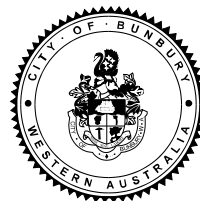




City of Bunbury Council

Notice of Meeting and Agenda 8 August 2017



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
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Nature of Council's Role in Decision Making

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

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

City of Bunbury Council Notice of Meeting

The next Ordinary Meeting of the City of Bunbury Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 8 August 2017 at 5.30pm.



MJ (Mal) Osborne
Acting Chief Executive Officer
(Date of Issue: 3 August 2017)

Agenda

8 August 2017

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

Council Members:

Mayor Gary Brennan
Deputy Mayor Brendan Kelly
Councillor Wendy Giles
Councillor James Hayward
Councillor Judy Jones
Councillor Jaysen Miguel
Councillor Michelle Steck
Councillor Karen Steele
Councillor Sam Morris
Councillor Betty McCleary
Councillor Monique Warnock
Councillor Joel McGuinness
Councillor Murray Cook

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

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

3. Announcements from the Presiding Member

4. Attendance

4.1 Apologies

4.2 Approved Leave of Absence

Cr Jones is on approved leave of absence from all Council-related business from 28 July 2017 to 21 October 2017 inclusive.

4.3 Request by Cr Warnock to Participate by Phone

Summary/Background

Cr Warnock submitted a request to participate in tonight's Ordinary Council Meeting via telephone. In order for Cr Warnock to participate, three conditions must be met in accordance with regulation 14A(1) of the *Local Government (Administration) Regulations 1996*:

- a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
- b) the person is in a suitable place; and
- c) the council has approved of the arrangement.

Cr Warnock has advised she will be situated at 117 Macquarie Street, Sydney for the duration of the meeting. Regulation 14A(4) defines a suitable place as a place that the Council has approved as a suitable place for the purpose of this regulation and that is located:

- a) in a townsite or other residential area; and
- b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling.

This location complies with the geographical requirements of regulation 14A(4)(b), being more than 150km from the place at which the meeting is being held.

To fulfil this request, Council consideration is required as follows:

That Council:

1. Approves 117 Macquarie Street, Sydney as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).
2. Approves the participation of Cr Hayward at the Ordinary Council Meeting held 8 August 2017 via telephone pursuant to Regulation 14A(1)(c).

Executive Recommendation

That Council:

1. Approves 117 Macquarie Street, Sydney as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).
2. Approves the participation of Cr Hayward at the Ordinary Council Meeting held 8 August 2017 via telephone pursuant to Regulation 14A(1)(c).

****Note: Absolute Majority Vote Required***

5. Declaration of Interest

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

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

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

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

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

Cr Morris declared an impartiality interest in the item titled “10.1.3 Demolition of Single House at SL2 (#32) Austral Parade, East Bunbury as he taught at a high school with the owners. Cr Morris will remain in the chamber for the duration of the discussion and the vote on the matter.

6. Public Question Time

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

In accordance with Standing Order 6.7(3)(a) a person wishing to ask a question, must complete a question form which is provided in the trays at the back of the public gallery and on the City’s website. The completed form must include your name and address and contain no more than three (3) questions. If your question requires research or cannot be answered at the meeting, it will be taken on notice and you will receive a written response and a summary of your question (and any responses provided) will be printed in the minutes of the meeting.

6.1 Public Question Time

6.2 Responses to Public Questions Taken ‘On Notice’

Nil.

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 25 July 2017 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 25 July 2017 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1: Bunbury RoadWise Committee Minutes – 10 July 2017 Appendix MTBN-2: Heritage Advisory Committee Minutes – 14 June 2017 Appendix MTBN-3: Heritage Advisory Committee Minutes – 5 July 2017 Appendix MTBN-4: Bunbury Event Advisory Group Minutes – 19 July 2017

Summary

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

1. Title: Bunbury RoadWise Committee Minutes – 10 July 2017
Author: Amanda Blunsdon, Engineering Technical Officer
Appendix: MTBN-1
2. Title: Heritage Advisory Committee Minutes – 14 June 2017
Author: Lacey Brown, Strategic Planning Officer - Heritage
Appendix: MTBN-2
3. Title: Heritage Advisory Committee Minutes – 5 July 2017
Author: Lacey Brown, Strategic Planning Officer - Heritage
Appendix: MTBN-3
4. Title: Bunbury Event Advisory Group Minutes – 19 July 2017
Author:
Appendix: MTBN-4

Council Committee Recommendation

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

1. Bunbury RoadWise Committee Minutes – 10 July 2017
2. Heritage Advisory Committee Minutes – 14 June 2017
3. Heritage Advisory Committee Minutes – 5 July 2017
4. Bunbury Event Advisory Group Minutes – 19 July 2017

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

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

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

8.2 Presentations

8.3 Deputations

8.4 Council Delegates' Reports

8.4.1 Council Delegate's Report – Councillor Betty McCleary– Visit to Nha Trang

Applicant/Proponent:	Internal Report
Author:	Cr Betty McCleary
Executive:	Malcolm Osborne, Acting Chief Executive Officer
Attachments:	Appendix DEL-1: Report – Visit to Nha Trang by Delegation from the City of Bunbury Appendix DEL-2: Nha Trang People's Committee

Councillor Betty McCleary represented the City of Bunbury as Council's Delegate at the biannual Khanh Hoa Sea Festival held in Nha Trang. Cr McCleary's Report is **attached** at Appendix DEL-1. Information regarding the Nha Trang People's Committee is **attached** at Appendix DEL-2.

Recommendation

The report from Cr Betty McCleary on the Visit to Nha Trang be received and noted.

8.5 Conference Delegates' Reports

9. Method of Dealing with Agenda Business

10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 Decisions from Bunbury RoadWise Committee Meeting - 10 April 2017

File Ref:	A04616
Applicant/Proponent:	Bunbury RoadWise Committee
Responsible Officer:	Amanda Blunsdon, Engineering Technical Officer
Responsible Manager:	Shaun Millen, Manager Engineering
Executive:	Gavin Harris, Director Works and Services
Attachments:	Appendix RAC-1: Bunbury RoadWise Committee Strategic Action Plan 2017

Summary

This report is required to endorse decisions made at the Bunbury RoadWise Committee Meeting held 10 July 2017.

Bunbury RoadWise Committee Recommendation

1. It is recommended that the 2017 Bunbury RoadWise Committee Action Plan be adopted by Council with the following amendment; Drink Driving being changed to Drink / Drug Driving.
2. It is recommended that Council approve the replacement of the RoadWise Sign on Forrest Highway, at its existing location.

Executive Recommendation

That Council:

1. Adopt the 2017 Bunbury RoadWise Committee Action Plan with the following amendment:
- *“Drink Driving” being changed to “Drink / Drug Driving”.*
2. Endorse the replacement of the RoadWise sign on Forrest Highway, at its existing location.

Strategic Relevance

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

Background

1. The RoadWise Program was founded in 1994 and operates with Local Governments and the community to support the implementation of Towards Zero, the road safety strategy for WA 2008-2020. Three levels of coordination (State, Regional and Local) make up the operational framework for road safety in Western Australia. The RoadWise Program is supported by the Road Safety Commission and is funded through the Road Trauma Trust

Account; which is made up of the speed and red light camera fines received in WA and the State Road Funds to Local Government Agreement sourced from WA vehicle licensing fees.

The RoadWise Program supports Local Governments, community groups, private businesses and individuals to become involved in the road safety network around the state. Through a team of regional and metropolitan based staff, RoadWise achieves this by supporting local road safety committees, providing access to resources and training, and increasing knowledge, which all contribute to building the capacity of the network to make an effective contribution to improving road safety in Western Australia.

2. The sign was originally installed by the Bunbury RoadWise Committee upon its original formation. Main Roads advises that as the sign is to be replaced at its current location that no formal approvals are necessary and the City of Bunbury is able to undertake the works to replace the sign.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable.

Officer Comments

The Action Plan is written under the framework of the State Road Safety Strategy and the principles of the Safe System, the Towards Zero initiative and Shared Responsibility approach to road safety that has been used throughout Australia. Towards Zero Initiative is the State strategy for aiming for zero fatalities from existing statistics.

A Safe System benefits all road users and has four essential elements:

- **Safe Road Use** - this is about fostering a culture that supports alert and compliant road users and improving road user behaviour and enforcement.
- **Safe Road and Roadsides** - provide safer roads by improving the road and the road environment.
- **Safe Speeds** – category aims to improve speed management on roads and foster a community and driving culture that supports lower travel speeds.
- **Safe Vehicles** - aims to improve awareness of vehicle safety features and ANCAP ratings and to encourage purchase of at least four or five star ANCAP rated vehicles.

There are four guiding principles behind the Safe System:

1. *The limits of human performance:* We all make mistakes and we all need to acknowledge the limits of our capabilities.
2. *The physical limits of human tolerance to violent forces:* We are physically vulnerable when involved in a traffic crash.
3. *Shared responsibility:* This means all of us take an individual and shared role in road safety.

4. *A forgiving road system:* so that when crashes do happen, deaths can be avoided and injuries minimised.

Analysis of Financial and Budget Implications

The materials to replace the sign will be fully funded by WALGA (RoadWise). The installation of the sign would be funded by the City. The installation costs are expected to be in the order of \$300.

Community Consultation

Nil.

Councillor/Officer Consultation

Nil.

Applicant Consultation

Nil.

10.1.2 Bunbury Event Advisory Group – Terms of Reference and Membership

Applicant/Proponent:	Bunbury Event Advisory Group
Responsible Officer:	Isabell Evans, Acting Manager Tourism and Events
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Appendix RAC-2: Bunbury Events Advisory Group Terms of Reference - Amended

Summary

The purpose of this report is for Council to consider a revised Terms of Reference for the Bunbury Event Advisory Group (BEAG) and recommendation regarding a recently-made vacant Councillor position on this Group.

Bunbury Event Advisory Group Recommendation

That Council:

1. Endorse the revised Bunbury Event Advisory Group Terms of Reference as presented.
2. Agree not to elect a new Councillor to the Bunbury Event Advisory Group in place of Councillor Sam Morris prior to the October 2017 Council elections.

Strategic Relevance

Key Priority Area 5 Corporate
Objective 5.2 Facilitate community and stakeholder participation in decision-making

Background

On 11 July 2017 Councillor Sam Morris notified the City of his resignation from the Bunbury Event Advisory Group via email effective immediately.

At their meeting held 19 July 2017 the BEAG resolved to amend their Terms of Reference as per Appendix RAC-2 and propose that Council not elect a new Councillor to the BEAG prior to the October 2017 Council elections. Councillor Monique Warnock moved the motion with Bunbury Geographe Chamber of Commerce & Industry representative David Kerr seconding and the item being carried unanimously.

The specific amendments proposed by the BEAG are as follows:

1. Include an additional Aim and Objective being to 'Assess and make recommendations in regard to event funding applications received outside of the Grant Funding Program.';
2. Include the Regional Tourism Marketing and Development Manager as a Non-Voting member on the Group;
3. Amend the second sentence of the Meeting Frequency to state 'Additional special meetings may be called or decision-making completed by email as required.';
4. Amend the last sentence of the Meeting Frequency to state 'All recommendations will be provided to the CEO who has delegated authority to approve or reject recommendations in

consultation with the Director unless additional budget is required in which case a recommendation will be referred to Council.';

5. Reduce Councillor representation to two (2) places.
6. Not replace Councillor Morris' position on the BEAG prior to the October 2017 Council elections.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable as the Bunbury Event Advisory Group is not a formal committee of Council.

Officer Comments

The proposed Terms of Reference amendments make clear the BEAG's role in the assessment process for any and all applications to the City of Bunbury for events funding, including those received within and outside of the annual Grant Funding Program.

A reduction in Councillor representation from three (3) to two (2) places was considered appropriate by the BEAG considering the Group have been successfully operating with only two (2) Councillor representatives for the majority of this year.

It is noted that as the BEAG meet quarterly, the meeting held 19 July 2017 was its last prior to disbanding its current membership in line with the October 2017 Council elections. It is for this reason that the BEAG recommend that Council not elect a replacement Councillor representative in place of Councillor Morris at this time.

The proposed amendments also support the implementation of the Bunbury-Wellington & Boyup Brook Regional Tourism Development Strategy; of which Events is one of seven Priority Areas; by including the Regional Tourism Marketing and Development Manager and the implementer of this Strategy as a Non-Voting Member on the BEAG.

The BEAG last amended their Terms of Reference in June 2016.

Analysis of Financial and Budget Implications

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

Community Consultation

All community and industry members of the Bunbury Event Advisory Group are aware of this report.

Councillor/Officer Consultation

Councillor Monique Warnock, Director Corporate & Community Services Stephanie Addison Brown, Acting Manager Tourism, Events & Wildlife Park Isabell Evans and Senior Events Officer Juaini Taylor were present at the meeting held 19 July 2017 and are aware of this report.

10.1.3 Demolition of Single House at SL2 (#32) Austral Parade, East Bunbury

File Ref:	5/2017/105/1
Applicant/Proponent:	J & L Reading
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Attachments:	Appendix RAC-3: Site Plan and Photograph Appendix RAC-4: Structural Engineer's Report Appendix RAC-5: Heritage Impact Statement Appendix RAC-6: Future Proposal Appendix RAC-7: Owner's Response

Summary

The City of Bunbury has received an application for the demolition of a heritage listed single house at Strata Lot 2 (#32) Austral Parade, East Bunbury. The house is outside of the Stirling Street Heritage Area and is listed individually.

After assessment of the local planning policies, Structural Engineer's report and Heritage Impact Statement, the Executive have recommended the demolition for approval.

Heritage Advisory Committee Recommendation

That the Heritage Advisory Committee does not support the demolition of a single house at Strata Lot 2 (#32) Austral Parade and that the matter be referred to Council for the following reasons:

1. The Committee was not convinced that the costings provided were accurate for the house to be retained and restored;
2. Uncertainty of provenance regarding builder, architect and status of the [original] owner;
3. The impact the loss of the house would have on the streetscape; and
4. The Committee's preferred outcome was the retention of the house, as also recommended by the Heritage Advisor.

Executive Recommendation

That Council:

1. In accordance with the *Planning and Development Act 2005* (as amended), hereby resolves to grant development approval for the demolition of a single house at Strata Lot 2 (#32) Austral Parade, subject to the following conditions:
 - (a) All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
 - (b) This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the local government has granted prior written consent.

- (c) Before the demolition, an archival record must be submitted to the satisfaction of the City of Bunbury and in accordance with the State Heritage Council Guidelines, Guide to Preparing an Archival Record, 2012.
- (d) Before the development is occupied, all disused or redundant vehicular crossover(s) must be removed and the area reinstated to the satisfaction of the City of Bunbury.
- (e) Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
- (f) Before the development commences, a damage bond to the value of \$1,000 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.
- (g) All waste material not required for further onsite processing must be regularly removed from the site. All vehicles removing waste must have fully secured and loads contained so that no wastes are spilled or dust or odour is created to the satisfaction of the City of Bunbury.
- (h) All construction activities must be undertaken so as to avoid dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.

Advice notes:

- (a) The development the subject of this development approval is also regulated by the *Western Australia Building Act 2011*, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The owner is advised to liaise further with the City of Bunbury's Building Services on (08) 9792 7000.
- (b) Any demolition work involving asbestos must be in accordance with the *Health (Asbestos) Regulations 1992*.
- (c) The future proposal of a single house will require a development application that is to be sympathetic/responsive to the heritage values of the existing house and properties in Buswell Street and Austral Parade.

Strategic Relevance

Key Priority Area No. 1 Community and culture

Objective No. 1.5 Celebrate and recognise the richness of our arts, culture and heritage

Key Priority Area No.3 Natural and built environment

Objective No.3.4 Facilitate urban design, diversity of land uses and enabling infrastructure.

Background

A summary table of details relating to the subject site is as follows:

Property Address:	SL2, (#32) Austral Parade
Zoning:	Residential (R40/80)
Existing Land Use:	Residential
Lot Area:	1071m ²
Heritage:	Included on the Heritage List as per TPS7

Austral Parade is one of the earliest residential streets in Bunbury and was also one of the major traffic routes in and out of Bunbury. It was formerly called White Road as it was made from crushed limestone. House, (#32) Austral Parade was built c. 1910. The exact date of construction is not known as no entry for this lot could be found in the available Municipality of Bunbury Rate Books prior to 1951. In 1951, the landmark residence is reputed to be and occupied by A G and E M Baxter. At the time it was #2 Austral Parade. The house has impressive internal features such as high ceilings, polished jarrah floors and a grand hallway entrance. After further consultation with Baxter family members, they confirmed that the Baxter residence was located at the current Leschenault Quays site, before being relocated.

The site plan and photograph accompanying the application for development approval are **attached** at Appendix RAC 3.

Legislative Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are applicable to the assessment of this application for development approval:

- *Planning and Development Act 2005 (as amended);*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Bunbury Town Planning Scheme No.7 (TPS7);*
- *Local Planning Policy: Development Application Process for Heritage Places;*
- *Local Planning Policy: Assessment of Cultural Heritage Significance; and*
- *Local Planning Policy: Heritage Conservation and Development Policy for Heritage Places.*

Officer Comments

Assessment for Registration on State Register of Heritage Places

The place was subject to preliminary assessment by the Heritage Council of Western Australia in 2003 to ascertain whether there should be further investigation for entry in the Register of Heritage Places. The Register Committee resolved that the place did not warrant further assessment for consideration for entry. However, it was also stated that although the place may not be considered to be of State significance, the Register Committee believes that the place may have local significance and its decision has no bearing on the status of the place in relation to the City of Bunbury Municipal Inventory of Heritage Places.

Municipal Heritage Inventory

The subject property is included in the Municipal Heritage Inventory (MHI) and Heritage List. All proposals for demolition of a place on the Heritage List require development approval and referral to the Heritage Advisory Committee.

The MHI (2001) contains a statement of significance for the place as, “a magnificent example from its period which is fully restored and makes a significant contribution to the streetscape; positioned as it is, on the margins of the Stirling Street Heritage Precinct”. It recommended entry to the State Register of Heritage Places, which was not successful.

The MHI (draft review 2010/12) contains a statement of significance for the place as, “a single storey brick and tile house has cultural heritage significance for the following reasons: the place is a fine intact example of the Federation Queen Anne style of architecture; the place has landmark

qualities and contributes significantly to the streetscape and the community's sense of place." This was based on street survey only.

The management category in the latest review is 'considerable significance' in the MHI.

Local Planning Policies

Local Planning Policy: Development Application Process for Heritage Places

The application proposes demolition that is not consistent with the management category of 'considerable significance' so is referred to the Heritage Advisory Committee for comments to assist in the decision-making process.

Local Planning Policy: Assessment of Cultural Heritage Significance

The level of heritage significance of the place has been assessed as 'considerable significance'.

Local Planning Policy: Heritage Conservation and Development Policy for Heritage Places

Key considerations for assessment are:

1. Matters set out in section 6.5 and 6.6 of the State Planning Policy 3.5 – Historic Heritage Conservation

The SPP states that local governments should also have regard to the structural condition of the place, and whether the place is reasonable capable of conservation. Demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified.

Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; the extent to which the community would benefit from the proposed redevelopment; and any local planning policies relating to the demolition of heritage places. This is not a case of 'demolition by neglect' and the property had been subject to restoration in the 1990s. There is evidence in the City's records of attempts by the owner to rectify more recent deterioration since 2013 to roof damage and sub-structure damage that was not visible until significant cracking and a ceiling collapse.

2. Design guidelines – impact on streetscape; sense of place and archival record as per Heritage Council guide if demolition is approved.
3. Structural condition of a place and whether a place is reasonably capable of conservation.

The structural engineer and heritage professional have concluded that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of the majority of its significant fabric and prohibitive costs for a single house (if traditional methods and materials were employed).

4. Level of significance assigned to the place in accordance with the City of Bunbury Local Planning Policy – Assessment of Cultural Heritage Significance.

The level of ‘considerable significance’ is very important to the heritage of the locality and is recognised as having a high degree of integrity/authenticity. Conservation of the place is highly desirable and any alterations or extensions should reinforce the significance of the place.

Structural Engineer’s Report

The Structural Engineer’s report by WML Consulting Engineers (2015) (Appendix RAC-4) documents the structural issues with the house in that the sub-floor zone will need to be returned to a suitable level of structural integrity before the superstructure masonry can be repaired.

A number of options were considered that require specialist experience, which few building contractors undertake in Western Australia.

Options:

- Leave the sub-floor masonry in position and attempt to confine the walls by placing concrete to each side, thus sandwiching the loose material. This option provides very little stiffness to the wall and ongoing movement is likely. Not recommended.
- Remove short lengths of sub-floor masonry and rebuild locally before removing and replacing the next section. This is a slow and labour intensive process and therefore costly, but it does provide a completely reinstated wall.
- Other proprietary methods by specialist builders. There is likely to be repair systems licenced to specialist building contractors. Once again this will be a costly undertaking.
- In addition to the reinstatement of the wall and footings below level there are other works that will need to be undertaken:
 - (a) rebuild all the masonry piers supporting the floor bearers; damp proofing to all masonry walls;
 - (b) crack repair to walls and replastering. Most walls will be affected both internally and externally;
 - (c) replacement of corroding and inadequate lintels. This will require removal and reconstruction of the walls above the lintels;
 - (d) replacement of ceilings and cornices. Heritage requirements may determine the materials to be used for reinstatement;
 - (e) reinstatement of items disturbed as a consequence of the works. This may include floor boards, architraves, skirting boards, verandah structure etc; redecoration.

Heritage Impact Statement

The concluding comments of the Heritage Impact Statement (Kent Lyon, 2017) (Appendix 5) state that the unfortunate structural state of Private Dwelling (#32) Austral Parade has created an untenable situation for the current owners of the place. In the course of trying to repair ceilings it was discovered that the roof structure required supports however this did not resolve larger sub-structure issues identified in the Structural Report. This will require further structural and heritage conservation investigations, documentation and costs estimates. However, based on the current cost estimates from the report it would require a substantial cost with a virtual reconstruction of good portions of the original building fabric which is not only unstable but also is suffering from severe rising damp and salt attack due to a series of issues.

The current setting of the place has diminished its contribution to the streetscape and is irreversible based on decisions for subdivision and approvals that created a 'shoe horned' development directly abutting (#32) Austral Parade.

The current owners are of the opinion the only course of action is to demolish the place and build a new house that would better suit the remaining size of the site in a scale and materiality to compliment the cottages adjacent in Buswell Street.

Comments from the Heritage Advisor

The Heritage Advisor provided comment that the preferred outcome is retention of this significant house, however, acknowledged that the condition of the house is very poor and that the owners had made considerable attempt to repair the structural issues.

The Heritage Advisor's recommendation on the development application is:

1. Refer the demolition to the State Heritage Office;
2. That as a last resort demolition of the house is supported requiring a detailed archival record to be completed to the satisfaction of the City of Bunbury prior to demolition; and
3. The replacement building/house is to be designed and approved by the City of Bunbury prior to the issuing of a demolition licence.

Comments from State Heritage Office

The State Heritage Office acknowledged the preliminary assessment that was conducted in 2003 and that there was no interest in relation to the Register of Heritage Places and that it was a local consideration only. Given that the property is included on the Heritage List, an application for development approval will be required for any future build.

Future proposal

The applicant has provided some preliminary concept plans on future proposals for the subject site (Appendix 6) which include:

- a) Creation of an additional lot through subdivision (resulting in 600m² and 471m² lots);
- b) Selling the 471m² lot that would front Buswell Street;
- c) Building a new house on the corner of Austral Parade and Buswell Street that would be responsive to the character of the existing house and houses on Buswell Street.

Comments from the Heritage Advisory Committee

The application was considered by the HAC on 5 July 2017 and their recommendation is included in this report.

Conclusion

The MHI listing was completed prior to the dwelling development that has occurred adjoining the subject site (#34) Austral Parade (strata subdivision 1999, dwelling 2011)).

This development is considered to have detrimental impacts on the heritage significance in that the landmark qualities no longer contribute significantly to the streetscape and the community's sense

of place. The place can no longer be viewed along Austral Parade when approaching the city centre, until you are immediately adjacent the property. The heritage setting and values have significantly diminished.

As noted in the Heritage Impact Statement, there have been several modifications to the place which include replacement of doors and windows throughout which don't relate to the original building in material and style; internal room changes; extension of kitchen; ensuite created within original rooms; some verandahs that have been filled in; a lean to carport facing Austral Parade and a garage added to the southern portion of the place off Buswell Street. These changes haven't been in keeping with the original character, scale and/or materiality of the place and have diminished the authenticity and aesthetic value.

The structural engineer and heritage professional have concluded that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of the majority of its significant fabric and prohibitive costs for a single house (if traditional methods and materials were employed). A cost-reduced alternative could be investigated with modern skills and materials, but the heritage setting and streetscape has still been significantly impacted by the adjoining development.

Therefore, it is recommended that the proposed demolition be supported with relevant conditions, including an archival record of the place prior to commencement of the development.

Analysis of Financial and Budget Implications

This application for development approval relates to private property, and therefore, the effect of the recommendation has no direct budgetary or financial implications for the City of Bunbury. If the applicant is aggrieved by Council's decision they may apply for a review of the decision through SAT which may result in legal costs to the City of Bunbury.

Community Consultation

The application is also referred to the Heritage Advisory Committee as required by the LPP for proposed demolition of a heritage place.

Councillor/Officer Consultation

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

Consultation with the applicant

The applicant was advised of the need to consult with the Heritage Advisory Committee and of the draft recommendation. The owner has attached a response to the Heritage Advisory Committee and the Heritage Advisor's comments as per attached Appendix RAC- 7.

Delegation of Authority

This development application is referred to Council to assist with the decision making process as required by Local Planning Policy: Development Application Process for Heritage Places when the executive recommendation is different from the Heritage Advisory Committee.

10.2 Chief Executive Officer Reports

10.2.1 Schedule of Accounts Paid for the Period 1 June 2017 to 30 June 2017

Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Malcolm Osborne, Acting Chief Executive Officer
Attachments:	CEO-1 Schedule of Accounts Paid – June 2017

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 June 2017 to 30 June 2017.

1. Municipal Account – payments totalling \$9,387,206.04
2. Advance Account – payments totalling \$6,228,346.52
3. Trust Account – payments totalling \$33,647.24
4. Visitor Information Centre Trust Account – payments - totalling \$13,375.53
5. Bunbury-Harvey Regional Council Municipal Account - payments totalling \$385,259.66
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$219,520.62

Executive Recommendation

The Schedule of Accounts Paid for the Period 1 June 2017 to 30 June 2017 be received.

10.2.2 Preliminary Financial Management Report for the Year Ending 30 June 2017

Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Malcolm Osborne, Acting Chief Executive Officer
Attachments:	Appendix CEO-2: Statement of Comprehensive Income Appendix CEO-3: Statement of Financial Activity Appendix CEO-4: Statement of Net Current Assets Appendix CEO-5: Statement of Financial Position Appendix CEO-6: Capital Works Expenditure Summary Appendix CEO-7: Operating Project Expenditure Summary Appendix CEO-8: Monthly Community Financial Report

Summary

Note that this is a preliminary report to 30 June 2017 and is subject to change as end-of-year figures have not been finalised including transfers to and from reserves, employee provisions, restricted cash, final calculation of depreciation and asset revaluation. Council will receive a final report after the annual audit due to commence 4 September 2017.

The following comments are provided on the key elements of the City’s financial performance.

1. Statement of Comprehensive Income (**attached** at Appendix CEO-2)
 Actual Financial Performance to 30 June 2017 (refer explanations within the report)
 - Actual income of \$56.48M is \$2.26M greater than the annual budgeted income of \$54.22M.
 - Actual expenditure of \$53.71M is \$5.27M less than the annual budgeted expenditure of \$58.98M.
 - Actual operating surplus of \$2.77M is \$7.53M more than the annual budgeted operating deficit of \$4.76M.

2. Statement of Financial Activity (**attached** at Appendix CEO-3)
 Closing Funding Surplus to 30 June 2017 is forecast at \$3.25M, which is \$2.85M more than the Current Budget Closing Funding Surplus of \$400K. Note that the forecast closing funds of \$3.25M includes \$2.0M of operating and capital projects carried forward to the 2017/18 Budget and \$821K of Financial Assistance Grants received in advance for 2017/18. Forecast closing funds net of carried forward projects is \$423K.

3. Statement of Financial Position (**attached** at Appendix CEO-5)

The City’s year-to-date and forecast balances are as follows:

	Year-to-date	Forecast
* Current Assets of \$45.39M includes:		
- Cash and Investments	\$42.51M	\$42.51M
- Rates	\$0.88M	\$0.88M
- Other Current Assets	\$2.00M	\$2.03M
* Current Liabilities of \$9.94M includes:		

-	Trade and Other Payables	\$4.07M	\$4.07M
-	Annual Leave and LSL Provisions	\$3.65M	\$3.65M
* (Current Assets less Current Liabilities)	Working Capital	\$35.45M	\$35.49M
* (Total Assets less Total Liabilities)	Equity	\$580.80M	\$580.83M
4.	Capital Works (attached at Appendix CEO-6)		
-	Actual capital works of \$14.28M is \$17.37M less than the annual budgeted capital works of \$31.65M, (refer explanation within report).		
5.	Operating Project Expenditure (attached at Appendix CEO-7)		
-	Actual operating project expenditure of \$3.55M is \$1.68M less than the annual budgeted operating project expenditure of \$5.23M, (refer explanation within report).		

Executive Recommendation

The Preliminary Financial Management Report for the year ending 30 June 2017 be received.

Strategic Relevance

Key Priority Area No. 5 Corporate
Objective No. 5.3 Ensure financial sustainability

Background

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-2)
- Statement of Financial Activity (**attached** at Appendix CEO-3)
- Statement of Net Current Assets (**attached** at Appendix CEO-4)
- Statement of Financial Position (**attached** at Appendix CEO-5)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-6)
- Operating Projects Summary (**attached** at Appendix CEO-7)

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

Council Policy Compliance

Not applicable.

Legislative Compliance

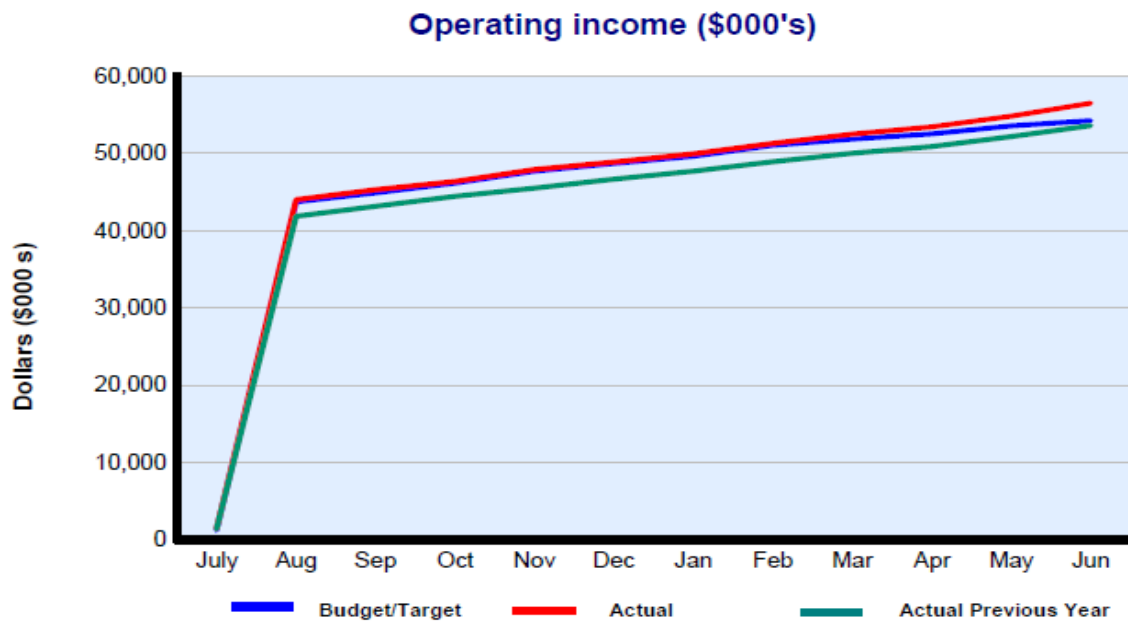
In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix CEO-3) reporting on

the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

At the Special Council Meeting 27 July 2016, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2016/17.

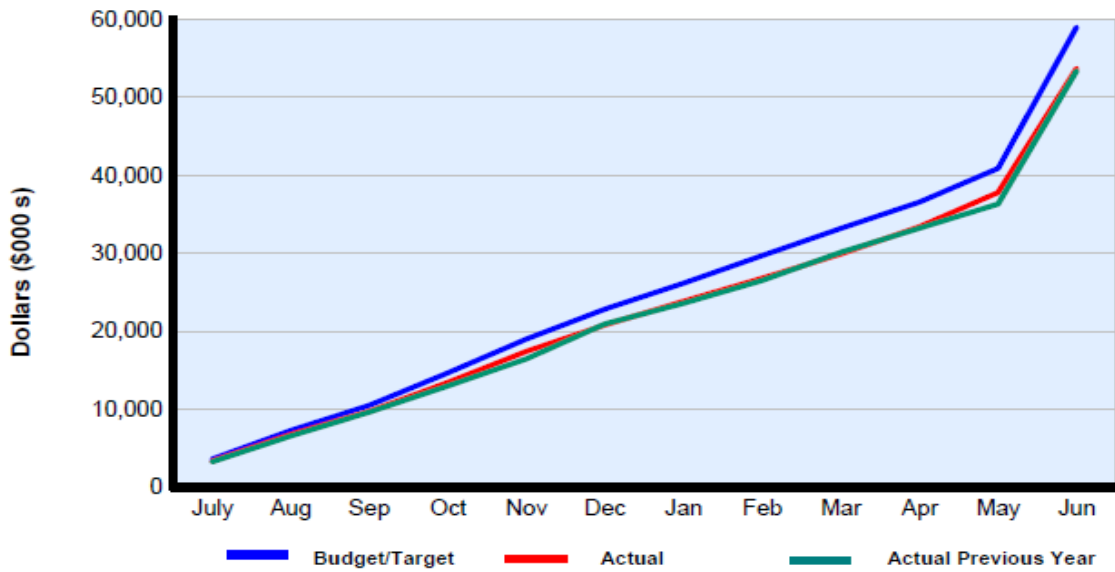
Officer Comments

The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.
Actual income of \$56.48M is \$2.26M greater than the annual budgeted income of \$54.22M.
Explanations for this variance are included in this report.

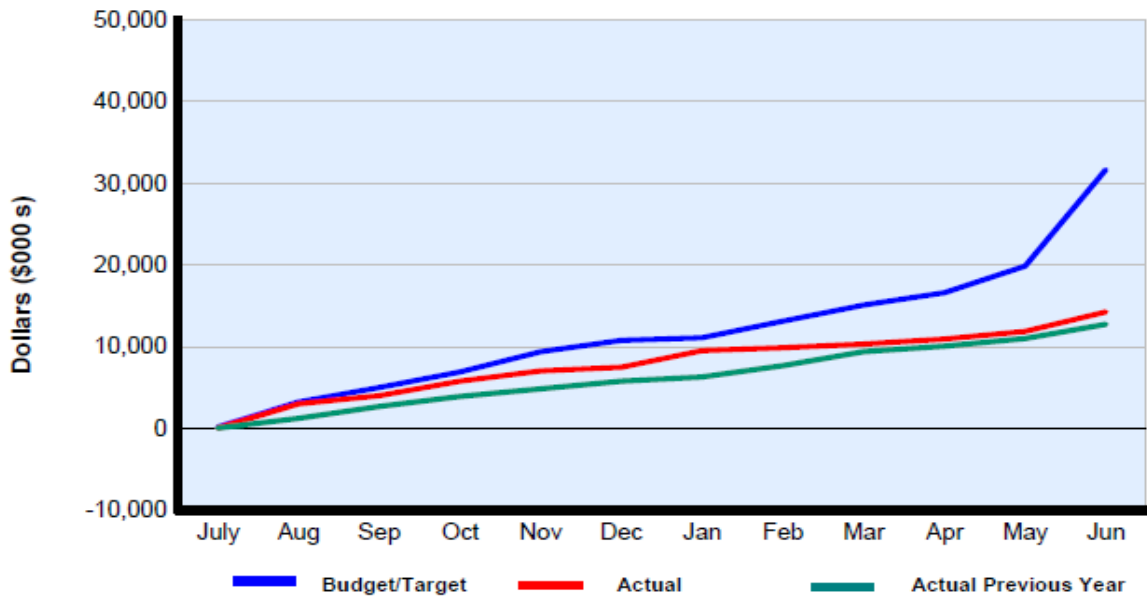
Operating expenditure (\$000's)



Note: Actual operating expenditure for both base and operating projects is \$5.27M under the annual budget.

Explanations for this variance are included in this report.

Capital Expenditure (\$ 000's)



Note: The capital expenditure variance to the end of June 2017 of \$17.37M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council.

Explanations for this variance are included in this report.

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
Rates Income <i>Interim Rates Income</i> – Higher than anticipated interim rates of \$42K have been raised on property improvements.	\$42,998 0.12%
Operating Grants and Subsidies <i>Operating Grant Income</i> – Favourable variance of \$1.18M mainly due to the Financial Assistance Grants of \$821K being received in advance for 2017/18 and the following unbudgeted grants received: PR-4340 - Better Bins project (\$165K) due to commence in 2017/18 PR-4328 - SilverSport funding (\$135K) PR-4329 - Implementing Wattle Control (\$22K)	\$1,187,573 54%
Contribution, Reimbursements and Donations <i>Contribution Income</i> – Unfavourable variance of \$29K mainly due \$50K contribution not received for PR-4167 Prepare Local Area Plan, offset by additional unbudgeted contributions received for PR-4329 Implement Wattle Control (\$10K) and Conduct youth events (\$15K). <i>Reimbursement Income</i> – Favourable variance of \$287K mainly due to the reimbursement of \$100K from the South West Development Commission for PR-3877 Management of funds for the Bunbury Marine Facilities as the City will now be administering the contractual payments, \$82K of recoupable property utilities, \$50K of workers compensation reimbursements, \$17K of legal fees reimbursed and \$16K additional Paid Parental Leave received.	\$257,535 25%
Fees and Charges <i>General Hire Fee Income</i> – Favourable variance of \$30K mainly due to higher than anticipated sportsground levies being received. <i>Building and Planning Fee Income</i> – Favourable variance of \$40K mainly due to a subdivision contribution being received, this amount has been transferred to the Planning and Development Act Section 152 reserve. <i>Sport Facility Fee Income</i> – Favourable variance of \$333K mainly due to higher than anticipated memberships for the South West Sports Centre.	\$435,250 3%
Interest Received <i>Cash and Investment Interest Income</i> – Favourable variance of \$320K mainly due to an increase in funds held in term deposits. <i>Rates Debtor Interest Income</i> – Favourable year-to-date variance of \$51K mainly due to additional rate payers taking advantage of paying by instalments.	\$370,543 42%

Operating Expenditure	
<p>Employee Costs <i>Salary Expense</i> – Favourable variance of \$939K mainly due to savings having resulted from vacancies throughout the organisation.</p> <p><i>Salary Accruals Expenses</i> – Favourable variance of \$289K mainly due to vacancies and higher number of people taking long service leave.</p> <p><i>Other Employee Related Expenses</i> – Favourable variance of \$239K mainly due to savings in FBT \$73K, superannuation contributions \$50K, workers compensation insurance \$47K and uniforms \$38K.</p>	<p>\$1,468,172 6%</p>
<p>Materials and Contracts <i>Material Expenditure</i> - Favourable variance of \$601K, mainly due to savings in the following areas:</p> <ul style="list-style-type: none"> • General Materials – \$393K – (includes operate and maintain parking meters \$79K, maintain and clean drainage pits \$61K, maintain council and community buildings \$53K, maintain sealed roads \$20K, replenish beach sand \$18K, maintain horticultural areas \$16K, conduct regional marketing and tourism activities \$15K, maintain local planning area plans and strategies, \$15K maintain corporate plant \$14K, maintain trees \$14K, maintain landscape structures \$10K, prepare engineering concepts \$10K and undertake private works \$10K) • Plant and Vehicles costs - \$80K (transferred to capital projects) • Telephone Expenses - \$69K (fixed and mobile phones) • Office Printing and Supplies - \$46K <p>The following projects are carry forwards, which contribute to the favourable variance:</p> <p style="padding-left: 20px;">PR-4327 – Regional Tourism Strategy implementation - \$47K PR-3866 – Conduct 25-year celebrations for the Bunbury-Setagaya relationship - \$20K</p> <p><i>Fuel Expense</i> – Favourable variance of \$105K mainly due to the reduction of fleet vehicles.</p> <p><i>Contract Employment Expense</i> – Favourable variance of \$65K, this expenditure has not been required during the year.</p> <p><i>Consultants Expenses</i> - Favourable variance of \$514K, mainly due to the following:</p> <p><u><i>Projects due to be carried forward to 2017/18 (\$340K):</i></u> PR-4167 - Prepare a Local Area Plan - \$125K PR-3196 - Conduct detailed contaminated site investigation for Nuytsia Ave - \$96K PR-4166 - Conduct site investigation Ecclestone Street - \$80K</p>	<p>\$2,123,498 14%</p>

<p>PR-1578 - Develop and implement a Public Health Plan - \$25K PR-3882 - Upgrade Trim Electronic document system - \$14K</p> <p><u>Completed projects with savings identified (\$65K):</u> PR-4037 - Environmental approvals and offset - \$35K PR-4265 - Pelican Point Grand Canals maintenance report- \$10K PR-4156 - Revalue building assets and freehold land - \$20K</p> <p><u>Base Operating with savings identified (\$100K):</u> Development Assessment and Building professional advice - \$40K Collect domestic recyclable materials - \$30K Investigate and design traffic scenario modelling - \$30K</p> <p><i>Contractors Expenses</i> - Favourable variance of \$439K, mainly due to the following:</p> <p><u>Projects due to be carried forward to 2017/18 (\$249K):</u> PR-4140 - Implement Withers Local Area Strategies - \$150K PR-4327 - Regional Tourism Strategy implementation - \$70K PR-3888 - Closure of laneways in Withers - \$29K</p> <p><u>Base Operating with savings identified (\$543K):</u> Advertising for various areas - \$135K Maintain sport grounds and infrastructure - \$128K Servicing and repairs for corporate vehicles and plant - \$108K Collect domestic recyclable materials - \$69K Cleaning of council and community facilities - \$60K Conduct destination marketing activities - \$43K</p> <p>The above favourable variances are offset by an unfavourable variance in PR-3877 Management of funds for the Bunbury Marine Facilities of \$329K as the City will now be administering the contractual payments to suppliers and not contributing the funds to the South West Development Commission.</p> <p><i>Software License or Maintenance Expenses</i> - Favourable variance of \$375K mainly due to the reduction of annual licence fees of \$237K and reduction of software maintenance, servicing and support of \$136K.</p>	
<p>Utilities Savings were achieved in utilities as shown below: <i>Electricity</i> – Favourable variance of \$214K <i>Water Expenditure</i> – Favourable variance of \$57K <i>Gas Expenditure</i> – Favourable variance of \$50K <i>Sewerage Expenditure</i> – Favourable variance of \$21K</p>	<p>\$341,967 12%</p>
<p>Other Expenditure <i>Contributions, Donations and Sponsorship Expenditure</i> – Favourable variance of \$1.17M mainly due to PR-3877 Management of funds for the Bunbury Marine Facilities of \$928K no longer being transferred to</p>	<p>\$1,286,607 37%</p>

<p>the South West Development Commission as they have instructed the City to administer the funds as noted above in contractor expenses.</p> <p>The following projects noted for carry forward to 2017/18: PR-3809 - Provide funding for an 'Event Grants' funding round - \$97K PR-4262 - Support Koombana Bay Sailing Club CSRFF - \$50K PR-4146 - Development of Public Land (as per Council Policy) - \$50K</p> <p><i>Elected Member Expenses</i> – Favourable variance of \$55K mainly due to savings in elected member training.</p> <p><i>Miscellaneous Expenditure</i> – Favourable variance of \$55K mainly due to savings in employee training \$55K, memberships and subscriptions of \$31K, offset by additional Paid Parental Leave payments \$17K.</p>	
<p>Non-Operating Income and Expenditure</p>	
<p>Grants and Contributions for the Development of Assets <i>Capital Grant Subsidy and Contribution Income</i> – Unfavourable variance of \$7.7M mainly due to grants not being available for: PR-2768 - Implementation of Leschenault Inlet Master Plan – Water Playground - \$6.3M PR-2366 - Contribute to purchase a regional waste site - \$700K</p> <p>The following projects have been carried forward to 2017/18, with grant funds to be received on completion of projects: PR-4317 - Edward Street road and drainage modifications - \$247K PR-4325 - Construct accessible ramp to back beach - \$110K PR-4316 - Construct new playground within Koombana Bay - \$96K</p>	<p>(\$7,723,527) (67%)</p>
<p>Interest on Capital Grants <i>Interest on Capital Grants</i> – Favourable variance of \$35K due to the additional interest received on the Koombana Bay redevelopment funds held on term deposit. These additional funds are transferred to the project.</p>	<p>\$35,400 25%</p>
<p>Proceeds from the Disposal of Assets <i>Proceeds from the Disposal of Land</i> – Favourable variance of \$530K due to the sale of all Latrielle Road properties.</p> <p><i>Proceeds from the Disposal of Plant and Vehicles</i> – Unfavourable variance of \$90K mainly due to the disposal of waste vehicles \$160K and corporate plant disposal \$113K carried forward to 2017/18. This is offset by favourable variance in the reduction of fleet vehicles of \$184K.</p>	<p>\$444,491 71%</p>

<p>Value of Assets Disposed <i>Value of Land Disposed</i> – Unfavourable variance of \$196K due to the disposal of the Latrielle Road properties. This is a non-cash expenditure item that records the profit and loss on the disposed assets.</p> <p><i>Value of Plant and Vehicles Disposed</i> – Favourable variance of \$448K due to the delay in disposal value of waste vehicles and corporate plant. This is a non-cash expenditure item that records the profit and loss on the disposed assets.</p> <p><i>Value of Equipment Disposed</i> – Unfavourable variance due to the disposal of old car parking machines (\$140K) due to the replacement of new machines as budgeted. This is a non-cash expenditure item that records the profit and loss on the disposed assets.</p>	<p>\$110,533 (15%)</p>
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Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	\$2,220,809 12%
Operating Expenses	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	\$5,270,571 8.9%
Capital Revenues	
<p>Grants and Contributions for the Development of Assets Unfavourable variance - See explanation above included in the Statement of Comprehensive Income variances – Grants and Contributions to the Development of Assets (\$7.72M).</p> <p>Interest Received on Capital Grants Favourable variance - See explanation above included in the Statement of Comprehensive Income variances –Interest Received on Capital Grants (\$35K).</p> <p>Proceeds on Disposal of Assets Favourable variance - See explanation above included in the Statement of Comprehensive Income variances – Proceeds from Disposal of Assets (\$444K).</p> <p>Proceeds from New Debentures Favourable variance in reduction in loan borrowings of \$1.03M mainly due to loan borrowings not being required for PR-2768 Implement the Leschenault Inlet Master Plan Precinct 2 – Water Playground (\$1M).</p> <p>Transfers to Restricted Cash Favourable variance in transfers to restricted cash of \$13.77M are inclusive of unspent grants and reserves movements.</p>	<p>(\$22,044,163) 86%</p>

Capital Expenses	
<p>Acquisition of Assets – The favourable variance is mainly due to the timing of expenditure for the following projects:</p> <p><u>Projects due to be carried forward to 2017/18 (\$15.78M):</u> PR-2768 - Implementation of Leschenault Inlet Master Plan – Water Playground - \$7.34M PR-4145 - Expand and upgrade Koombana Bay Foreshore - \$3.50M PR-1248 - Construct new depot building - \$2.0M PR-2288 - Replace corporate heavy plant 2016/17 - \$445K PR-3390 - Capital works at BREC, including replacing hardi-flat sheeting with colourbond metal sheeting to fly tower - \$378K PR-1912 - Replace waste vehicles and plant 2016/17 - \$354K PR-4165 - Develop a detailed design for a Cultural Precinct - \$347K PR-3997 - Install additional family and accessible change facilities at the SWSC - \$295K PR-4326 - Install new bore at Koombana Bay - \$224K PR-4317 - Edward Street Road and drainage modifications - \$214K PR-4325 - Construct accessible ramp to Back Beach - \$160K PR-4015 - Improve City’s Landscaping, Parks, Gardens and Entry Statements - \$112K PR-1252 - Redevelop Stirling Street Arts Centre - \$100K PR-4316 - Construct new playground within Koombana Bay Foreshore - \$96K PR-4012 - Upgrade and segmentation of network structure - \$87K PR-1536 - Renew landscaping and irrigation systems at Queens Gardens - \$69K PR-3445 - Refurbish existing toilet at Queens Gardens - \$57K</p> <p><u>Completed projects with savings identified (\$454K):</u> PR-1197 - Upgrade intersection of Parade Rd and Crampton Ave, Usher - \$247K PR-3900 - Renew drainage line Ecclestone St to Kelly St - \$80K PR-3900 - Upgrade Koombana Drive and Austral Parade intersection - \$55K PR-2625 - Widen formation and reconstruct embankment Koombana Drive - \$41K PR-3694 - Renew Parade Road - \$31K</p> <p><u>Projects deferred (\$700K):</u> PR-2366 - Contribute to purchase a regional waste site - \$700K</p> <p>Refer to Capital Expenditure report for project details.</p>	<p>\$17,370,514 55%</p>

Analysis of Financial and Budget Implications

This Preliminary Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2016/17 financial year.

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (**attached** at Appendix CEO-8) has been prepared to give the community an easy to understand summary of the City's financial performance. This report once received by Council will be made available on the City's website for community information.

Councillor/Officer Consultation

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

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

10.2.3 Statement of Business Ethics

Applicant/Proponent	Internal Report
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Acting Chief Executive Officer
Attachments:	Appendix CEO-9: Statement of Business Ethics

Summary

The purpose of this report is to present Council with a draft Statement of Business Ethics (the Statement) that has been developed to assist the City in managing relations with its suppliers, and acknowledging the City's commitment to preventing misconduct, corruption and fraud.

A copy of the Statement is attached at Appendix CEO-9.

Executive Recommendation

That Council endorse the draft Statement of Business Ethics as presented.

Strategic Relevance

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

Background

This Statement of Business Ethics outlines our expectations of providers of goods and services, and also includes information on the City's commitment to ethical dealings and what can be expected from us.

It is proposed to make the Statement widely available through the City's website, as well as being incorporated into all tender/contract documentation.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable.

Officer Comments

The Statement has been developed based on similar documentation obtained from the cities of Stirling and Wanneroo.

Although not a legislative requirement, the City is looking to improve the way in which we engage with our suppliers and prospective suppliers, with a view to streamlining processes around “doing business with the City”. The draft Statement is a step toward improving these processes, through full disclosure and the exchange of information.

Analysis of Financial and Budget Implications

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

Councillor/Officer Consultation

This matter is presented to Council for consideration.

10.3 Director Corporate and Community Services Reports

Nil.

10.4 Director Planning and Development Services Reports

10.4.1 Initiation of Proposed Scheme Amendment 93 to Rezone Lot 33 Strickland Street, Bunbury, from 'Public Purposes – Drainage Reserve' to 'Mixed Business Zone'

File Ref:	A06701
Applicant/Proponent:	Planning Solutions Australia Pty Ltd
Responsible Officer:	Martin Hughes, Planning Officer
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Attachments:	Appendix DPDS1 – Location Plan Appendix DPDS2 - Scheme Amendment Report

Summary

A resolution by Council is sought to initiate a standard scheme amendment to City of Bunbury Town Planning Scheme No. 7 (TPS7) that proposes to rezone Lot 33 Strickland Street, Bunbury, from 'Public Purposes – Drainage Reserve' to 'Mixed Business Zone'.

The intent of Scheme Amendment 93 is to allow the subject site to be capable of development for mixed business and service commercial purposes in conjunction with adjoining lots. The existing drain is to be piped, covered and protected by a 5m wide easement.

The City of Bunbury has entered into an option deed with Citygate Commercial (No1) Pty Ltd to grant an option to purchase the subject site (Council Decision 178/16). The option deed is conditional upon the subject site being rezoned to 'Mixed Business Zone' under TPS7, or 'Service Commercial Zone' under draft Local Planning Scheme No. 8 (LPS8).

Executive Recommendation

That Council resolves to:

1. In accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to initiate and adopt for the purpose of public advertising the proposed Scheme Amendment 93 to the City of Bunbury Town Planning Scheme No. 7, by amending the Scheme Map to rezone Lot 33 (Deposited Plan: 25471) Strickland Street, Bunbury, from 'Public Purposes – Drainage Reserve' to 'Mixed Business Zone', as depicted in the scheme amending pages and on the scheme amendment map included within the Scheme Amendment 93 report.
2. Determines that Scheme Amendment 93 is a 'standard amendment' under clause 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reasons:
 - (a) the amendment does not result in any significant impact on land in the scheme area that is not the subject of the amendment;
 - (b) Relates to a zone or reserve that is consistent with the objectives identified in Town Planning Scheme No. 7 for that zone or reserve;
 - (c) Does not result in any significant environmental, social, economic or governance impacts on land within the Scheme Area; and

- (d) It is not a basic or complex amendment.
3. Refer a copy of the proposed Scheme Amendment 93 documentation to the Environmental Protection Authority (EPA) for review and comment.
 4. Subject to formal assessment not being required by the EPA, refer a copy of the proposed Scheme Amendment 93 documentation to relevant public authorities for consideration and comment, and publically advertise the proposal over a submission period of not less than 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 5. Following the conclusion of public advertising, reconsiders Scheme Amendment 93, including any proposed modifications, along with any submissions lodged with the City of Bunbury during the public consultation period.
 6. Recommend to the Western Australian Planning Commission (WAPC) that should the scheme amendment not be finalised prior to the gazettal of the proposed draft Local Planning Scheme No. 8, include Lot 33 (Deposited Plan: 25471) Strickland Street, Bunbury, in the 'Service Commercial Zone' as a modification to the draft LPS8 Scheme Map.

Strategic Relevance

- Key Priority Area 3: Natural and Built Environment
Objective: 3.4 Facilitate urban design, diversity of land users, and enabling infrastructure
- Key Priority Area 4: Regional Economy
Objectives: 4.1 Maintain support for local business
4.2 Create an environment that will attract new business
4.3 Promote Bunbury as a place that supports commercial, residential and social development
- Key Priority Area 5: Corporate
Objective: 5.1 Facilitate community and stakeholder participation in decision-making

Background

A summary table of details relating to the subject site are as follows:

Property Address:	Lot 33 (Deposited Plan: 25461) Strickland Street, Bunbury
Zoning:	Public Purposes – Drainage Reserve
Existing Land Use:	Land utilised for drainage purposes
Lot Area:	2,570m ²

The subject lot has access from Strickland Street and is surrounded by land included in the 'Mixed Business Zone'. The subject lot is currently an open drain. The City of Bunbury and the proponent have entered into an agreement that the proponent will pipe the drain before the land is transferred into the proponent's ownership, with bitumen (i.e. car parking) being allowed over the 5m wide easement.

A location plan showing the subject site and its surrounds is **attached** at Appendix DPDS-1.

The documentation prepared and provided by the applicant is incorporated within the Scheme Amendment report **attached** at Appendix DPDS-2.

It is noted that on 2 May 2017, Council resolved to cease consideration of new submissions to amend TPS7 (Council Decision 160/17) as part of Council recommending approval to the WAPC for the City of Bunbury's draft Local Planning Strategy and Scheme 8 (LPS8).

The intent of the resolution was to stop speculative scheme amendment submissions being lodged by third parties during the WAPC's consideration period, which would potentially delay the gazettal of the new Scheme. However, it is considered that the amendment to the existing Scheme and/or minor modification to the draft Scheme can be progressed in this instance as the negotiations between City of Bunbury officers and the proponent surrounding the sale of Lot 33 predate the Council resolution.

Council meeting 31 May 2016 determined the following decision, upon which the rezoning was identified as a requirement forward and that this would be at cost to the proponent:

Council Decision 178/16

Council agrees to the disposal of the whole of Lot 33 Strickland Street/Denning Road drain to Citygate Properties Pty Ltd, subject to the Terms and condition as specified in the report, and the following:

1. *That Council authorises the Chief Executive Officer to negotiate the disposal of the Property.*
2. *The Applicant to pay all costs associated with filling the drain, piping, diverting with a drainage easement over Lot 43 and Plan 5471 and rezoning Lot 33 to Mixed Business.*
3. *That disposal of the property is subject to, and conditional upon, statutory advertising of such disposal and final endorsement thereof by Council, in accordance with the provisions of Section 3.58 of the Local Government Act 1995.*

Negotiations continued thereafter with the final Option to Purchase Agreement being completed by the City of Bunbury's lawyer in May 2017. Noting that negotiations commenced in 2016 in accordance to Council's decision, with the final agreement was signed on 2 June 2017.

Legislative and Council Policy Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Policy Framework are applicable to the assessment of this scheme amendment:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Greater Bunbury Region Scheme (GBRS)*
- *City of Bunbury Town Planning Scheme No.7 (TPS7)*
- *Draft City of Bunbury Local Planning Scheme No. 8 (LPS8)*
- *Draft City of Bunbury Local Planning Strategy (LPS)*

Officer Comments

Town Planning Scheme 7

The adjoining lots are zoned Mixed Business under TPS7. The rezoning of the land is consistent with the surrounding land and the objectives of the Mixed Business Zone.

Greater Bunbury Region Scheme

The subject site and adjoining properties are zoned Urban pursuant to the Greater Bunbury Region Scheme (GBRS). It is considered that the proposed rezoning is consistent with the purpose of the Urban zone.

Engineering

The City of Bunbury and the proponent have entered into an agreement that the proponent will pipe the drain before the land is transferred into the proponent's ownership, with bitumen (i.e. car parking) being allowed over the 5m wide easement. In addition, all works will have to be to the specifications and satisfaction of the City of Bunbury.

Environmental Health

The lot is not connected to reticulated sewer, and should the lot be developed in its own right, there will be development limitations due to the requirement of an on-site waste water treatment and disposal system.

Conclusion

It is considered that Scheme Amendment 93 is consistent with the objectives of the 'Mixed Business Zone' and does not result in any significant environmental, social, economic or governance impacts within the Scheme area.

Analysis of Financial and Budget Implications

The City of Bunbury has entered into an option deed with Citygate Commercial (No1) Pty Ltd to grant an option to purchase the subject site. The option deed is conditional upon the subject site being rezoned to 'Mixed Business Zone' under TPS7, or 'Service Commercial Zone' under draft LPS8.

Community Consultation

The proposed scheme amendment will be required to be advertised for public comment in accordance with the requirements of the *Planning and Development Act 2005* and associated *Planning and Development (Local Planning Schemes) Regulations 2015* for a minimum period of 42 days.

Public consultation measures includes the following:

- letter sent to surrounding landowners and relevant public authorities;
- public notification signs erected onsite;
- public notice of proposal published in a locally circulated newspaper;

- public notice of proposal posted on the City of Bunbury’s website; and
- copies of plans and supporting information made available at the City of Bunbury’s customer service centre.

Consultation with the Applicant

The draft officer’s recommendation has been communicated with the applicant.

Councillor/Officer Consultation

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

10.4.2 Retrospective Development Approval for Outbuilding – Lot 19 (#17) Gregory Street, South Bunbury

File Ref:	P13992, DA2017/46/1
Applicant/Proponent:	Rick Edward Grant
Responsible Officer:	Martin Hughes, Planning Officer
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director, Planning and Development Services
Attachments:	Appendix DPDS-3: Location Plan Appendix DPDS-4: Revised Development Plans Appendix DPDS-5: Site Photographs Appendix DPDS-6: Schedule of Submissions

Summary

This application for retrospective development approval relates to the construction of a replacement outbuilding at Lot 19 (#17) Gregory Street, South Bunbury.

It was resolved at the Council Meeting on 16 May 2017 to defer the determination of the development application to allow further consultation between the applicant and City of Bunbury officers (Council Decision: 190/17). The assessing planning officer met the applicant on site and discussed potential modifications to the outbuilding. Following the meeting, the applicant provided the City of Bunbury with revised development plans.

The following modifications are now proposed to the original submission:

- Reduction in outbuilding size from 123m² to 87.5m²;
- Reduction of the secondary street setback (Mangles Street) from 0m (Nil) to 4.5m setback;
- Reduction in lot boundary wall (parapet wall) height on the east boundary from 3.3m to 3.0m; and
- Reduction in lot boundary wall (parapet wall) length on the east boundary from 15.99m to 11.54m.

The revised development plans were readvertised to adjoining landowners from 13 June 2017 to 30 June 2017. In total, two (2) submissions from neighbours were received, all objecting to the development.

It is considered that the proposed variations relating to lot boundary setback, the size of the outbuilding and building height satisfy the design principles of the Residential Design Codes (R-Codes) and the objectives of the City of Bunbury's Local Planning Policy: Minor Structures (including Outbuildings). It is therefore recommended that development approval be granted for the outbuilding, subject to conditions.

Executive Recommendation

That Council:

1. In accordance with the *Planning and Development Act 2005* (as amended), hereby resolves to grant retrospective development approval (application reference: DA/2017/46/1) for the

outbuilding at Lot 19 (No. 17) Gregory Street, South Bunbury, subject to the following conditions:

- 1.1 At all times, the development the subject of this development approval must comply with the definition of 'Outbuilding' as contained in the State Planning Policy 3.1 Residential Design Codes (R-Codes).
- 1.2 All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
- 1.3 This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
- 1.4 The proposed infill panels and gates, as clouded in red on the approved development plans, are to be visually permeable in accordance with the definition within the R-Codes, to the satisfaction of the City of Bunbury.
- 1.5 The boundary (parapet) wall, including footings and associated structures, shall be constructed wholly within the lot boundaries and finished to a quality finish and professional standard, to the satisfaction of the City of Bunbury.
- 1.6 All water draining from roofs or other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the subject lot, to the satisfaction of the City of Bunbury.
- 1.7 Before the development commences, a crossover permit must be obtained from the City of Bunbury. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
- 1.8 Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
- 1.9 The proposed gates which adjoin Mangles Street are to open inwards into the lot, to the satisfaction of the City of Bunbury.

Advice Notes

- 1.1 The City of Bunbury advises that where a development approval contains conditions which are required to be discharged before development commences, to commence development before those conditions are discharged means that the development is not pursuant to the planning permission and is therefore **unauthorised development**.
- 1.2 An application for an extension of time to an existing development approval shall require a formal written request, signed by both the land owner and applicant (if applicable) and the payment of the appropriate application fee (as per the Council's Fees & Charges Schedule), details of the relevant development approval are required (e.g. DA number, date of approval, property address). An application shall

be received within one month prior to the expiration of the Development approval.

- 1.3 The development the subject of this development approval is also regulated by the *Western Australia Building Act 2011, Building Regulations 2012* and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The owner is advised to liaise further with the City of Bunbury's Building Services on (08) 9792 7000.

Strategic Relevance

Key Priority Area 3: Natural and Built Environment
Objective 3.4 Facilitate urban design, diversity of land uses, and enabling infrastructure

Background

The subject site is located in a prominent position on the corner of Gregory Street and Mangles Street. The single storey brick and tile dwelling is typical of the suburban residential character of this part of South Bunbury with detached dwellings set back from the street with wide and open road verges.

A location plan showing the subject site and its surrounds is **attached** at Appendix DPDS-3.

A summary of the key details pertaining to the subject lot is as follows:

Property Address:	Lot 19 (#17) Gregory Street, South Bunbury
Zoning:	Residential Zone
Residential Density Coding:	R20/30
Existing Land Use:	Single House
Lot Area:	655m ²

At the time of lodgement, the applicant had largely constructed the outbuilding before being requested to submit a retrospective application for development approval. The applicant has since obtained a separate building permit for the side boundary fence that has now been constructed on the site, but has not at this point in time applied for a building permit for the outbuilding.

Given that a building permit was not obtained for the outbuilding, the applicant would be obliged to procure a Building Approval Certificate from the local government as the permit authority, which can be issued once the applicant has arranged for a Certificate of Building Compliance (CBC) to be lodged by a private building surveyor.

The outbuilding for which retrospective development approval is being sought has been built to replace an existing collection of outbuildings (now demolished). The original outbuildings were built on a smaller footprint (102m²) than the newly partially constructed development (123m²).

The application was referred to Council and it was resolved at the Council Meeting on 16 May 2017 to defer the determination of the development application to allow further consultation between the applicant and City of Bunbury officers (Council Decision: 190/17). The assessing planning officer subsequently met the applicant on site and discussed potential modifications to the outbuilding.

Following the meeting, the applicant provided with the City with revised development plans. The proposed changes can be summarised as follows:

- Reduction in outbuilding size from 123m² to 87.5m²;
- Reduction of the secondary street setback (Mangles Street) from 0m to 4.5m setback.
- Reduction in lot boundary wall (parapet wall) height on the east boundary from 3.3m to 3.0m; and
- Reduction in lot boundary wall (parapet wall) length on the east boundary from 15.99m to 11.54m.

The revised development plans are **attached** at Appendix DPDS-4.

Site photos of the subject site, the partially constructed garage and its surrounds are **attached** at Appendix DPDS-5.

Legislative and Council Policy Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are applicable to the assessment of this application for retrospective development approval:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- State Planning Policy 3.1 - Residential Design Codes (R-Codes);
- City of Bunbury Town Planning Scheme No. 7 (TPS7); and
- Local Planning Policy: Minor Structures (including Outbuildings).

Officer Comments

The proposed development seeks variations to the deemed-to-comply requirements of the R-Codes for lot boundary setback (Clause 5.1.3); the size of the outbuilding and wall height (Clause 5.4.3) and the City of Bunbury's Local Planning Policy: Minor Structures (including Outbuildings).

Residential Design Codes

Clause 5.1.3 – Lot boundary setback within the R-Codes deemed-to-comply requirements specifies that walls may be built up to the boundary (parapet wall) '*not higher than 3.5m with an average of 3.0m or less, up to a maximum length of 9.0m behind the front setback, to one side boundary only*'.

The proposed outbuilding has a parapet wall length of 11.99m directly adjoining Lot 20 (#98) Mangles Street, and a parapet wall length of 7.6m directly adjoining Lot 18 (#15) Gregory Street. As such, the development having two parapet walls, with one being over length, do not satisfy the deemed-to-comply provisions and needs to be assessed against the corresponding design principles.

The proposal has been assessed against the design principles of Clause 5.1.3 of the R-Codes, as demonstrated in the table below.

Design Principles Assessment

<i>Clause 5.1.3 P3.2 Design Principles</i>	<i>Assessment</i>
Buildings built up to boundaries (other than the street boundary) where this:	The outbuilding situated on the boundary provides an effective use of space, and provides

<p>(a) makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</p>	<p>enhanced privacy for the adjoining lot due to not having any major openings or windows.</p>
<p>(b) does not compromise the design principle contained in clause 5.1.3 P3.1;</p>	<p>The proposed revised development plans do not compromise the design principle contained in Clause 5.1.3 P3.1, which broadly states that buildings reduce impacts of building bulk on adjoining properties, provide adequate sun and ventilation, and to minimise the extent of overlooking. It is considered that the revised development plans ensure adequate sun and ventilation to adjoining properties, minimise the extent of overlooking and the reduction of length and height of the parapet wall reduces the impacts of building bulk on the adjoining properties.</p>
<p>(c) does not have any adverse impact on the amenity of the adjoining property;</p>	<p>It is considered that the revised development plans would not have any adverse impact on the amenity of adjoining properties due to height, scale or impact of the proposal.</p> <p>The proposed modifications to the outbuilding results in a reduction to the outbuilding size, the parapet wall length and height. The reduction in the parapet wall height from 3.3m to 3.0m will further reduce the building bulk of the structure. The natural ground level slopes north to south, the parapet wall height starts at approximately 2.7m and gradually increases to the 3.0m towards Mangles Street. In addition, it is considered that the 2.54m variation to the length of wall would not exacerbate or negatively impact the amenity of adjoining properties, in relation to building bulk and visual impact.</p>
<p>(d) ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining owners is not restricted; and</p>	<p>It is considered that the proposed variation would not compromise direct sun to major openings to habitable rooms and outdoor living areas for the adjoining properties due to the outbuilding being situated adjoining a vehicle accessway for Lot 20 #98 Mangles Street, and the orientation of the lot would result in the majority of the shadow cast from the outbuilding would be on the subject site. In addition, the proposal complies with Clause 5.4.2 (Solar Access for adjoining sites) within the R-Codes.</p>
<p>(e) Positively contributes to the prevailing development context and streetscape.</p>	<p>It is considered that the development positively contributes to the prevailing development context and streetscape. The proposed revised outbuilding has a setback of 4.5m from the</p>

	Mangles Street (secondary street) lot boundary, which ensures that the outbuilding would blend in to the streetscape and be a similar setback to other dwellings, carports and outbuildings along Mangles Street.
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Local Planning Policy: Minor Structures (including Outbuildings)

The Local Planning Policy: Minor Structures (including Outbuildings) specifies that for a lot size of 601m² to 700m², the maximum outbuilding area is 70m², and a maximum wall height of 2.7m, with the revised proposal having an outbuilding area of 87.5m² and wall height of 3.0m. The proposal will therefore be assessed against the objectives of the Local Planning Policy:

Objectives of Local Planning Policy: Minor Structures (including Outbuildings)	Assessment
(a) To ensure that the Performance Criteria of the Residential Design Codes are appropriately addressed;	Refer to the assessment against the design principles of Clause 5.1.3 – Lot boundary setback above.
(b) To ensure that minor structures (including outbuildings) are appropriately located on premises;	<p>The proposed outbuilding has been reduced in scale (in terms of building bulk), set further back from the street, and reduced in length and height.</p> <p>The applicant has proposed visually permeable panelling above 0.75m in height, where the driveway adjoins the street. The City of Bunbury’s Development Engineer has assessed the proposed accessway in relation to sight lines and safety for vehicles and pedestrians, and considers that the proposal ensures that vehicle sight lines have been maintained along vehicle access ways for safe access and egress from both the subject lot and the driveway to Lot 20 #98 Mangles Street.</p> <p>It is considered that due to the Mangles Street verge being approximately 6.0m; it will provide adequate time to ensure that vehicles reversing from vehicle accessways can see on-coming pedestrians, cyclists and vehicles at the conflict point. In addition, a condition of development approval has been applied to ensure that the panelling above 0.75m is visually permeable in accordance with the definition in the R-Codes.</p> <p>Furthermore, as the subject lot is situated as a corner lot, if a vehicle accessway was not proposed, a 1.8m dividing fence could ordinarily be constructed directly adjacent to Mangles Street and the boundary directly adjacent to Lot 20 #98 Mangles Street thus restricting sight lines</p>

	<p>for the adjoining lot. It is considered that the visually permeable panelling provides an effective solution to ensure vehicle access safety, while providing security to the rear/outdoor living area(s) of the subject lot.</p> <p>It is considered that the outbuilding is appropriately located on the subject site, as it is now located generally in line with the existing dwelling and the adjoining dwelling, and is set back from the street, and a size and scale that is considered ancillary to the single dwelling.</p>
<p>(c) To preserve and enhance the amenity of the area and to limit the visual impact of minor structures (including outbuildings) by controlling building bulk (size and height);</p>	<p>The size and height of the outbuilding has been reduced, including the setback from the street boundary. The outbuilding when set back at 4.5m would be more appropriate in regards to the visual impact from the street, and would be more in line with other setbacks of residential dwellings, outbuildings and carports along Mangles Street.</p> <p>It is considered that the revised dimensions of the outbuilding preserve and enhance the amenity of the area and limits the visual impact of the outbuilding.</p>
<p>(d) To ensure that materials used, and the design of minor structures (including outbuildings) are of an acceptable standard; and</p>	<p>The outbuilding is to be constructed with typical building materials (brick and colorbond) and therefore considered an acceptable standard.</p>
<p>(e) To improve customer service standards through the timely processing of applications for minor structures (including outbuildings).</p>	<p>This policy objective is not applicable in this circumstance.</p>

Conclusion

In summary, the outbuilding has been assessed against the Residential Design Codes Design Principles of 5.1.3 P3.2, Clause 5.4.3 – Outbuildings, and the City of Bunbury’s Local Planning Policy: Minor Structures (including Outbuildings) and it is considered that the revised development plans meet the Design Principles of the R-Codes and the objectives of the Local Planning Policy.

Analysis of Financial and Budget Implications

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

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

Community Consultation

The application for retrospective development approval, advising of the revised development plans was subject to consultation from 13 June 2017 to 30 June 2017. Public consultation measures included the following:

- Letters sent to surrounding landowners/occupiers; and
- Copies of plans and supporting information made available at the City of Bunbury's customer service centre.

In total, two (2) submissions from neighbours were received objecting to the development.

The objectors were concerned with a number of aspects about the proposal, including comments in regard to stormwater management, fencing, driveway height of the proposed hardstand area, and vehicle access safety.

A schedule of the submissions received is **attached** at Appendix DPDS-6.

Consultation with the Applicant

City of Bunbury Officers have met with the applicant on site and discussed the issues relating to compliance with the R-Codes and neighbour concerns over the phone.

The draft officer's recommendation has been communicated with the applicant.

Councillor/Officer Consultation

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

10.4.3 Application for Development Approval for Proposed Single Bedroom Dwelling at Strata Lot 1 (#30A) Ecclestone Street, Bunbury

File Ref:	2016.120.1
Applicant/Proponent:	Frank Comito
Responsible Officer:	Anthony Pick, Acting Team Leader Development Assessment and Compliance
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Attachments:	Appendix DPDS-7: Site Plan and Elevations Appendix DPDS-8: Schedule of Submissions

Summary

Development approval is sought for a ‘single bedroom dwelling’ at Strata Lot 1 (#30A) Ecclestone Street, Carey Park. The proposed development was advertised and the City of Bunbury has received two objections to the proposal, primarily expressing concern regarding vehicular access on road safety grounds due to its proximity to an intersection.

It is recommended that vehicular access is provided as proposed, from Wisbey Street, which is a lower order road to Ecclestone Street, given that the sightlines are considered to be acceptable.

The proposed development is considered to represent orderly and proper planning and it is recommended that conditional development approval is granted.

Executive Recommendation

That Council:

1. In accordance with the *Planning & Development Act 2005 (as amended)*, hereby resolves to grant development approval for a ‘single bedroom dwelling’ at Strata Lot 1 (#30A) Ecclestone Street, Bunbury, subject to the following conditions.
 - 1.1 All development and use of the lot/strata lot shall be in accordance with the approved plan of development (Plan 70701 R1). At all time, the development and use of the existing dwelling on the lot/strata lot (Plan 70701 R1) must comply with the definition of ‘grouped dwelling’ as contained in State Planning Policy 3.1 – Residential Design Codes (R-Codes). At all times, development and use of the proposed dwelling on the lot/strata lot (annotated as Unit 4) must comply with the definition of ‘single bedroom dwelling’ as contained in the R-Codes.
 - 1.2 Prior to occupation of the single bedroom dwelling, the owner shall execute and provide to the City of Bunbury a notification pursuant to section 70a of the *Transfer of Land Act* to be registered on the title that states:

‘Strata Lot 1 (#30A) Ecclestone Street contains a single bedroom dwelling (annotated as Unit 4 on development application 5/2016/120). The dwelling must not be used for any other purpose than a single bedroom

dwelling as defined by the State Planning Policy 3.1 Residential Design Codes’.

- 1.3 This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
- 1.4 All works required to satisfy a condition of this development approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
- 1.5 Before the development is occupied, external clothes drying facilities must be provided for the existing and proposed dwelling in accordance with clause 5.4.5 of the State Planning Policy 3.1 Residential Design Codes (the R-Codes). External clothes drying facilities must be effectively screened from public view at all times and to the satisfaction of the City of Bunbury. Details to be submitted with the building permit application.
- 1.6 Before the development is occupied an enclosed lockable storage area constructed in a design and material matching the dwelling, where visible from the street, must be provided for each dwelling in accordance with the R-Codes. The store shall have a minimum dimension of 1.5m and an internal area of 4m² and be accessed from outside the dwelling. The store shall have a maximum wall height of 2.4m and a maximum ridge height of 4.2m.
- 1.7 Front walls and fences within the primary street setback area must be visually permeable 1.2 metres above the natural ground level in accordance with the R-Codes and to the satisfaction of the City of Bunbury.
- 1.8 Walls and fences must be truncated or reduced to no higher than 0.75 metres above natural ground level within 1.5 metres setback of where walls and fences adjoin vehicle access points where a driveway meets a public street (lot boundary) or a communal accessway to the satisfaction of the City of Bunbury and in accordance with the R-Codes.
- 1.9 Rubbish bin storage areas must be screened from public view at all times in accordance with clause 5.4.5 of State Planning Policy 3.1 Residential Design Codes (the R-Codes) and to the satisfaction of the City of Bunbury.
- 1.10 The boundary walls, including footings and associated structures, shall be constructed wholly within the lot boundaries and finished to a quality finish and professional standard, to the satisfaction of the City of Bunbury.
- 1.11 Before the development commences, a crossover permit must be obtained from the City of Bunbury for the proposed crossover. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
- 1.12 Prior to occupation of the single bedroom dwelling one car parking bay for the ‘single bedroom dwelling’ and two car parking bays for the existing dwelling must be constructed within the lot/strata lot boundary.

- 1.13 The access way(s) and turning area(s) must be constructed in accordance with the development approval to the satisfaction of the City of Bunbury.
- 1.14 Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
- 1.15 Before the development commences, a damage bond to the value of \$500.00 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.
- 1.16 A minimum of 1m³ of storm water storage for each 65m² of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.

Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan prior to the development being occupied.
- 1.17 All construction activities must be undertaken so as to avoid dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.
- 1.18 Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.

Advice Notes:

- (a) This is a development approval only. The applicant/landowner are advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development or land use.
- (b) Where an approval lapsed, no development must be carried out without the further approval of the local government.

An application for an extension of time to an existing development approval shall require a formal written request, signed by both the land owner and applicant (if applicable) and the payment of the appropriate application fee (as per the Council's Fees and Charges Schedule), details of the relevant development approval are required (e.g. DA number, date of approval, property address). An application shall be received within one month prior to the expiration of the development approval.

- (c) The development the subject of this development approval is also regulated by the *Western Australia Building Act 2011*, *Building Regulations 2012* and the Building Code of Australia (BCA). A separate building permit must be granted before the development commences, where offences occur statutory penalties may apply. The owner is advised to liaise further with the City of Bunbury's Building Certification team on (08) 9792 7000.

- (d) This development approval does not remove or affect any statutory responsibility or obligation the owner may have under that *Strata Titles Act 1985* (as amended). Under the strata or survey strata plan, a requirement for consent by the strata company or other strata or survey strata owners may be required.
- (e) Before development commences, the existing effluent disposal system(s) must be decommissioned in accordance with *Division 3 of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

Strategic Relevance

Key Priority Area 3: Natural and Built Environment
Objective 3.4 Facilitate urban design, diversity of land uses, and enabling infrastructure.

Key Priority Area 4: Regional Economy
Objective 4.3 Promote Bunbury as a place that supports commercial, residential and social development

Background

A summary table of details relating to the subject site are as follows:

Property Address:	Strata Lot 1 (#30A) Ecclestone Street, Bunbury (formerly Lot 279 (#43) Wisbey Street)
TPS7 Zone:	R20/R30
TPS8 Zone:	R20/R30
Existing Land Use:	Single House
Lot Area:	Strata Lot - 500m ²

The application for development approval is for a 'single bedroom dwelling' with proposed vehicular access from Wisbey Street. The subdivision of the parent lot (Lot 279 Wisbey Street) included a covenant on the certificate of title which at the time restricted vehicle access to and from Wisbey Street.

The applicant subsequently lodged a formal request to the Western Australian Planning Commission (WAPC) to remove the covenant, and consequently the processing of the development application was deferred pending the resolution. The request to remove the covenant was supported by the Development Engineer and the WAPC which has since discharged the restriction of access covenant.

Legislative and Council Policy Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are applicable to the assessment of this application for development approval:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- State Planning Policy 3.1 - Residential Design Codes (R-Codes)
- City of Bunbury Town Planning Scheme No.7 (TPS7)
- Draft City of Bunbury Local Planning Strategy
- Draft City of Bunbury Local Planning Scheme No.8 (LPS8)

Officer Comments

The proposed single bedroom dwelling will facilitate a mix of housing types in the locality, which is an established medium density area. The site fronts a local distributor road (Ecclestone Street) which is serviced by public transport in the locality and is within reasonable walking distance of local shops and parks. The development responds to existing demand for single bedroom accommodation as recognised in the Local Planning Framework.

The proposed development is generally compliant with the deemed-to-comply requirements of the R-Codes, with minor variations sought to street and boundary setbacks which are considered to satisfy the applicable design principles.

The proposed development has been advertised and the application is before Council due to the City of Bunbury receiving two letters of objection. The submissions relate primarily to road safety concerns, which, in summary are that:

- The development would reduce sightlines (including users of the footpath) resulting from any parking on the verge;
- The development would increase difficulty for people reversing, due to the existence of the median strip; and;
- The proposed access is in close proximity of the intersection and the potential adverse impact on drivers rounding the corner of Wisbey Street.

Whilst the concerns raised are acknowledged, the City of Bunbury's Development Engineer is satisfied that the proposed access arrangement is acceptable for the following reasons. Wisbey Street is a lower order road than Ecclestone Street and therefore carries substantially less traffic. It is preferable that vehicles access / egress to the proposed dwelling is from a lower traffic road. It is also noted that should access be proposed from Ecclestone Street then the access would also be in close proximity to the roundabout.

The Development Engineer also considers that there is sufficient distance between the boundary and the road carriageway on Wisbey Street, which will allow drivers good sight distance when manoeuvring in and out of the proposed driveway.

The proposed 'single bedroom dwelling' provides one car parking bay in accordance with the requirements of the R-Codes. In respect of informal car parking (e.g. visitors) on the road reserve, section 4.6 of the City of Bunbury 'Parking and Parking Facilities Local Law' states:

'4.6 (1) A person must not –

- (a) Stop or park a bus or trailer or caravan unattached to a motor vehicle, so that any portion of it is on a road verge;
- (b) Stop or park a vehicle so that any portion of the vehicle is on a road verge during any period when the stopping or parking vehicles on the road verge is prohibited by a sign adjacent and referable to that road reserve; or
- (c) stop or park a vehicle on a road verge that is intended for the use of pedestrians and evidenced, for example, by paving, concreting or garden beds.

- (2) Subject to sub-clause (1) a person must not stop or park a vehicle if any portion of the vehicle is on the road verge unless he or she –
- (a) Is the owner or occupier of the premises adjacent to that road verge; or
 - (b) Is a person authorised by the occupier of those premises to do so.

Where informal car parking occurs on the road reserve which is subsequently deemed to be a hazard to road safety, the City of Bunbury has within its powers to install signage to restrict verge parking in this locality.

In conclusion, the application is considered to be consistent with the draft City of Bunbury Local Planning Strategy and the R-Codes in providing for a range of housing types in sustainable locations (e.g. close to public transport, shops, and parks). The concerns of local residents in respect of road safety are acknowledged and noted. However, the professional advice of the Development Engineer is that the proposed access is acceptable, for the reasons previously set out. It is therefore recommended that the application for development be approved subject to conditions.

Analysis of Financial and Budget Implications

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

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

Community Consultation

The City of Bunbury sent letters to landowners and occupiers in the immediate locality.

As the assessment of the development application was deferred, whilst the applicant sought to remove the covenant restricting access from Wisbey Street, the advertising was undertaken again from 6 June to 23 June 2017 to ensure any new landowners/occupiers were aware of the proposed development.

The City of Bunbury received two submissions, both of the submissions objected to the proposal.

Consultation with the Applicant

The application has been subject to considerable consultation with the applicant in order to meet the requirements of the R-Codes. The applicant has also been advised of the process to apply for the removal of the covenant restricting vehicular access.

The draft officer's recommendation has been communicated with the applicant.

Councillor/Officer Consultation

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

10.4.4 Proposed Medical Centre at Lot 7 #84 Vittoria Road, Glen Iris

File Ref:	DA/2017/98/1
Applicant/Proponent:	Dr Tsaoko and Mrs Faso
Responsible Officer:	Barbara Macaulay, Senior Planning Officer
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Attachments:	Appendix DPDS-9: Development Plans Appendix DPDS-10: Location Plan Appendix DPDS-11: Site Photographs Appendix DPDS-12: Glen Iris Structure Plan Appendix DPDS-13: Schedule of Submissions

Summary

The City of Bunbury has received an application for development approval seeking to convert a 'Single House' to a proposed 'Medical Centre' at Lot7 (#84) Vittoria Road, Glen Iris. The application is referred to Council for determination as three submissions were received during the advertising period, of which two of the submissions raised concerns and one submission raised an objection to the proposed medical centre.

The main issue raised in the submissions was in regard to increased vehicle movements on Vittoria Road and the potential for road and pedestrian safety concerns with vehicles entering and exiting the subject site. However, it can be advised that Vittoria Road has the capacity to cater for an expected increase in traffic volumes, and in addition, that adequate sight lines and safe ingress and egress can be achieved from the subject property.

Additional issues raised during the consultation period from the adjoining landowner relate to the location of the car parking area, the existing fence, proposed operating hours, and potential noise and dust issues. In response to the neighbour's concerns, the applicant has submitted amended plans to address the issues regarding the car parking area and the existing fence. In regards to the proposed operating hours and the potential for dust and noise issues, City of Bunbury officers consider these issues can be suitably addressed through the provision of relevant conditions and advice notes on the development approval.

The application is therefore recommended for approval subject to conditions.

Executive Recommendation

That Council:

1. In accordance with the *Planning and Development Act 2005* (as amended), hereby resolves to grant development approval for 'Medical Centre' at Lot 7 (#84) Vittoria Road, Glen Iris (application reference: DA/2017/98/1), subject to the following conditions:
 - 1.1 At all times, the development subject of this development approval must comply with the definition of 'Medical Centre' as contained in Schedule 1 of the Local Planning Scheme.

- 1.2 All development shall be in accordance with the approved development plans (application reference: DA/2017/98/1) which form part of this development approval.
- 1.3 This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
- 1.4 All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
- 1.5 Before the development commences, a landscaping plan must be submitted for the areas marked in green on the approved development plans for the approval of the City of Bunbury. The landscape plan must address the following:
 - (a) A site plan of existing and proposed development with natural and finished ground levels.
 - (b) The location, species and size of existing vegetation and vegetation to be removed.
 - (c) Exact species, location and number of proposed to be plants.
 - (d) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
 - (e) Mulching or similar treatments of garden beds including edges.
 - (f) Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
 - (g) Treatment of paved areas (parking and pedestrian areas).
 - (h) Screening of car parking areas.
 - (i) Fence material, height and treatment.

Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan(s). These areas must be maintained as landscaped areas at all times and to the satisfaction of the City of Bunbury.
- 1.6. Except with the prior written consent of the City of Bunbury, the approved use must only operate between the following hours:
 - 8:30 am and 5 pm Monday to Friday; and
 - 8:30am and 12:30 pm Saturday.

- 1.7. Before the development is occupied, a minimum of 12 car parking bays must be provided on the land the subject of this development approval to the specifications and satisfaction of the City of Bunbury.
- 1.8. Before the development is occupied, a minimum of one (1) car parking bay must be provided for the exclusive use of disabled persons in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the City of Bunbury.
- 1.9. Before the development is commenced, detailed design plans shall be prepared in accordance with relevant Australian Standards, Ausroad Guidelines, and City of Bunbury requirements, for all access, carparking and pedestrian movement requirements, to the satisfaction of the City of Bunbury. Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.
- 1.10. Before the development commences, a crossover permit must be obtained from the City of Bunbury. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
- 1.11. Before the development is occupied, all disused or redundant vehicular crossover(s) must be removed and the area reinstated to the satisfaction of the City of Bunbury.
- 1.12. Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
- 1.13. Before the development is occupied, linemarking and parking signage must be installed in accordance with the approved plans.
- 1.14. A minimum of 1 m³ of storm water storage for each 65 m² of impervious area must be provided on site' in-accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.

Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan prior to the development being occupied.
- 1.15. All construction activities must be undertaken so as to avoid dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.
- 1.16. Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the City of Bunbury's Environmental Health Services, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. The existing effluent system requires upgrading or replacing.

Advice Notes:

1. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

An application for an extension of time to an existing development approval shall require a formal written request, signed by both the land owner and applicant (if applicable) and the payment of the appropriate application fee (as per the Council's Fees & Charges Schedule), details of the relevant planning approval are required (eg. DA number, date of approval, property address). An application shall be received within one month prior to the expiration of the Development Approval.

An extension of time shall only be granted once. Should an extension of time expire a new application for Development Approval will be required.

3. Separate approvals for signage are required from the City of Bunbury, if signage exceeds the requirements listed at Schedule 9 – Exempted Advertisements in the City of Bunbury Town Planning Scheme No.7.
4. The development the subject of this development approval is also regulated by the *Western Australia Building Act 2011*, *Building Regulations 2012* and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The owner is advised to liaise further with the City of Bunbury's Building Services on (08) 9792 7000.
5. Where a new crossover is proposed, and before construction of it can commence, a separate verge crossover application must be submitted and approved.

A permit application form can be obtained on the City's website www.bunbury.wa.gov.au

6. The development the subject of this development approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.
7. Before development commences, the existing effluent disposal system(s) must be decommissioned in accordance with Division 3 of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
8. Any demolition work involving asbestos must be in accordance with the *Health (Asbestos) Regulations 1992*.

Strategic Relevance

- Key Priority Area 3: Natural and Built Environment
Objective 3.4 Facilitate urban design, diversity of land uses, and enabling infrastructure
- Key Priority Area 4: Regional Economy
Objective 4.3 Promote Bunbury as a place that supports commercial, residential and social development

Background

A summary table of details relating to the subject site are as follows:

Property Address:	Lot7 (#84) Vittoria Road, Glen Iris
LPS7 Zoning:	Development Zone - Residential
Draft LPS8 Zoning:	Mixed Use – Residential and Local Road Reserve
Existing Land Use:	Single House
Lot Area:	4,098m ²

The subject site is currently zoned 'Development Zone-Residential' and is approximately 4,098 m² in area. Similar zoned properties are situated to the north, south and west of the subject lot with a 'residential' zoned property abutting the properties eastern lot boundary. The subject lot consists of an existing dwelling and a large outbuilding measuring approximately 121 m² in area. The applicant has advised the outbuilding is currently being used to accommodate two fire-fighting vehicles for the volunteer bushfire brigade. The subject lot has a moderate gradient with the rear of the property approximately 4m higher than the front of the property.

The subject lot is proposed to be predominately rezoned to 'Mixed Use - Residential' with a density coding of 'R80' and a portion included in 'Local Road Reserve, in accordance with the draft Local Planning Scheme No. 8 (LPS8). The portion that is proposed to be included in 'Local Road Reserve' measures approximately 26m² in area and is for the purpose of future road works to connect the eastern portion of Caladenia Way with the southern portion of Caladenia Way.

The subject lot is also identified as being within the 'Neighbourhood Centre (Mixed Use)' precinct in the Glen Iris Structure Plan. In accordance with the Structure Plan the purpose of the 'Neighbourhood Centre (Mixed Use)' precinct is to provide for a range of retail, non-retail and residential (R80) uses that are complimentary to the primary function of the Neighbourhood Centre.

The subject lot is located within close proximity to the urban expansion areas of 'Riverlea' and the proposed 'South Moorlands' Structure Plan area. Within one kilometre of the site there are four schools being Grace Christian College, Djidi Djidi Primary School, Bunbury John Calvin School and Picton Primary School. The Bunbury Farmers Market is also located 480m north along Vittoria Road.

The proposal consists of:

- retrofitting a portion of the existing single dwelling to a medical centre
- the medical centre component will consist of three (3) consulting rooms and a reception area
- a car parking area located at the front of the building consisting of 14 car parking bays
- replacement of the existing fence with a 1.8m 'colorbond' fence
- landscaping to the side and front of the car parking area.

Development Plans of the proposed medical centre consisting of a Site Plan, Floor Plan and Elevations are **attached** at Appendix DPDS-9.

A location plan showing the subject site and its surrounds is **attached** at Appendix DPDS-10.

Photographs of the subject site and its surrounds are **attached** at Appendix DPDS-11.

A copy of the Glen Iris Structure Plan is **attached** at Appendix DPDS-12.

Legislative and Council Policy Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are applicable to the assessment of this application for development approval:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- State Planning Policy 3.1 - Residential Design Codes (R-Codes)
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- City of Bunbury Town Planning Scheme No.7 (TPS7)
- Glen Iris Structure Plan
- Local Planning Policy No. 3.2: Building Facades of Commercial and Industrial Development
- Local Planning Policy No.3.4: Non-Residential Development within or adjoining Residential Areas (LPP 3.4)
- Draft City of Bunbury Local Planning Strategy
- Draft City of Bunbury Local Planning Scheme No.8 (LPS8).

Officer Comments

It is noted the subject lot is zoned 'Development Zone – Residential' under LPS7. In addition the subject lot is identified as within the 'Neighbourhood Centre (Mixed Use)' zone in the Glen Iris Structure Plan. In accordance with both the LPS7 and the Glen Iris Structure Plan, a structure plan for the area designated as the 'Neighbourhood Centre (Mixed Use)' zone is required to be submitted prior to any development other than a single house and associated outbuildings on the subject lot. Given the proposed medical centre relates only to an existing building on a single lot further information was sought from the Department of Planning officers in regards to the requirement for a structure plan in this instance. Department of Planning officers advised that the *Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2, Part 4, clause 15) only states that a structure plan 'may' be required and therefore the local government is to exercise its discretion when the requirement for a structure plan is to be submitted. On the basis the proposed medical centre is consistent with the Glen Iris Structure Plan and draft LPS8, City of Bunbury officers consider the requirement to submit a structure plan is not required in this instance.

Land Use Assessment

Draft LPS8 has been given due consideration in the assessment of this application. Under draft LPS8 a 'Medical Centre' is an "A" use which can be considered for approval under the 'Mixed Use – Residential' zone subject to advertising and the local government exercising its discretion. Officers have assessed the proposed medical centre and consider it is consistent with the objectives and additional zone development requirements for the 'Mixed-Use – Residential' zone. Furthermore, the proposed medical centre has been assessed against LPP 3.4 and officers consider the proposed medical centre is generally in accordance with the development requirements of LPP 3.4.

Schedule of Submissions

From the submissions received it is noted there are several main areas of concern with regards to the application, in particular:

- Traffic congestion on Vittoria Road
- Road safety issues associated with vehicle movements into and out of the property
- Proposed location of car parking area and potential dust and noise issues
- Privacy
- Operating hours
- Noise and dust issues.

Each of the above will be addressed separately.

Traffic congestion on Vittoria Road

The City of Bunbury's Development Engineer advises the following:

Vittoria Road (south of Jeffrey Road) currently carries approximately 6,600 vehicles per day (vpd) as counted in December 2015. The posted speed limit on Vittoria Road is 70km/h and the 85th percentile speed (the speed which no more than 15% of traffic is exceeding) is noted as 70.9km/h which is very close to the posted speed limit.

With regards to the issue of traffic congestion, recent transport assessments anticipate Vittoria Road to cater to somewhere in the region of 15,000 to 20,000 vpd as an Integrator B road as a result of the proposed future subdivision and development in the area (Glen Iris, Riverlea, South Moorlands).

Ultimately, Vittoria Road is to be upgraded to include the provision of a two lane divided carriageway road with painted and solid medians i.e. similar standard of Vittoria Road, north of Jeffrey Road. The resultant volumes in the region of 20,000 vpd can be accommodated within the spare capacity of the ultimate roadway configuration.

Road safety issues associated with vehicle movements into and out of the property

The City of Bunbury's Development Engineer advises the following in regards to vehicles entering and exiting the subject site:

The proposed development site is in close proximity to a crest point on the Vittoria Road carriageway and concerns have been raised over safety issues in relation to vehicles

entering and exiting the site. A City officer parked on the edge of the site facing Vittoria Road (where the site access will be) and noted the time taken for 20 vehicles (Northbound) to pass them from the point of first sighting the vehicle.

The assessment involved noting the time taken for 20 vehicles (northbound) to pass the property from the point of first sighting the vehicle. The time range was between 8.5 to 11 seconds with an average of approximately 9 seconds. The Australian Standards (AS2890.1) indicates a 5 second gap is desirable for vehicle egress from a driveway. For a posted speed limit of 70km/h the desirable 5 second gap equates to achieving a sight distance of 97m. Using the 85th percentile speed of 70.9km/h and the average time (gap) of approximately 9 seconds, it is estimated that a sight distance of 175m is provided at the subject property. This exceeds the minimum desirable sight distance outlined in the Australian Standards which would suggest that sight lines in the vicinity of the proposed development are adequate.

The posted speed limit for Vittoria Road is currently 70km/h. Main Roads Western Australia are the regulatory authority over the posted speed limit of the road. It is considered that the current arrangement is acceptable, however in-line with the general requirements of an Integrator B category road (as is ultimately anticipated), a 60km/h posted speed limit is recommended in accordance with the Western Australian Planning Commission 'Liveable Neighbourhoods' at some time in the future.

Proposed location of car parking area and potential dust and noise issues

In response to the neighbour's concerns regarding the location of the car parking area and potential dust and noise issues, the applicant has submitted amended plans. The amendments included relocating the car park to the front of the building, upgrading the existing fencing to a 1.8m 'colorbond' fence and the installation of a 3m landscape buffer to visually screen the car parking area. Officers consider the amended development plans submitted by the applicant suitably addresses the neighbour's concerns.

Privacy

In response to the neighbour's concern regarding privacy the applicant proposes a new 1.8m 'colorbond' fence to the side lot boundaries to provide visual screening between the residential properties and the operation of the medical centre. The proposed fencing is notated on the proposed development plans.

Operating hours

The applicant proposes the following operating hours:

- Monday to Friday 8:30am to 5pm
- Saturday 8:30am to 12:30pm

It is noted in the schedule of submission there is one submission stating a preference for the proposed medical centre to operate from Monday to Friday only. However, it is considered by City of Bunbury officers that the proposed operating hours are within normal business hours. Therefore the proposed operating hours are recommended for approval. In addition, a condition has been applied to the development approval to ensure the development complies with the above mentioned operating hours.

Noise and dust issues

Officers consider that the *Environmental Protection (Noise) Regulations 1997* are the relevant statutory instrument for the control of noise. An advice note has been applied to the development approval to ensure the proposed medical centre complies with the *Environmental Protection (Noise) Regulations 1997*.

With reference to potential dust issues, officer note the amended development plans included a number of modification to address this issue. Officers believe the relocation of the car parking area to the centre of the property, provision for new 1.8m fencing along the length of the side lot boundaries and the installation of a landscape buffer will negate any potential dust nuisance.

Analysis of Financial and Budget Implications

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

Community Consultation

Public advertising of this application for development approval occurred over the period 6 June 2017 to 23 June 2017 and involved:

- Notification letters sent to relevant service authorities.
- Notification letters to nearby landowners and occupiers.
- Public notice in the local newspaper for 3 consecutive weeks.
- Public notice on the City's website.
- One sign onsite.

In total, three (3) submissions were received, of which two (2) raised concerns with the proposed medical centre and one (1) objected to the proposed.

Refer to the Schedule of Submissions **attached** at Appendix DPDS-13.

Consultation with the Applicant

The draft officer's recommendation has been communicated with the applicant. In addition, the amended development plans have been referred to the adjoining neighbour (Lot 9 Vittoria Road) for their perusal for the reason being the amendments to the development plans respond to the neighbour's concerns regarding privacy, location of the car parking area and potential dust and noise issues.

Councillor/Officer Consultation

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

10.5 Director Works and Services Reports

10.5.1 Petition Report Request to Raise Koombana Footbridge

File Ref:	SF/1952
Applicant/Proponent:	Internal Report
Responsible Officer:	Gavin Harris, Director Works and Services
Responsible Manager:	Gavin Harris, Director Works and Services
Executive:	Gavin Harris, Director Works and Services
Attachments:	DWS-1: Koombana Rail Footbridge Deck Height Resolution DWS-2: Email to Councillors with BYC Submission DWS-3: Koombana Bay Footbridge – Raise Height by 1400mm DWS-4: Koombana Bay Footbridge – Raise Height by 600mm DWS-5: Koombana Footbridge Environmental Investigations DWS-6: Email from Bunbury Rowing Club DWS-7: Email from Forza Dragon Boat Club DWS-8: Email from Bunbury Yacht Club DWS-9: Email from Bunbury Power Boat Club DWS-10: Email from Group Leader 2 nd Bunbury Sea Scouts DWS-11: Email from Assistant Group Leader 2 nd Bunbury Sea Scouts DWS-12: Letter from Wavemasters Outrigging Club

Summary

At the Council Meeting held 25 July 2017, Council resolved as follows (refer decision 271/17)

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, that Council receive the petition in relation to “raising the height of the Koombana Footbridge” and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.

This report addresses the requests of the petition –

1. The footbridge (former rail bridge) be reinstated at a height increase of 600mm and Council rescind the formal motion to lower the footbridge
2. That Bunbury Councillors vote to allow boating on the inlet into the future and to guarantee if there is any change to occur that the boating community will be consulted.

Officers have applied considerable effort into investigating all options for a potential raised height of the Koombana Footbridge since being approached on this matter in June, 2017.

Given that the matter has been brought to the City’s attention as the project has been underway (more specifically, since the deck of the rail bridge was removed), it has to be considered not only in light of cost, engineering, delivery times and statutory issues, but also in conjunction with the contract that the City has entered into with Ertech Pty Ltd, for the delivery of the Waterfront Project.

Executive Recommendation

That Council having considered all options available to it in relation to raising the Koombana Footbridge, and taking into account the timing of the request for raising the bridge and the limited budget capacity, resolves to reinforce its original decision and not raise the level of the new Koombana Footbridge.

Strategic Relevance

Key Priority Area 1: Community & Culture.
Objective 1.1: Establish Bunbury as the most accessible regional city in Australia by 2020.

Key Priority Area 1: Community & Culture.
Objective 1.4: Increase participation in sport and leisure activities.

Key Priority Area 2: Transport & Infrastructure.
Objective 2.2: Maintain a high standard of recreational open space and facilities.

Key Priority Area 2: Transport & Infrastructure.
Objective 2.3: Maintain a high standard of community infrastructure.

Key Priority Area 3: Natural & Built Environment.
Objective 3.4: Facilitate urban design, diversity of land uses, and enabling infrastructure.

Background

The Koombana Footbridge formed part of the rail bridge which connected the Leschenault Inlet to Koombana Bay. The rail bridge and footbridge were both constructed by the State of Western Australia in 1974. The bridge ceased being used by trains in the mid-1980s. The structure is currently owned by Public Transport Authority.

In August 2013 the Public Transport Authority advised the City that the bridge was closed to undertake programmed maintenance work and recommended that Council approach the Department of Lands for a Management Order over the site and bridge. To enable the City to consider the recommendation a structural assessment of the bridge was requested. The structural assessment indicated that the bridge was non-compliant with current standards and required an estimated \$400,000 - \$500,000 to make compliant. A report was presented to the 10 December 2013 Council Meeting to consider accepting ownership and responsibility for the disused Koombana Bay Rail Bridge and adjacent footbridge.

Council Decision 373/13

- 1. Council advise the Public Transport Authority that it will not accept the transfer of the Koombana Bay Rail Bridge in its current condition.*
- 2. Request the Public Transport Authority consider demolition of the superstructure and constructing a new pedestrian bridge across the channel.*
- 3. Request the State fund the relocation of the reticulation main and footpath if a new pedestrian bridge is not constructed.*

The PTA were advised for Council's decision and their response was that the PTA was not in a position to upgrade the bridge structure in the current financial climate or for structures that serve no operational purpose to the PTA. The bridge remained closed.

In February 2014 the Footbridge Working Party was formed as subcommittee of the Bunbury Marine Facilities Steering Committee. The working party consisted of a cross section of community and industry members with the common goal of reopening the footbridge. Raising the height of the bridge was discussed at the first meeting of the Working Party and during subsequent meetings. The Working Party short term goal was to have the Footbridge reopen for pedestrians with long term aspirations to raise the central section of the bridge to the same level as the road bridge. A sub-committee of the Footbridge Working Party was established to investigate the options of for the short term goal of reopening the bridge for pedestrians. Further investigations resulted in a report that suggested that subject to six items being addressed the pedestrian walkway component could be reopened. An agenda item was presented to the 10 June 2014 Council meeting to allow for the footbridge to be reopened.

Council Decision 196/14

That Council agree to enter into negotiations with the Department of Lands and the Public Transport Authority to progress the development of a Management Order over the Bridge and approaches for a period of five years subject to

- 1. The Public Transport Authority completing the repair and replacement of the deck plates and fund the replacement of bolts and rust treatment identified in the Worley Parsons structural assessment,*
- 2. That Landcorp be approached to fund the concrete pier repairs and placement of anodes,*
- 3. The Footbridge Working Party seek in kind contributions to replace the lighting on the bridge and painting of the handrails,*
- 4. Council providing maintenance funding of \$12,000 per year,*
- 5. The PTA confirming that the City could salvage the disused rail line on the bridge and on the Koombana Bay Foreshore to offset the cost of maintenance,*
- 6. That should a future structural assessment of the bridge determine that it requires repairs greater than \$50,000 Council reserves the right to withdraw from the Management Order.*

At the Footbridge Working Party meeting on 13 August 2014 the proposals for remediation, improving aesthetics and raising the bridge to the same height of the road bridge were presented. The preferred option of using the existing materials was estimated at \$900,000. The Working Group moved the following resolution:-

That RCR and Worley Parsons be thanked for their contribution to date.

The group undertook to present the proposal to the Marine Facilities Steering Committee for consideration to become part of the landscaping component of the overall marine facilities plan.

The footbridge was reopened in September 2014.

A presentation was made to the Bunbury Marine Facilities Steering Group on 20 July 2015 on the proposed upgrade of the Koombana Footbridge. The design preference included to raise the height of the footbridge to the height of the Koombana Road Bridge in addition to gradients to enable easy access, construction to use as much of the existing structure as possible, new superstructure to be built on top of existing structure, discourage fishing and diving, improve aesthetics and allow for future developments. The price quoted at the time was \$1,000,000 to \$1,200,000 The action

from this meeting was that the City of Bunbury and SWDC discuss the height issues in relation to the proposed footbridge and road bridge.

The City of Bunbury worked with the South West Development Commission (SWDC) to develop the Koombana Bay and Casuarina Drive Master Plan Master Plan for the Koombana Bay and Casuarina Harbour Foreshores as part of the SWDC's Transforming Bunbury's Waterfront Project. The Koombana Bay and Casuarina Drive Master Plan was endorsed by Council at the 14 June 2016 meeting

Council Decision 191/16

That Council:

1. *Adopt the Koombana Bay and Casuarina Drive Master Plan*
2. *Refer two copies of the Koombana Bay and Casuarina Drive Master Plan to the Western Australian Planning Commission for their consideration and endorsement as a Management Plan under Clause 25 (f) (v) of the Greater Bunbury Region Scheme.*

The Koombana Bay and Casuarina Drive Master Plan states the following in relation to the Plug:-

The upgraded Plug foot bridge connects the waterfront precinct to the Bunbury CBD and Koombana North development. The rail heritage of the precinct will be celebrated by the railway walk providing a journey along the old rail line with interpretation and lighting. Alternate access is provided by a shared access path catering for cyclists and pedestrians through flowering planting and shade trees.

Key objectives:

- Refurbished Plug footbridge with lighting to create a iconic gateway.
- Rail heritage celebrated through the railway walk.
- Feature landscaping connecting the precinct to the character of the foreshore and signify the arrival.
- Dual use path connecting to the Bunbury network.

In May 2016 it was announced that State Government would fund Stage 1 of the Transforming Bunbury's Waterfront Plan. The City was to manage the Koombana Bay Revitalisation Project with \$12.585 million funding from Royalties for Regions.

The City issued a detailed design tender based on the Koombana Bay and Casuarina Master Plan. The tender was awarded to Cardno at the 12 July 2016 Council meeting.

To enable the detailed design to commence Council Officers submitted a report to the 26 July 2016 Council Meeting to determine the bridge height. The agenda item included comments from the primary users of the Leschenault Inlet. The Department of Water (now Department of Water and Environmental Regulation) was also consulted as they were responsible for the management of the inlet under the *WA Waterways Conservation Act 1976*.

Council Decision 254/16

That Council agree to retain the deck height of the Koombana Rail/Footbridge at its current height.

Koombana Rail Footbridge Deck Height resolution is **attached** at Appendix DWS-1.

A number of inlet user groups were asked to provide comment including the Bunbury Yacht Club which was late in providing its submission. Although the response was not included in the report officers did send the provided letter to Councillors under separate cover (**attached** at Appendix DWS-2). The groups were not advised of the timing of the meeting and their ability to attend.

On the basis of the Council Decision the footbridge was designed at the current height. The design was referred to PTA as the owner of the structure for approval in preparation for the licence agreement for the footbridge.

The Tender for the Koombana Bay Foreshore Construction was awarded to Ertech Pty Ltd at the 4 April 2017 meeting and Ertech took possession of the site on 26 April 2017

The deck plates and steel beams were removed in end of May for sand blasting and painting in preparation for the new iconic structure. In June 2017 the City received correspondence from the Bunbury Yacht Club to reconsider the decision not to raise the height of the footbridge. Council officers responded to the letter advising of the Council Decision and a copy of the minutes.

On 25 July 2017 Council accepted a petition in relation to raising the height of the Koombana Footbridge. A total of 349 submissions were received with 153 having an address in the City of Bunbury, 140 residing outside the City and 56 having no address stated.

Council Policy Compliance

Nil

Legislative Compliance

Nil

Officer Comments

The Council were originally requested to make the decision in regards to the height of the bridge to allow Cardno (design contractors) to continue with design of the Koombana foreshore and the height needed to be determined for this to occur. Subsequently a review of minutes from a number of committees shows that no group made any formal decisions for the height of the bridge to be raised. There was considerable discussion around the idea of raising the bridge but there appeared to be a lack of decision making in the process. This is why it was referred to Council as there was a reluctance of any other organisation to make this decision and Council was now responsible for the delivery of the project.

Following the removal of the rail bridge in May 2017 the City has received a number of requests in regards to the height of the bridge. These included –

1. Raise the height by 1400mm
2. Raise the height by 600mm – across the full length
3. Raise the height by 600mm – across the 2 centre spans
4. Raise the height by 200mm

Officers have investigated each option and sought advice from the design company Cardno, and received estimates of between \$35,000 to scallop out the beams on one span through to \$653,000 to raise the bridge 1400mm. These estimates have been based on verbal requests and not detail design so the estimates could be considered plus or minus 50%. As there is a significant cost to detail design no formal design has been requested because officers are still operating under the existing resolution of Council. The above prices do not take into account any contractual costs such as time delays and cost delays.

In regards to the 4 options above options 3 and 4 have not been considered further due to the following –

Option 3 – Raise the height by 600mm – across the 2 centre spans.

Cardno offered the following advice which officers concur with –

Raising the 2 central spans by 0.6m will provide a zone for more flexible vessel access, whilst in theory maintaining the current design for the remainder of the bridge. In practice however this is not the case as highlighted with the following issues:

- By raising the central spans of the bridge, consideration will need to be made as to how the rest of the bridge structure will adjust for this. From a structural standpoint this will essentially result in the complete re-design of the bridge.
- Project times will need to be re-assessed accordingly given the design work that will need to be conducted. Given the vast re-design required, we anticipate a minimum extension of several months will be required for the design process to reach a construction stage.
- Elements that are currently in production, such as the ribs, will need to be refabricated as connection points and heights will no longer be current.

Option 4 – Raise the height by 200mm

This was requested as an “anything is better than nothing” option but has not been pursued by any parties. This would have involved scalloping out the maximum amount (200mm) from the existing beams and was costed at \$35,000 per span.

Current Status of Bridge Works

Advice provided by Ertech in regards to the current status of the bridge works as at Friday the 28 July 2017 were as follows –

- Girders are fabricated and ready for painting;
- Studs and notches are complete;
- Precast shop drawings are complete;
- Ten ribs are fabricated;
- All rib shop drawings have been approved;
- Steel for the abutments has arrived;
- Work has commenced on the abutments, five ribs will later be attached to these abutments; and
- Inspection of the pier bolts and bearing pads has occurred.

Please see below Ertech's incurred costs as of 28th July:

- \$252,000 on demolition;
- \$140,000 on ribs;
- \$10,000 on reinforcement;
- \$40,000 on balustrade steel;
- \$70,000 on girder modifications and gussets; and
- This comes to a total of \$ 512,000, 51% of the total tendered bridge works.

The expected time frame for the remaining bridge work is as follows:

- Girders to be ready mid-August;
- Ribs to be ready late-August;
- The bridge to be launched early September (it would be best to launch the bridge with the ribs attached); and
- Precast panels to be ready mid-September.

Cardno – Design Consultants

Cardno were asked to provide concept drawings and cost estimate to plus or minus 30% for options 1 and 2 above and provided the following –

Option 1 – Raise the height by 1400mm (plan **attached** at Appendix DWS-3)

By raising the structure by 1.4m it is assumed that this will meet the requirements for vessels passing underneath during both high and low tide levels. There are a number of implications however in raising the bridge by this magnitude. The main issues are as follows:

- The footpath transitions at either end of the bridge will increase considerably. We have estimated that in order for the 1:20 grade (for universal access requirements) to be satisfactorily incorporated a length of 40 metres will be required if the current footpath layout is to be maintained. As per the attached design sketch, this will take the footpath into privately owned land which will likely prove challenging. Estimated cost for works surrounding this extension is \$300k not including negotiations with the private land owner.
- If an extended transition is to be avoided, the footpaths at the end of the bridge can be re-aligned to introduce curves and therefore lower the transition distance. Whilst this will avoid any encroachment onto private land, this will involve extensive earthworks and also detract from the architectural look of the bridge. Estimated cost for works surrounding this realignment is \$320k.
- Either of the above items will likely affect the recently completed Koombana North landscape reinstatement, resulting in further works required to integrate properly with the amended transition zone.
- To raise the bridge, thought also must be given on how to increase the height of the headstocks. Concrete will prove both difficult to construct and will have design consequences to the existing headstocks. A steel build up is therefore recommended, however the architects will need to consider how to aesthetically make this pleasing.
- Re-design of the abutments will be required to allow for the increased height. This will impact landscaping and architectural designs.

Therefore taking the above into account and other costs the total for the raising of the bridge 1400mm is –

Earthworks and Retaining	\$320,000
Design Fees	\$ 32,000
Owners Costs	\$ 32,000
Contractor Profit	\$ 48,000
Contingencies (30%)	\$ 96,000
TOTAL	\$528,000

Both Cardno and Ertech have advised that these costs are for budget purposes only at this stage and a detailed design is required to refine costs.

Option 2 – Raise the height by 600mm (plan **attached** at Appendix DWS-4)

By raising the structure 0.6m it is assumed that this will meet the requirements for vessels passing underneath in most tidal scenarios. Restrictions may however apply during high tide. The main issues are as follows:

- The footpath transitions at either end of the bridge – whilst not as severe as the 1.4m raised option – will still present challenges. As per the attached design sketch it will extend to the boundary of privately owned land if the current footpath aesthetic is to be maintained. Estimated cost for these works is \$200k not including any negotiations with the private land owner.
- As with the 1.4m raised option the footpath profile can be changed to a curved scenario, however this will result in additional earthworks and likely still detract from the architectural look of the bridge. Estimated cost for these re-alignment works is \$230k.
- Either of the above items will likely affect the recently completed Koombana North landscape reinstatement, resulting in further works required to integrate properly with the amended transition zone.
- To raise the bridge, thought also must be given to how to increase the height of the headstocks. Concrete will prove both difficult to construct and will have design consequences to the existing headstocks. A steel build up is therefore recommended, however the architects will need to consider how to aesthetically make this pleasing.
- Re-design of the abutments will be required to allow for the increased height (albeit to a lesser extent than Option 1). This will impact the landscaping and architectural designs.

Earthworks and Retaining	\$230,000
Design Fees	\$ 23,000
Owners Costs	\$ 23,000
Contractor Profit	\$ 34,500
Contingencies (30%)	\$ 69,000
TOTAL	\$379,500

Both Cardno and Ertech have advised that these costs are for budget purposes only at this stage and a detailed design is required to refine costs.

Ertech – Construction Contractor

Following a meeting between Ertech and Cardno to discuss the issue of raising the bridge the following advice has been received from Ertech -

- Keep to the Original Plan and construct as documented
 - There has already been a significant hold up in getting the specific details and logistics of the steel, electrical and concrete interface sorted out
 - We are finally getting the outcomes so production can continue but it has pushed the construction period significantly later than first anticipated and programmed
 - At this stage works can still be completed within the project timeframes, assuming no more hiccups are encountered.

- Raise the Bridge 1.4m higher
 - There would be a lead time to get the concept and design completed and approved for construction
 - There would be significant adjustments to the abutment and run off ramps to get back down to level on a suitable grade.
 - Procurement time would need to be investigated for steel work to raise the abutments as well
 - Overall the works can be done but could extend beyond the completion date
 - Actual timing is hard to estimate until design timeframes and procurement times are known

- Raise the Bridge 0.6m higher
 - There would be a lead time to get the concept and design completed and approved for construction
 - There would be moderate adjustments to the abutment and run off ramps to get back down to level on a suitable grade.
 - Procurement time would need to be investigated for steel work to raise the abutments as well
 - Overall the works can be done but could extend beyond the completion date
 - Actual timing is hard to estimate until design timeframes and procurement times are known

- Raise the Bridge 0.6m for Centre 2 spans
 - There would be a lead time to get the concept and design completed and approved for construction
 - All existing fabrication works would be redundant and new materials would be required
 - It would be an extremely expensive option.
 - There would be minor adjustments to the abutment and run off ramps.
 - Procurement time would need to be investigated for all new materials

- Overall the works would definitely extend beyond the completion date and costs would be significantly higher
- Actual timing is hard to estimate until actual layout, design timeframes and procurement times are known

In regards to the current contract it would be best to make the Bridge Works a Separable Portion to the existing contract with a separate PC (*Practical Completion*) date.

If the above was adopted then additional construction costs would be required as well as additional Management, Supervision, Site Facilities and Recurring costs to cover the additional time on-site and works required to undertake after completion of the main works. (*Previous advice from Ertech has indicated that this could be approximately \$30,000 per week of delay depending on size of the area to be fenced and maintained as a construction site.*)

In regards to the expected cost, Cardno's figures seem reasonable from a high level review but I would need some more detailed information around pile sizes abutment design etc to give an accurate budget.

Given the short notice of when you need your report done I would say run with Cardno's assessment and put a disclaimer that costs are for budget purposes only at this stage and a detailed design is required to refine costs.

Public Transport Authority (PTA)

The Footbridge is currently owned by PTA and the City has a licence in place until 2027. This is in place while PTA resolves the closure of the rail corridor and the ownership of the bridge which require parliamentary approvals. The terms of the licence state that before carrying out any alterations to the bridge, the City must obtain the PTA's approval of the plans and specification for the works. The current plans and specifications have been approved by PTA.

Department of Transport (DoT)

DoT were asked to provide a position on the petition, any affect the raising of the footbridge would have on the DoT walkway over the storm surge barrier and advise to the safety hazard of the current height. The response received advised:-

To maintain a consistent clearance height for vessels accessing the inlet the storm surge barrier walkway would need to be raised to the same height as the new pedestrian bridge should it be lifted.

Planning for the Bunbury Waterfront includes additional mooring pens at the Casuarina Boat Harbour. These planned mooring pens would have capacity to take any larger vessels being added to the Bunbury fleet. DoT's view is that smaller boats currently housed in the inlet could continue to be accommodated at their current location with larger vessels not having clearance under the bridges to be accommodated at Casuarina Boat Harbour.

All skippers have responsibility to safely navigate their vessel – there are many bridge crossings in the state. The Koombana bridges are no different to any other bridge crossing that vessels need to navigate – it's the skipper's responsibility.

The DoT Boating Guide Bunbury – Busselton Marine Safety advise the bridge and powerline clearances for the waters in and around Bunbury as per the following table:-

Bridge and powerline clearances	
Clearance heights shown on this sign are in metres above highest astronomical tide (HAT). Actual clearance will vary depending on the tide and/or flood level. The height of the tide throughout the day will vary depending on astronomical and meteorological conditions.	
Bridge clearances	
Australind Bridge	2.2m
Preston River Railway Bridge	2.2m
Preston River Road Bridge	1.7m
Koombana Channel Traffic Bridge	3.6m
Koombana Channel Rail Bridge	2.2m
Koombana Channel Storm Surge	
Barrier Foot Bridge	2.2m
Powerline clearances	
Preston River Lower	5.0m
Preston River Upper	6.2m

This shows that of the 6 bridges in the surrounding Bunbury area 4 (including the Rail Bridge) have a clearance height of 2.2m from the highest astronomical height tide while 1 has a clearance height of 1.7m and the Koombana Drive Traffic Bridge has a clearance of 3.6m.

A meeting was held with Peter Westgate, Operations Manager, Regional Services, Department of Transport, representatives from the Bunbury Sea Rescue, Gavin Harris and Mal Osborne in July 2017. Both DoT and the Sea Rescue advised that while the height of the footbridge can be problematic at the highest tides, they have procedures in place to mitigate the issues.

Environmental Issues (attached at Appendix DWS-5)

Liaison has occurred with the Department of Water and Environmental Regulation (DWER), Department of Biodiversity Conservation and Attractions (DBCA) and Department of Transport (DoT) in relation to the potential environmental impacts associated with the proposed raising of the Koombana footbridge by 600mm. In summary, these agencies are each of the view that the environmental impacts associated with raising the bridge alone are likely to be negligible; however, both DWER and DBCA expressed the concern that this may result in lobbying from the community for the dredging of the inlet and its entrance channel to enable access for larger vessels. Both agencies have advised that the dredging of sediments, pile driving and the provision of access to vessels that may produce wake issues in the inlet are each actions that are likely to require environmental approvals under a range of state and federal legislation.

The Department of Transport (DoT) was contacted on 26 July 2017 for advice in relation to the vessel wake issue. The department subsequently advised that the raising of the footbridge alone is unlikely to result in a substantial increase in the size of vessels entering the inlet in view of other restrictions such as the current depth and width of the channel at the plug. Further, based upon this consideration, combined with the 5 knot vessel speed restriction in the inlet, leads the department to be of the view that the resultant increase in vessel wake associated with the slightly larger vessels allowed entry by the raising of the bridge would be negligible.

On 27 July 2017, DWER’s Water section was contacted for further discussion on the matter. DWER were advised the DoT’s advice in relation to the vessel wake issue. The DWER subsequently advised that the raising of the footbridge itself is unlikely to cause a significant environmental impact as there is no intention to dredge or drive piles; however, the department advised the City that it was concerned that the proposal would trigger subsequent lobbying from the community for the dredging of the channel and inlet, which could directly result in environmental impacts through the disturbance of Acid Sulfate Soils. It could also result in indirect impacts through increased vessel

traffic, which could lead to increased conflict between different aquatic user groups and increased hydrocarbon pollution from petrol and diesel boat engines. The department advised that it would be unlikely to request the Minister of Water Resources to review the raising of the footbridge given the low potential for environmental impacts; however, it reiterated that any future proposal involving dredging, pile driving or the provision of access to vessels that may cause a wake problem would likely be referred to the Minister and may also require assessment under the *WA Environmental Protection Act 1986*. Staff from DWER's Water section advised that it would not be necessary for the City to also liaise with the Environmental Regulation section in relation to the proposal given its limited potential for adverse environmental impacts.

Leschenault inlet Master Plan (LIMP)

The only mention of the railway bridge in the masterplan is in converting the bridge from a rail bridge into a pedestrian bridge and does not mention the issue of raising the height of the bridge.

The Masterplan does not mention anything in relation to restricting boats in the inlet and actually states "The Leschenault Inlet is popular for all types of boating and in particular canoeing, kayaking and sailing. Several Clubs such as the Bunbury Rowing Club Inc., Bunbury Yacht Club and Bunbury & Districts Power Boat Club (Inc.) and Bunbury Sea Scouts enjoy leased land on the foreshore using it for recreating and socializing (sic) Wind surfing, dragon boating, paddle boarding and model boats are also recreational uses of the Inlet. Two boat launching facilities exist in the Inlet, one on the north side and one on the south side."

Petition Requests

In regards to the two requests received on the petition –

The footbridge (former rail bridge) be reinstated at a height increase of 600mm and Council rescind the formal motion to lower the footbridge.

Council has never made a decision to lower the footbridge but did decide through Council Decision 254/16 on the 26 July 2016 -

That Council agree to retain the deck height of the Koombana Rail/Footbridge at its current height.

In regards to the rescinding the above motion the City of Bunbury's Standing Orders Part 16 – Revoking or Changing Decisions indicate that once a decision has been enacted in cannot be revoked. The decision was an internal request from officers to advise Cardno (design consultants) of the height of the bridge to allow for the design works to progress. As the design has been undertaken based on the decision this confirms the intent of the decision has been enacted. Subsequently the awarding of the contract to Ertech (construction contractor) with all documentation and plans stating the bridge would be constructed at its current height, also confirms the enactment of the decision.

That Bunbury Councillors vote to allow boating on the inlet into the future and to guarantee if there is any change to occur that the boating community will be consulted.

The City of Bunbury is not the controlling body of the Inlet and therefore has not made any decisions in regards to the continued or future use of boating in the inlet. As stated above the inlet is under the control of the Department of Water and Environmental Regulation (Department of Water) who manage the inlet under the Waterways Conservation Act 1976. The Department of Transport is responsible for the behaviour of boats within the inlet.

Options

There are three options for Council to consider –

1. Raise the height by 1400mm
2. Raise the height by 600mm – across the full length
3. Maintain the bridge at its current height (as per previous Council decision)

Option 1 - Raise the bridge by 1400mm

This option has been estimated to cost \$528,000 (+/- 30%, excluding contractual costs) and could involve some time delays and result in additional time for completion take the completion date of the project past the 1 December 2017. The bridge component and associated landscaping works would be considered as a separable portion and have a different Practical Completion date to the original contract. Officers would negotiate the completion date with Ertech and there would likely be associated contractual costs not included in the above figure.

Option 2 - Raise the Bridge by 600mm

This option has been estimated to cost \$379,500 (+/- 30%, excluding contractual costs) and could involve some time delays and result in additional time for completion take the completion date of the project past the 1 December 2017. The bridge component and associated landscaping works would be considered as a separable portion and have a different Practical Completion date to the original contract. Officers would negotiate the completion date with Ertech and there would likely be associated contractual costs not included in the above figure.

Option 3 Maintain the current design (bridge remains at its previous height)

This is to maintain the current status quo without any cost implications and although delayed currently will still be delivered within the project time frame of 1 December 2017

Analysis of Financial and Budget Implications

The Koombana Bay Redevelopment has an operational budget of \$13,672,700 over the 2016/17 and 2017/18 consisting of the following funding sources –

Source	Funds
SWDC	\$12,585,700
LotteryWest (Playground)	\$ 599,825
Accessible Ramp	\$ 28,842
WALGA (Changing Rooms)	\$ 100,000
Interest	\$ 120,000
Public Art Trust (Glass Panels)	\$ 100,000
CoB (Playground)	\$ 138,500
Total	\$13,672,700

Current operation costs are at \$13,050,145 including all known variations and contracted services leaving \$622,555 of the 10% contingency as Friday 28 July 2017. The construction project is approximately 40% of the way through with 43% of the contingency spent.

The project will earn approximately \$200,000 in interest over the entire duration of the project with \$120,000 already included in the budget which means there will be approximately \$80,000 unallocated at this stage. The only other large item officers are waiting to determine is \$190,000 for a water filtration system. This is dependent on water test results from the new bore that has

been drilled and the level of iron in the water. The need for the system should be known in the next 2 weeks.

At this stage there are insufficient funds available within the project budget to allow for the raising of the bridge to be funded from the project. The bridge costs vary from \$379,500 (600mm rise) through to \$528,000 (1400mm rise) excluding any contractual costs associate with the extension of the completion dates.

Community Consultation

The primary users that were consulted for the July 2016 agenda item were contacted to advise the petition was received and invited to make comment on the request to raise the footbridge.

Bunbury Rowing Club

An email from Bunbury Rowing Club is attached at Appendix DWS-6.

The Bunbury Rowing Club advised that their position remains unchanged from the submission to the July 2016 agenda item as per below:-

Nola Cigulev – President, Bunbury Rowing Club

Thank you for giving me the opportunity to comment on behalf of Bunbury Rowing Club. My concern with changing the height of the bridge is the potential for an increased number of powered craft on the Inlet.

As passive users of the water we are very concerned with the already increased number of powered craft that are moving about from the two boat ramps. We have a regular sessions where school aged rowers are on the water and we notice that some boat owners are not vigilant or they don't observe the speed limit. There has been a number of incidents were a powered boat has collided with a rower on the water.

Brad Brooksby – Assistant Manager, Forza Dragonboat Club

An email from Forza Dragon Boat Club is attached at Appendix DWS-7.

I have done a quick ring around the committee and we are in preference of leaving it as is. We don't want to encourage larger boats as they may have a larger wake which affects paddle craft.

Peter Curtin – Commodore, Bunbury Yacht Club

A letter from Bunbury Yacht Club is attached at Appendix DWS-8.

An abridged version follows:-

The Bunbury Yacht Club (BYC) would strongly recommend that the disused rail bridge ove the plug be raised as part of the upgrade to the Koombana Bay beach.

The structure has been noted as a navigation hazard especially at night and high tide. We BYC recommend that walkway be raised to the same height as the road over pass to eliminate the hazard to mariners. If this height is not achievable a compromise of 600mm would minimise the risk to boaters at tide changes.

The BYC have approached the Department of Transport (DoT) to raise the service bridge over the plug. We have a written commitment that if the rail bridge is raised, the DoT will raise this bridge to eliminate all navigational hazards in the area.

Harley Kemp – President, Bunbury Power Boat Club

An email from the Power Boat Club is **attached** at Appendix DWS-9.

As a trailer boat club all of our members as far as I am aware have boats small enough to get under the bridge. But in saying that I do know of a few members including myself that have damaged fishing rods and aerals on the bridge due to the height I have rectified this by remembering not to put aerals and rods up until after the bridge.

I do see the community's concern about the other boat users on the inlet inability to grow ; ie bigger boats . While the bridge is off why not raise it is what people are asking for the little extra cost. Not sure if it is true or not about the council planning a not allowing boats on the inlet at all in the future which the club would definitely object to.

Also I was unaware of this petition until a couple of days ago which I saw on public media.

Gaye Dwyer – Group Leader, Bunbury Sea Scouts

An email from Group Leader, 2nd Bunbury Sea Scouts is **attached** at Appendix DWS-10.

From the Scouts perspective we would support maintaining the previous footbridge height.

We use the Leschenault inlet for small boat sailing, canoeing and rafting activities. These activities are carried out by our youth members in a learning environment. There is already many power boats that use the Power Boat Club ramp to launch and recover their power boats and these are mindful of our members.

We have alongside us also the Bunbury Yacht Club that also have many larger power boats and while some have difficulty at times with the tide heights affecting their departure and incoming into the inlet we feel that to increase the height of the footbridge would allow even larger boats into the waterway which is already a fragile area.

Wash from larger boats would adversely affect the shores and the mangrove area at the end of the inlet and with the inlet silting up gradually over the past and future years it would not facilitate the entry of larger vessels in the inlet which in turn could have a negative effect on our activities.

A submission was also received from Raquel Willis, Assistant Group Leader Bunbury Sea Scouts and is **attached** at Appendix DWS-11.

In addition a submission was received from the **Wavemasters Outrigging Club** – **attached** at Appendix DWS-12. An abridged version follows:-

Our members offer full support to raise the footbridge.

There are some boats within the Yacht Club that are totally dependent on the tides when it comes to moving their boats due to the height of the footbridge.

In future planning, our club is against closing the Leschenault Inlet to motorised craft. The Leschenault Inlet has a speed limit of 5 knots and majority of boats using the inlet abide by this

speed. A speed of 5 knots is safe for all users and creates minimal wake. Our paddlers access the water directly from the BYC into the Inlet, weather and paddler's capabilities then dictate where we go. Some of our regular runs include laps of the Inlet or Koombana Bay. We've never had an incident with a motor boat.

Councillor/Officer Consultation

A range officers have been consulted as part of this report including –

Acting Chief Executive Officer
Director Planning and Development Services
Director Works and Services
Team Leader Sustainability and Environment Planning
Project Manager

Applicant Consultation

Applicants have been advised of the report.

11. Applications for Leave of Absence

No requests for Leave of Absence had been received at the time of printing.

12. Motions on Notice

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

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

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

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

15.2 Public Reading of Resolutions that may be made Public

16. Closure