report completed by Bowman Bishaw Gorham Environmental Management Consultant and recommended a detailed investigation. Subsequent Health Department advice that the level of contamination was within safe limits for the current use.

The site was reported to the Department of Environment and Conservation as a suspected contaminated site on the basis of its previous use as a Council depot (e.g. heavy metal, pesticide, herbicide contamination). The department has classified the site as, ‘possible contaminated site – investigation required’.

The detailed site investigation and report is estimated to be in the range of $80,000 to $150,000. Formal quotes will be sought once a clear direction is provided.

Dependant on the level of contamination the cost to rehabilitate the site is variable as an example a Council in the Perth metropolitan area was required to pay in the vicinity of $2 million dollars in 2007 to decontaminate its former depot site.

**Existing Nuytsia Avenue Site**

The existing depot site on Nuytsia Avenue is located in an urban area, which subject to rezoning and land tenure has the potential to produce approximately 70 housing lots which could fund site decontamination, subdivision development and the capital cost of constructing a new depot at an alternate site.

The site is subject to a Crown Grant in Trust with the City of Bunbury only having a 25% interest for the purpose of a depot and nursery. The zoning is Special Use.

**Council Policy Compliance**

Not Applicable

**Legislative Compliance**

Not Applicable

**Officer Comments**

The Director of Works and Services has identified efficiencies associated with relocating Engineering and Design staff from the Stephen Street administration building to depot facilities where operational staff are housed. Aging staff, increasing demands for a more flexible and productive workforce combined with the technological changes and pressures to deliver more with less mean that improved communications and teamwork within the directorate are essential.

**CEO Comments**

The issue of a depot location needs to take into consideration both known and potential changes in the local government environment. Whilst there has been some discussion in relation to the location of a Works and Services depot following any amalgamation of local government, there is often no financial efficiency in centralising operational activities. Whilst there are benefits to centralising administrative and technical services, this does not translate into the need to have a centralised depot. The previous reports that have been to Council and debates on this subject discuss issues around the location of a depot in a
residential area, some of the concerns about the garbage trucks and early starts have been addressed through the relocation of waste services to the industrial estate at Halifax.

As council does not have full ownership of the existing site, any plans for the redevelopment would need to be undertaken with State agencies and also with the Bunbury Turf Club as the adjoining property owner. Whilst the land use may be suitable as residential, there are other constraints that need to be explored before redevelopment of the site could occur.

There is potential for the Council to rescind the previous motion in accordance with the Standing Orders and the Local Government Act. In the event that the Council wishes to pursue this option, the following motion would need to be moved.


In the event that the rescission motion is successfully carried then Council will need to make provision in the 2013/14 budget to progress the preferred option.

Analysis of Financial and Budget Implications

The financial implications are dependent on direction of council however it should be noted that Council resolved to utilise the Depot Reserve for other purposes during the 2012 – 2013 budget deliberations.

An allocation of $50,000 is available in this year’s budget to modify the existing depot buildings to accommodate the relocation of some Stephen Street engineering staff to Nuytsia Avenue and address some of the Occupational Health and Safety issues, however if Council resolves to proceed with the temporary building this money would be carried forward.

Based on current fleet configuration and works programs it is estimated that costs of travelling from the proposed North Preston site compared to existing Nuytsia Avenue site is $2,200 per annum however this would be offset by the Engineering staff being located at the depot, reducing travel and potentially providing increased parking spaces in the CBD.

Community Consultation

Not Applicable at this stage

Councillor/Officer Consultation

Works and Services staff have been involved in discussions about current considerations on a frequent basis due to recurrent Occupational Health and Safety concerns.
11. Applications for Leave of Absence

12. Motions on Notice

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

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

15.1.1 Proposed 2012-13 Community Funding Allocations – Small Grants Round

<table>
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<th>File Ref:</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Lucy Wiseman, Community Funding/Grants Officer</td>
</tr>
<tr>
<td>Executive:</td>
<td>Andrew Brien, Chief Executive Officer</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Confidential Report CRUSC-1</td>
</tr>
</tbody>
</table>

Summary

The purpose of this report is for Council to consider the allocation of funds under the Community Funding Policy. Recommendations for each proposed allocation is attached at Confidential Report CRUSC-1 and submitted to Council for endorsement.

Executive Recommendation

That Council;

1. In accordance with the Community Funding Policy distributes $8,490 from the 2012-13 community funding budget to the proposed recipients.

2. Invite applicants to attend a City of Bunbury community funding workshop prior to the 2013-14 community funding round.

Background

Recently allocations for the 2012-13 Community Funding were announced as per Council Decision 254/12 on 24 August 2012. To expend the remaining funds in the community funding budget a Small Grants Round was opened as per the Small Contributions up to $1,000 category in the Council Policy for Community Funding.

City of Bunbury Community Funding Small Grants Round eligibility:

- The applicant must be registered / incorporated.
- The applicants must supply appropriate insurances and financial statements.
- The applicant must supply a copy of their constitution.
- The applicant must appoint an authorised officer for this application process and acquittal requirements.
- The amount requested must not exceed $1,000.
- In the case of over subscription, priority will be given to eligible applicants that have not received funding from the City of Bunbury in the past 3 to 5 years; and / or provide information showing sustainability and support provided by other funding bodies / partnerships / sponsorship.
- Funding will not be provided for operating expenses including staff wages, vehicle costs, meeting expenses, utilities and catering.
Council Policy Compliance

DCCS-1 – Community Funding Policy.

Legislative Compliance

Nil

Officer Comments

Twelve (12) applications have been received for community funding allocations in the 2012-13 Small Grants Round, of these, eleven (11) meet the eligibility criteria and are recommended for cash allocation. None of the applicants requested in kind Council services. The application recommended as unsuccessful did not meet one or more aspects of the funding eligibility.

In some instances the recommended total allocation for applicants is lower than their requested amount. In order to determine appropriate funding amounts individual line items were assessed. For example, staff wages were not eligible to qualify for funding. This has resulted in Council funds being allocated to a diverse range of community projects and organisations, many of whom have not previously or recently received Council funding.

Analysis of Financial and Budget Implications

The total amount available for allocation in the 2012-13 annual budget is $100,000. Of this, $9,000 remains for allocation through the Small Grants Round. It is recommended that $8,490 be allocated to the proposed recipients, and the remaining funds be allocated for community funding capacity building activities.

Community Consultation

All applicants responded to either mail, newspaper advertisements, electronic, or face to face promotion conducted during October and November 2012. Applications closed on the 16th November 2012.

Councillor/Officer Consultation

On Wednesday 21st November 2012, the twelve (12) applications were considered in detail by an assessment panel comprising of staff identified below:

- Community Funding/Grants Officer, Lucy Wiseman
- Team Leader Community Development, Caris Gibson
- Executive Assistant to the Chief Executive Officer, Kobi Halbert
15.1.2 Tender for Road Reconstruction and Traffic Management Works to Stage 2 of Stuart Street, Bunbury – RFT 2012 2013-13

<table>
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<td>Author:</td>
<td>Mark Robson, Manager Contracts and Property</td>
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<tr>
<td>Attachments:</td>
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**Summary**

The City of Bunbury has advertised for a suitably qualified and experienced Civil Works contractor to undertake road reconstruction and drainage upgrade works to a section of Stuart Street between George and Spencer Streets in Bunbury and construction of traffic improvements on Spencer Street and Lovegrove Avenue associated with installation of traffic control signals at Stuart Street and Spencer Street intersection.

**Executive Recommendation**

Council to accept the tendered Lump Sum Fee submitted by Geographe Civil being for the road reconstruction and traffic management upgrade works to stage 2 of Stuart Street, Bunbury.

**Background**

Tender documents were prepared and advertised in The West Australian newspaper on 17 October 2012 and in the South Western Times newspaper on 18 October 2012. Tenders closed at 2:00pm on Thursday, 15 November 2012. The City's Manager Contracts and Property, Senior Contracts and Procurement Officer and an independent Civil Works Consultant opened the tender box.

The documentation was made available via www.tenderlink.com/bunbury A total of 633 tenderlink alerts were released, twelve (12) companies downloaded the documentation and at closing two (2) responses were received from:

1. Geographe Civil, 11 Hensen Street, Davenport WA.
2. S & J Excavations, 7 Ditchingham Place, Australind WA

An evaluation panel comprising the City’s Team Leader Airport and Design and Consultant Civil Engineer from Coates Civil Consulting assessed the tender responses.

The tenders were evaluated using the following criteria:

- Compliance
- Qualitative
- Price

**Compliance Criteria**

The following compliance criteria were used to assess the tenders:

a) Compliance with the Specifications contained in the request – yes/no
b) Compliance with the conditions of this request – yes/no
c) Compliance with the safety requirements – yes/no
d) Compliance and completion of the price schedule – yes/no
Qualitative Criteria

The following Qualitative Criteria were used to assess the tenders:

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<tr>
<th>Weighting</th>
<th>Qualitative Criteria</th>
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<tr>
<td>5</td>
<td>a) Relevant experience with similar projects</td>
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<tr>
<td>5</td>
<td>b) Key personnel, skills and experiences</td>
</tr>
<tr>
<td>5</td>
<td>c) Tenderer’s Resources</td>
</tr>
<tr>
<td>5</td>
<td>d) Demonstrated Understanding</td>
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</tbody>
</table>

Price

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report (CRUSC-2) that has been circulated to members under separate cover.

Strategic and/or Regional Outcomes

Acceptance of the recommendation listed in this report is consistent with the City of Bunbury Strategic Plan 2007-2012, in continuing to maintain and service its assets, infrastructure and road network.

Analysis of Financial and Budget Implications

Funding for this project has been identified in Sycle as:
- PR-2372 Widen Stuart Street and install traffic control signals.

The tendered lump sum amount submitted by the recommended contractor is within the available budget.

Council Officer Consultation

All members of the evaluation panel have signed a confidentiality and impartiality agreement.

Council Policy Compliance

The tender process complies with the requirements of the City's Work Procedure WP4.12 "Tender Procedure and Associated Legislation."

Council's CD2 "Purchasing - Local Preference Policy" was applied during evaluation of the tender but has not affected the outcome.

Legislative Compliance

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services".

Delegation of Authority

The total costs of this contract exceeds $100,000 Therefore it has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).
Relevant Precedents

Council has dealt with all tenders previously called.
### 15.1.3 Tender Design, Fabrication, Installation and Commissioning of a Sports Lighting System for Hands Memorial Oval RFT 2012 2013 15

<table>
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<td>Mark Robson, Manager Contracts &amp; Property</td>
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<td>Director:</td>
<td>Phil Harris, Director Works and Services</td>
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<tr>
<td>Attachments:</td>
<td>Confidential Report CRUSC-3</td>
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#### Summary

The City of Bunbury has advertised for a suitably qualified and experienced Electrical Engineering Contractor to attend to the detailed design, fabrication, transport, supply, installation, finishing, commissioning, testing, and certification of a complete sport lighting and associated electrical system, at the Hands Memorial Oval (hereinafter referred to as “the works”), which will deliver a solution which fully satisfies the design intent and the technical performance specification of the “Hands Oval Sports Lighting” tender.

#### Executive Recommendation

Council accepts the tendered Lump Sum Fee submitted by Cable West Electrical Contracting in order to attend to the undertaking and coordination of the works, in accordance with the tender specifications, drawings, directives and the relevant Australian Standards and practices.

#### Background

This tender was advertised in the West Australian, as well as in the Bunbury South Western Times newspapers, on the 19 and 20 of September 2012 respectively. Electronic Tender Responses closed at 3:00pm on Friday, the 26 October 2012, the Manager Contracts and Property and Senior Contracts and Procurement Officer opened the electronic tender box.

The documentation was made available via [www.tenderlink.com/bunbury/](http://www.tenderlink.com/bunbury/). A total of 894 tenderlink alerts were released, twenty eight (28) companies downloaded the documentation and at closing, five (5) responses were received from:

1. Nilsen (WA) Pty Ltd, U5/1 Halifax Drive Bunbury WA 6230
2. K & K Electrical Service’s Pty Ltd, 15 Smokebush Drive Bunbury WA 6230
3. Jandco Electrics, 3 Gibbons Road Bunbury WA 6230
4. Dianella Electrics, Lot 4 Dryandra Court Picton WA 6229 and
5. Cable West Electrical Contracting Pty Ltd, 18 Gibbons Road Bunbury WA 6230

An evaluation panel comprising the City’s Team Leader Planning and Assets, an independent lighting design solutions consultant from Lighting Specialists Australia and the Contracts and Property Manager assessed the tender responses.

The tenders were evaluated using the following criteria:

- Compliance Criteria
- Qualitative Criteria
- Price
Compliance Criteria

The following compliance criteria were used to assess the tenders:

a) Compliance with the Specification contained in the Request  yes/no
b) Compliance with the Conditions of the Request  yes/no
c) Compliance with the delivery date and delivery method of the tender response  yes/no
d) Compliance and completion of the Price Schedule  yes/no
e) Attendance at the mandatory site meeting  yes/no

Qualitative Criteria

The following Qualitative Criteria were used to assess the tenders:

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<th>Criteria</th>
<th>Weighting</th>
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<tbody>
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<tr>
<td>Skills and experience of key personnel</td>
<td>5</td>
</tr>
<tr>
<td>Contractors resources</td>
<td>5</td>
</tr>
<tr>
<td>Methodology and compliancy to the technical requirements and providing all required documentation and IES files</td>
<td>5</td>
</tr>
</tbody>
</table>

Price

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report (CRUSC-3) that has been circulated to members under separate cover.

Strategic and/or Regional Outcomes

Acceptance of the Executive recommendation listed in this report is consistent with the City of Bunbury Strategic Plan 2007-2012, in continuing to maintain and service its assets and infrastructure.

Analysis of Financial and Budget Implications

Funding for this project has been provided in the 2012-2013 Annual Budget and is identified in Sycle as:
- PR-1444 Implement the Hands Oval Master Plan-Stage 1.

The source of funding is a combination of City of Bunbury contribution of $1.340m and a Capital Grant from CSRFF, also for $1.340m. The tendered amount for the undertaking and coordination of the works is under the pretender estimate and within the available budget.

Council Policy Compliance

The tender process complies with the requirements of the City's Work Procedure WP4.12 "Tender Procedure and Associated Legislation."

Council's CD2 "Purchasing - Local Preference Policy" was applied during evaluation of the tenders but has not affected the outcome.
Legislative Compliance

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 “Tenders for Providing Goods or Services”.

Delegation of Authority

This tender has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

Relevant Precedents

Council has dealt with all tenders previously called.
15.1.4 Tender for Extension to Sommerville Drive RFT 2012 2013-04

<table>
<thead>
<tr>
<th>File Ref:</th>
<th>A05599</th>
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<tbody>
<tr>
<td>Applicant/Proponent:</td>
<td>Internal Report</td>
</tr>
<tr>
<td>Author:</td>
<td>Jason Gick, Manager Engineering</td>
</tr>
<tr>
<td>Executive:</td>
<td>Phil Harris, Director Works and Services</td>
</tr>
<tr>
<td>Attachments:</td>
<td>Confidential Report CRUSC-4</td>
</tr>
</tbody>
</table>

Summary

The City has called for Tenders to construct an extension of Sommerville Drive from Winthrop Avenue to Robertson Drive adjacent to the South West Institute of Technology (SWIT).

Tenders have been assessed by the tender assessment panel and a preferred tenderer is recommended for appointment.

Executive Recommendation

That Council accept the tender of JAK Civil Pty Ltd for a lump sum tender offer of $3,235,920.50 to construct the Somerville Drive extension and intersection with Bussell Highway (H043) addressing the design, specifications and tender documents in RFT 2012 2013 – 04.

Background

The extension of Somerville Drive from College Grove to Robertson Drive has been planned since the residential development of College Grove. Provision of a second access to College Grove is an important aspect to the viability and safety of the subdivision.

Whilst the link road has been planned for some time, its urgency has been highlighted in recent years with:
- Increasing population growth of the subdivision;
- Increased delays for side traffic accessing Bussell Highway
- Increased traffic growth on Bussell Highway
- FESA’s report to a Parliamentary Committee in 2011 identifying College Grove as a fire risk hot spot.

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report (CRUSC-4) that has been circulated to members under separate cover.

Council Policy Compliance

This recommendation is consistent with the City’s procurement policies.

Legislative Compliance

This recommendation is consistent with provisions of the Local Government Act (Financial Management) Regulations 1996.
Officer Comments

The construction of Somerville Drive and the intersection with Robertson Drive is a major project in the City’s Capital Works Program. The project requires considerable amount of management and care to ensure that the statutory conditions are met.

The route for the road runs adjacent to Manea Park and requires state and federal environmental approvals.

The Department for Environment and Conservation (WA) has recently extended the approved time for its Clearing Permit to 2018, subject to conditions.

The clearing permit is contained to the road reserve and the Contractor will be required to work on a narrow front. This will need to be carefully scheduled to reduce the amount of long leads on the site.

The Department for Sustainability, Environment, Water, Population and Communities (Cth) has issued a draft letter of approval, subject to numerous conditions. The federal approval is not yet complete, but indications are positive that it will be formally approved within the project approval timeframes.

One key condition is to ensure that the risk of dieback spread is minimised. This will require stringent on-site controls to ensure the Contractor (and others) are compliant.

Another condition relates to the relocation of possums, which will require care and careful management to minimise the disruption to animals.

The construction of the signalised intersection at Robertson Drive must adhere to the requirements of Main Roads WA and will need to be carefully controlled to ensure technical hold points can be released promptly. Main Roads are keen to ensure the time spent on this intersection is minimised and does not affect regional traffic for an extended period of time.

The project provides access to SWIT and negotiations are required to allow the work to proceed adjoining SWIT land and to minimise disruption to classes.

The City has been working on the various statutory and technical aspects of this project for several years and is ready to deliver this important project.

Analysis of Financial and Budget Implications

The project is a strategic project supported by the State Government. The budget for the project is made up as follows:

**Revenue:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Assistance Agreement (DRDL)</td>
<td>$2,800,000</td>
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<tr>
<td>Regional Road Group allocation (2012/13)</td>
<td>$133,333</td>
</tr>
<tr>
<td>City of Bunbury RRG contribution (2012/13)</td>
<td>$66,667</td>
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<tr>
<td>Regional Road Group allocation (2013/14)</td>
<td>$500,000*</td>
</tr>
<tr>
<td>City of Bunbury RRG contribution (2013/14)</td>
<td>$250,000**</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,750,000</strong></td>
</tr>
</tbody>
</table>

*To be endorsed at Regional Road Group meeting, 10 December 2012
**To be confirmed through the Councils budget deliberations
Expenditure
RFT 2012 2013 – 04 $ 3,235,920
RFT 2012 2013 – 04 provisional variation (say 5%) $ 162,000
Project management and superintendence $ 80,000*
Environmental offsets and management (estimate) $ 200,000**
Project incidentals (advertising, materials etc) $ 20,000
TOTAL (rounded up) $ 3,697,000

*The Superintendence arrangements are to be confirmed
**Environmental costs are spread over two years

This project is captured within the financial management system as two projects; PR-1100 (the intersection) and PR-1101 (the road extension).

The Council has recently endorsed the “in principle” agreement to terminate the current Joint Venture and progress with the new Joint Venture between Council and the Department of Regional Development and Lands. As the funder of the project, Council will be required to contribute the capital costs of the project to allow for development of new lands included in the Joint Venture. This will also include the additional costs associated with the construction of the extension of Somerville Drive. Whilst Council will be required to contribute the capital funds to the project, these will become costs which can be recovered following further development and sale of lands. In the short term the Council will be required to carry the costs of these developments.

Community Consultation

This project has been part of the Councils budget deliberations for several years. There have been numerous public requests from residents of College Grove to fast track the project.

The project has been considered by the Regional Road Group and included in the 2012/13 and 2013/14 programs.

The environmental clearances (both state and federal) have attracted public advertising and sought public comment on the project.

Community desire for the project was heightened following FESA’s report to a Parliamentary Committee in 2011 identifying 77 hot spots across Western Australia, including College Grove.

Councillor/Officer Consultation

Through the project development and tender process the Council Executive and a number of staff have been consulted on various aspects of the project, including design, budget, scheduling and environmental clearances.

16. Closure