



## Bunbury City Council

### Notice of Meeting and Agenda 10 June 2014

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**CITY OF BUNBURY**  
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Western Australia

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## GLOSSARY OF ABBREVIATED TERMS

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

## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

## Bunbury City Council Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 10 June 2014 at 5.30pm.



Andrew Brien  
Chief Executive Officer  
(Date of Issue: 5/06/2014)

### Agenda 10 June 2014

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

Council Members:

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

#### **1. Declaration of Opening / Announcements of Visitors**

## **2. Disclaimer**

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

## **3. Announcements from the Presiding Member**

## **4. Attendance**

### **4.1 *Apologies***

### **4.2 *Approved Leave of Absence***

Councillor Morris requested leave of absence from all Council-related business from 12 June 2014 to 20 June 2014 inclusive.

Section 2.25 of the *Local Government Act 1995*, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six (6) consecutive ordinary meetings of the Council.

#### **Executive Recommendation**

Pursuant to Section 2.25 of the *Local Government Act 1995*, Councillor Morris is granted leave of absence from all Council-related business from 12 June 2014 to 20 June 2014 inclusive.

## 5. Declaration of Interest

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

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

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

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

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

## 6. Public Question Time

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

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

### 6.1 Public Question Time



## **6.2 Responses to Public Questions Taken ‘On Notice’**

At the Council Meeting held 27 May 2014, the following questions were asked during Public Question Time that could not be answered during the meeting. A copy of the question and the written response forwarded to the questioner following the meeting is provided below for public information:

### **Stephen Eaton of 5a Turner Street, Bunbury**

Mr Eaton asked the two questions to Council. A response was provided to Question 1 by the Director Works and Services. The Mayor advised that Question 2 would be taken ‘on notice’ and a full response will be provided to Mr Eaton.

*Question 2: As per the city of Bunbury local planning document section 8.4.5 car parking tabled for specific use, in this case education primary parking considering existing on street parking, kiss and drop zone in Reading St and staff parking, does the current plan without the removal of trees meet these requirements?*

Response: The approved plan is consistent with Bunbury planning document section 8.4.5.

### **John Sherwood, 53A Stockley Road, Bunbury**

Mr Sherwood made a statement and asked a question to Council. The Mayor advised that the question would be taken ‘on notice’ and a full response will be provided to Mr Sherwood.

*Question 2: If the plan endorsed by the Executive is adopted tonight, approximately when is the project likely to be completed.*

Response: The works, subject to Councils endorsement would be scheduled to occur during the Christmas School holidays to reduce the impact on the school and nearby residents. Road construction in this area of the city is ideally undertaken during the warmer months when the high water table has dissipated.

## **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 27 May 2014, have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 27 May, 2014 be confirmed as a true and accurate record.

#### **7.1.2 Minutes – Council Advisory Committees and Working/Project Groups**

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1 – Youth Advisory Council Committee Meeting Minutes 14.05.2014

#### **Summary**

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

1. Title: Youth Advisory Council Committee Meeting Minutes 14.05.2014  
Author: April Byrne  
Appendix: MTBN-1

#### **Council Committee Recommendation**

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

1. Youth Advisory Council Committee Meeting Minutes 14.05.2014

## **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***

### **8.5 *Conference Delegates' Reports***

## **9. Method of Dealing with Agenda Business**

## **10. Reports**

### **10.1 *Recommendations from Advisory Committees***

Nil

## **10.2 Chief Executive Officer Reports**

### **10.2.1 Review of Elected Member Representation – Proposed Reduction of Councillor Numbers**

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Greg Golinski, Manager Corporate Performance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1 – Summary of Submissions Received Appendix CEO-2 – Results of Online Surveys

#### **Summary**

At the Meeting of 4 March 2014, Council Resolved (Decision 67/14)

1. *Council endorse the undertaking of community consultation to obtain views on the following:*
  - a) *Pursuant to section 2.18(3) and clause 5(b) of schedule 2.2 of the Local Government Act 1995, advise the Local Government Advisory Board of its intention to reduce the number of Elected Members from twelve (12) to eight (8).*
  - b) *Withdraw two (2) Elected Members positions at each of the 2015 and 2017 ordinary local government elections, bringing the total Elected Member representation down to 8 Councillors plus the Mayor by 2017.*
  - c) *The reduction be progressed as a minor matter pursuant to clause 5(b) of Schedule 2.2 of the Local Government Act 1995.*
2. *Following the consultation period of 30 days, a further report be prepared for Council consideration at the Ordinary meeting of 29 April 2014.*

The purpose of this report is for Council to now consider the submissions following public consultation on the proposed reduction in the number of City of Bunbury Elected Members and make a recommendation going forward. The Executive recommendation provided is based on the previous direction of Council and incorporates a new point four in relation to the issue of local representation. It is considered that the survey results are statistically invalid, therefore the recommendation moving forward is to proceed with a reduction of Elected Members to ten (10) positions at the 2015 Election in the first instance.

#### **Recommendation A**

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, the debate be resumed in order for further discussion to be undertaken.

#### **Executive Recommendation**

That Council:

1. Advises the Local Government Advisory Board that pursuant to section 2.18(3) and Clause 5(b) of schedule 2.2 of the *Local Government Act 1995*, the intention to reduce the number of Elected Members from twelve (12) to eight (8).

2. Withdraws two (2) Elected Members positions at each of the 2015 and 2017 ordinary local government elections, bringing the total Elected Member representation down to eight (8) Councillors, plus the Mayor, by 2017.
3. Agrees the reduction be progressed as a minor matter, pursuant to Clause 5(b) of Schedule 2.2 of the Local Government Act 1995.
4. Authorises the CEO to initiate community consultation and research into the potential establishment of Community Panels or Precinct Committees based on geographic groupings of interest throughout the City

### **Background**

On 5 February 2009, the then Minister for Local Government (the Minister) announced strategies for local government reform based on a voluntary reduction in the number of individual Councils. Additionally, part of the reform agenda was that Councils' also reduce their Elected Member numbers to between six (6) and nine (9).

At the Ordinary Council meeting held on 29 September 2009, Council endorsed the City's submission to the Minister's local government reform agenda. Council decision 199/09 of that meeting endorsed that submission, with an amendment to include the words *"If there is no amalgamation in the greater Bunbury region, then the City of Bunbury would not agree to reduce the current number of Elected Members."*

Furthermore, at the Council Committee meeting held 9 April 2013, Cr Cook moved a Motion on Notice that the *"City of Bunbury advise the Minister for Local Government that it plans to reduce the number of Elected members from 13 to 9 from the date of the October 2013 local government election."* This motion was lost, 3 votes to 7.

Following Council Decision 67/14, extensive public consultation was undertaken for a period of 30 days with the discussion paper relating to the Elected Member Representation being placed on the City's website. In accordance with the Council decision, the submission period closed on 7 April 2014 with ten (10) submissions being received and a further 145 via online surveys. A summary of the submissions received are attached at Appendix CEO-1 and the summary of the online surveys are attached at Appendix CEO-2.

Schedule 2.2 of the *Local Government Act 1995* (the Act) sets out the process for a review of Elected Member representation.

In principle, Council has two options in this regard:

1. Retain the status quo and not seek to reduce the number of Elected Members; or
2. Agree to a reduction in Elected Member numbers over a defined period of time (numbers and time periods to be quantified).

Should Council agree in principle to a reduction in representation, the issues required to be addressed in this regard relate to:

- Issue 1: Should the proposed reduction be pending the results of a review of representation under clause 5(a) of Schedule 2.2?
- Issue 2: Should the proposal be dealt with as a minor matter under clause 5(b) of Schedule 2.2?

Issue 3: How many positions should be withdrawn, and the timeframe to implement the proposal?

Comment – Issue 1

Clause 5(a) of Schedule 2.2 of the Act enables a local government to carry out a review of whether or not an order under section 2.18 of the Act should be made.

To undertake a review will require some time. The Act requires a public submission period of not less than six weeks, after which a report must be compiled and endorsed by Council, then sent to the Local Government Advisory Board for consideration.

Given that the City no longer has Ward representation, it is suggested that a formal review is unnecessary, as the only matter of contention is the ratio of Councillors to electors, with the other matters prescribed within Schedule 2.2 being irrelevant, namely: community of interest; demographics trends; physical and topographic features, and economic factors.

The City's current ratio of Elected Members to electors (excluding the Mayor) is 1:1773. A reduction to eight (8) Councillors would see this ratio change to 1:2660

Comment – Issue 2

Clause 5(b) of Schedule 2.2 of the Act enables a local government to propose to the Local Government Advisory Board that an order under section 2.18 of the Act should be made and progressed as a minor matter where public submissions need not be invited.

This approach forms part of the Executive Recommendation, and proposes that Council inform the Local Government Advisory Board of its intention to reduce Elected Member numbers and have the matter dealt with as a minor matter in accordance with Clause 5(b) of Schedule 2.2 of the Act.

This will only require an absolute majority resolution of Council, with no public consultation required. The Board will then consider the proposal and make a recommendation to the Minister.

It is also important to note that if the Board considers that the proposed reduction is not a minor matter, it will instruct the City to undertake a review as per Issue 2.

Comment – Issue 3

The Executive Recommendation proposes a total reduction of four (4) Councillors over two (2) ordinary elections (2015 and 2017). This would ensure that following the 2017 ordinary election, the Council would comprise four (4) members with two (2) year terms, and four (4) members with four (4) year terms.

In the event that Council wishes to reduce representation from twelve (12) Councillors to eight (8) at a single ordinary election (2015), then it is suggested that a complete spill of Councillor positions take place to facilitate immediate equilibrium in relation to length of terms.

It is possible that such a scenario could still be undertaken without a complete spill of positions, although equilibrium in relation to length of terms could not be obtained until 2017.

Point 4 of the recommendation will allow the CEO to initiate community consultation and research into the potential establishment of Community Panels or Precinct Committees based on geographic groupings of interest throughout the City.

The establishment of such panels or committees would incorporate more participatory decision making building on our household panels and other means of communicating with our community to seek community input to decision making. The Elected Council would then be in a position to focus on strategic matters and through the establishment of Community Panels/Precinct Committees across the City the Council has direct access to a resource at street level.

If these are established it is envisaged a time when budgets will be allocated to these bodies to expend on improvements at street level similar to our delegations to the Withers Advisory Committee. Examples include Swan, Fremantle, Vincent and on an international scale, Auckland, Vancouver and several cities in England. The DLGC has also researched this topic.

### **Council Policy Compliance**

There is no Council Policy applicable to this proposal.

### **Legislative Compliance**

Schedule 2.2 of the *Local Government Act 1995* sets out the process for a review of Elected Member representation.

The proposal will also be applicable to section 2.18(3) and Clause 5(b) of schedule 2.2 of the *Local Government Act 1995*, in which the City of Bunbury will advise the Local Government Advisory Board of its intention to reduce the number of Elected Members from twelve (12) to eight (8) if adopted.

It should also be noted that it is proposed that the reduction be progressed as a minor matter pursuant to Clause 5(b) of Schedule 2.2 of the Local Government Act 1995, if the proposal is adopted.

### **Officer Comments**

Whilst there has been significant advertising of the proposal and numerous opportunities for members of the public to have a say in relation to this matter, the level of responses to all avenues does not provide a statistically valid response from which to gauge overall public opinion in relation to the proposed changes. After fully considering the written submissions, it is not possible to summarise them in a simple format. Therefore, each of the submissions is provided as an attachment to this report in full. Overall the general thrust of the submissions is opposed to a reduction in the number of elected members based on the perception of a reduction in the level of representation. When looking at other local governments which have reduced the level of representatives this has not been the case, and whilst the same arguments were presented at the time it has not resulted in issues for the community at large. The arguments based around the lack of representation in local areas is addressed through the review of alternative arrangements such as community panels or precinct committees such as has been established in Withers as part of the Withers Urban Renewal Project. This allows a much greater level of involvement and decision making at the local level and is supported by the Councillors involved.

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

A reduction of four (4) Elected Member positions would facilitate annual operational savings of \$102,000 (sitting fees plus allowances) or in excess of \$1M over a ten (10) year period.

### **Community Consultation**

Whilst there was no statutory requirement, community consultation was sought to seek the views on the proposed reduction in the number of Elected Members.

Following Council Decision 67/14, extensive public consultation was undertaken for a period of 30 days with the discussion paper relating to the Elected Member representation being placed on the City's website

Public consultation regarding the review of councillor numbers was advertised on the City's website, with the main information is accessible via the notices tab on the homepage and included an overview, the Discussion Paper, submission information including a link to a Survey Monkey yes/no/comment poll. There was also a link in the news article <http://www.bunbury.wa.gov.au/Pages/Council-to-review-elected-member-representation.aspx> and information and link to the information on the first image slider on the homepage.

There was also updates posted via Social Media (Facebook and Twitter) and the information also appeared in the City Focus weekly column of the Bunbury Mail. Details of these are listed below:

Newspaper articles:

- 27 February: South Western Times; 12 March: Bunbury Mail; 13 March: South Western Times

City Focus:

- 12 March; 19 March; 26 March; 02 April

Facebook posts:

- 07 March; 26 March; 31 March; 07 April; 69 Shares of the Town Hall Social poll

Twitter posts:

- 18 March; 10 March

Email newsletters:

- 10 March (e-newsletter); 21 March (e-newsletter); 1 April (Household Panel); 4 April (e-newsletter – new subscribers since 21 March)

In accordance with the Council Decision, the submission period closed on 7 April 2014 with ten (10) submissions being received and a further 145 via the online surveys. A summary of the submissions received are attached at Appendix CEO-1 and the summary of the online surveys are attached at Appendix CEO-2.

### **Councillor/Officer Consultation**

The issue of Elected Member representation was discussed at the Ordinary Council Meeting of 4 March 2014.

The matter has also been raised with the previous elected Council as referenced within this report.



### 10.2.2 Bunbury Surf Life Saving Club Budgeted Projects (PR-2075 and PR-2077)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Bob Karaszewych, Director Planning and Development Services
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-3 – Request received from the Bunbury Surf Life Saving Club.

#### Summary

Contained in the 2013/14 financial budget are the following two (2) projects to assist the Bunbury Surf Life Saving Club (the Club):

1. PR-2075 “Construct external storage for Surf Life Saving Club Equipment” with an allocation of \$10,000
2. PR-2077 “Construct cool room at Surf Life Saving Club” with an allocation of \$15,000

The Club has written to Council seeking approval to utilise the funding from PR-2077 towards the construction of the external storage facilities. A copy of the request from the Club is **attached** at Appendix CEO-1.

The Club is also requesting Council approval to extend the existing concrete pad area by approximately four (4) metres adjacent to the southern and beach side of the Club. The area is cleared and flat and the extension would see no cost to the Council to would enable the Club to take delivery of a 12 metre long shipping container for storage.

The Club was previously been granted development approval for a smaller shipping container as a temporary measure. The proposal to place a 12 metre long shipping container requires a new development approval – at the time of writing this report, no application had been made.

#### Executive Recommendation

That Council:

1. Supports the request from Bunbury Surf Life Saving Club to allocated funding of \$10,000 from PR-2077 “Construct cool room at Surf Life Saving Club” to PR-2075 “Construct external storage for Surf Life Saving Club Equipment” bringing the total project allocation to \$25,000.
2. Subject to the lodgement of a Development Application and the granting of a Development Permit, agree to allow the Club to extend the existing concrete area by four (4) metres to enable the Bunbury Surf Life Saving Club to take delivery of the 12 metre shipping container for storage use on a temporary basis as may be approved by the Development Permit.
3. Advise the Bunbury Surf Life Saving Club that Council will not support any future budget requests from the Club for the City to contribute to the construction of a cool room facility or associated projects.

### **Background**

The City of Bunbury has received a request from the City of Bunbury Surf Life Saving Club to use the total allocated amount of \$25,000 to complete the storage.

The Club has advised they feel the external storage facility is a top priority given the continued increasing membership numbers (currently in excess of 850) and need the storage to store the Clubs patrolling equipment.

The City recently granted a Development Permit for a much smaller shipping container, on the basis of temporary use, and located at the southern end of the Club to store two (2) surf boats and other equipment currently located around the Club, doing so, will enable the Clubs volunteers to function in a more effective manner.

The placement of the container is said to be not long term without clarification. Clarification is necessary to ensure approval for the placement of the shipping container is appropriately conditioned to address its aesthetic appearance from the beach and road. This may necessitate screening of the container.

The extra storage will enable the club's Wesfarmers Emergency Group and our FWD to be rescue ready. The Club has advised that the allocated funding of \$15,000 for the construction of a cool room is a costly project and the Club is not in a position to proceed with the project.

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

Not Applicable.

### **Officer Comments**

The financial request from the Club is supported by the City as the contribution made by the Club to patrons visiting the beach is important to the City.  
The request to utilise \$15,000 previously allocated for the construction of a cool room facility would negate any future budget request by the Club.

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

There are no budget implications on the 2013/14 Budget as the aggregate allocation of \$25,000 was already approved.

### **Community Consultation**

Not applicable.

### **Councillor/Officer Consultation**

Council Officers have been liaising with the Bunbury Surf Life Saving Club in relation to the two (2) approved projects, and regarding the necessity to obtain a Development Permit for a 12 metre long shipping container and construction of a concrete pad. No building Licence is required.

### 10.2.3 Appointment of Acting CEO

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive officer
<b>Attachments:</b>	Nil

#### Summary

In accordance with the provision of Council Work Procedure 3.5 Acting Chief Executive Officer, there is a requirement to recommend to Council a Director as the Acting CEO during periods of leave.

#### Executive Recommendation

That Council resolves to:

1. Appoint the following Directors as the Acting Chief Executive Officer for the stated periods of leave, and grant authorisation to perform all functions and delegated authority usually attributed to the role of Chief Executive Officer, unless specifically excluded in writing by the CEO, during these periods.
  - Mr Wayne Wright, Director Corporate Service for the period of 8 September to 3 October 2014 (inclusive)
  - Ms Stephanie Addison-Brown, Director Community Development for the period of 13 November to 20 November 2014 (inclusive)
2. That in future periods of leave, the CEO in consultation with the Mayor, be authorised to appoint the Acting CEO (on a rotational basis of all Executive members) in accordance with the provisions of the Local Government Act.

#### Background

The Chief Executive Officer has applied for Annual Leave for the periods of 8 September 2014 to 3 October 2014 inclusive and 13 November to 20 November 2014 inclusive. In accordance with contractual provisions, this application is to be approved by the Mayor.

A Council resolution of who will be appointed to the role of Acting CEO during these periods of leave is now required.

#### Council Policy Compliance

There is no Council Policy applicable to this item.

#### Legislative Compliance

The *Local Government Act 1995*, states “*that a person is not to be employed in the position of CEO unless the Council believes that the person is suitably qualified for the position*”, therefore the appointment of a person to act in that position must be a decision of the Council.

A person appointed to act in the position of CEO being employed in that position with all its functions and delegated authority.

**Officer Comments**

The matter of Acting CEO was recently discussed with the Executive Leadership Team.

Point 2 of the Executive Recommendation, would see any future instances wherein the CEO is granted leave, the appointment of Acting CEO would be determined in consultation with the Mayor.

**Analysis of Financial and Budget Implications**

There are no financial or budgetary implications associated with this item.

**Community Consultation**

Not applicable

**Councillor/Officer Consultation**

The matter has been discussed with members of the Executive, whom are in support of the recommendation.

#### 10.2.4 Major Projects Update Report for the period 1 July 2013 to May 2014

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-4 – Major Projects Update Report

##### **Summary**

The Major Projects update report (**attached** at Appendix CEO-4) provides an overview of Councils endorsed major projects for the period 1 July 2013 to May 2014.

##### **Executive Recommendation**

That Council receives and notes the circulated Major Projects update report as per Council Resolution 323/13.

##### **Background**

The Major Projects report is a positive tool to help effectively manage and report on current year Major Projects being undertaken by the City of Bunbury, and will be submitted to Council on a six weekly interval to allow time for works to be actioned.

The list of the projects identified in this report may not include a project update due to the timing of project delivery and consultation.

##### **Council Policy Compliance**

Not applicable

##### **Legislative Compliance**

Not Applicable

##### **Officer Comments**

This report is to be circulated to Council for noting and receiving on a six (6) weekly basis. If any Elected Member wishes to receive an update on any major project outside of this timeframe, this option is still available.

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

Not applicable.

##### **Community Consultation**

There is no requirement for community consultation.

### 10.2.5 Land Development – Council Freehold Sites

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

#### Summary

The Council owns a number of strategic sites in the CDB and along Back Beach which are currently on the market by expression of interest or being considered for alternative development options.

The purpose of this report is to seek Council approval to undertake alternative proposals and call for expressions of interest for the development of the sites. This work will not include the land which is part of the Joint Venture with Department of Lands, however should there be scope for cost reductions through combined planning, marketing or business case development this will be considered.

#### Executive Recommendation

That:

- 1) The Chief Executive Officer be authorised to proceed with the preparation of alternative proposals including concept plans and calling for expressions of interest for the development of the following sites:
  - a. Lot 210 and 211 Hollywell Street (former Punchbowl caravan park site)
  - b. Lot 66 Ocean Drive (Scott Street)
  - c. Part Lot 3 Blair Street, site adjacent to the Bunbury Regional Entertainment Centre
- 2) In accordance with the requirements of the Local Government Act 1995 the Chief Executive Officer prepare appropriate plans for the disposal of the sites including possible options for development
- 3) The Chief Executive Officer provide a further report to Council for consideration prior to entering into any formal negotiations on any of the proposed sites.

#### Background

The Council has previously resolved to pursue development on each of the sites through a variety of approaches and at present Lot 66 and Lots 210 and 211 are currently listed for sale through an arrangement with the Professionals Real Estate.

#### Council Policy Compliance

There is currently no adopted policy in relation to this matter, however Council has previously considered the issue of land acquisition and rationalisation through a committee of Council.

#### Legislative Compliance

There are requirements under the Local Government Act 1995 which will have an impact based on the final options being considered for disposal of the identified sites. As per point 3 of the recommendation, a further report to be developed for Council will explore these options and issues in detail.

### **Officer Comments**

Council has previously considered each of the identified sites for development and have been marketing these for some time. The approach taken has varied over the years and whilst there has been some interest in the land, this has not progressed to development. The recent amendments to the Planning Scheme through Scheme Amendment (Back Beach Tourism) and changes to the State Planning Policy on ratio of long and short term accommodation mixes has provided some additional scope for development concepts. At present the lots along Ocean Drive are being marketed for sale by Expression of Interest, however there has been little interest in the sites at this point in time.

It is considered appropriate to explore a different approach and look to further explore the market through a variety of different mechanisms which will include direct approaches to property development companies, more targeted marketing and consideration of incentives by Council to attract development. A further confidential report will be provided to Council outlining options for consideration in terms of potential incentives and options including issues such as rate incentives, joint venture arrangements, partnerships and development concessions in an attempt to source competitive expressions of interest.

In order to progress the development of these key sites, there is a need to focus additional resources into this area for the next 6 to 12 months and get all the sites development ready in terms of planning options, Council parameters for negotiations and the approach to be taken and the development of marketing and development concepts. The majority of this work will be undertaken in-house with some external support in terms of marketing expertise and comprehensive business case development. It is also proposed to discuss development options with local industry professionals to seek to resolve issues impacting on the development potential of the sites and explore options for joint ventures and partnerships moving forward with the sites.

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

The majority of costs for the development of this work will be covered in the existing budgets, however should there be a need for specific funding this will be subject of a separate report to Council when the costs are identified and funding sources identified.

### **Community Consultation**

At this stage there has not been any community consultation in relation to the additional disposal options, however the consultation for the Back Beach Tourism Precinct covered Lot 66. Once development and disposal options are developed and approved by Council additional community engagement will be undertaken.

### **Councillor/Officer Consultation**

The Mayor raised the issue at the Council briefing held on 20 May 2014 and in discussions with the Chief Executive Officer

### **10.3 Director Community Development**

#### **10.3.1 State Library of Western Australia – Regional Model 2014/15**

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Sharon Chapman, Manager Information, Libraries and Customer Support
<b>Executive:</b>	Stephanie Addison-Brown, Director Community Development
<b>Attachments:</b>	Appendix DCD-1 - 2014 – 2015 Activity Plan for South West Region

#### **Summary**

In 2012/13 and 2013/14 the Bunbury City Library performed the role of Regional Library for the South West and as such, signed an agreement with the State Library to provide regional services to participating libraries across the South West on behalf of the State Library.

Given the introduction of a new model proposed by the State Library involving annual Activity Plans, on 26 June 2012 Council resolved to undertake the Regional Library role in accordance with Schedule C of the State Library of Western Australia Regional Model for a period of 12 months (*Council Decision 188/12*).

At its meeting on 14 May 2013, Council resolved to continue this commitment for another twelve months during the 2013/14 financial year (*Council Decision 122/13*).

Council must now consider a continued commitment to perform the role of Regional Library for another twelve months in 2014/15.

#### **Executive Recommendation**

That Council endorse the signing of Schedule C of the Regional Model Agreement to continue as the Regional Library for the South West Region for 2014/15.

#### **Background**

In 2007 the State Library of WA in conjunction with WALGA launched a review of the WA public library system. The outcomes of this review were vast but included redeveloping and enhancing the Regional Model. The main focus of this redevelopment was:

- for Regional Libraries (such as Bunbury, Albany, Geraldton, Kalgoorlie and others) to take on a leadership role for their regions on behalf of the State Library (as opposed to their previous operational support role)
- to take a business planning approach to delivery of regional support services, including development of annual regional Activity Plans, coordinated by the appropriate Regional Library on behalf of participating regional LGA libraries.

In 2012/13 the City of Bunbury agreed to continue its role as the Regional Library for the South West within a new framework proposed by the State Library through signing Schedule C of the new Regional Model Agreement. This was an initial twelve month commitment with an opportunity to review its ongoing viability. The reason for suggesting only a twelve month commitment was that not all Regional Libraries had agreed to sign up to this new model because of the need to contribute financially themselves to the Activity Plans, and there was much discussion and debate between the State Libraries and the Regions in regard to the introduction of this new framework.



In May 2013, Council resolved to continue to be the Regional Library for the South West for another twelve months during 2013/14. It was clear the debate between the State Library and the Regions had not been resolved and ongoing review was necessary.

Further proposed changes from the State Library relating to localising stock ownership and associated responsibilities have more recently arisen and the framework between the State Library and Western Australian Regional Libraries is still under debate.

In the light of this change, this report seeks Council endorsement to continue to perform the Regional Library model for another twelve months during 2014/15 with a further review to be undertaken before 2015/16.

### **Council Policy Compliance**

Not applicable

### **Legislative Compliance**

Not applicable

### **Officer Comments**

The provision of a leadership and support role to other libraries across the South West has had a minimal impact on the delivery of services to the Bunbury community in both 2012/13 and 2013/2014. The State Library reimburses the City of Bunbury for most expenses incurred in provision of regional services via an agreed annual Activity Plan, while other time paid for by the City of Bunbury covers work the staff would already have undertaken on cooperative regional activities.

The Activity Plan is governed by the State Library of Western Australia and by agreeing to sign it, the City of Bunbury will commit its Library staff to attendance at regular meetings, undertaking regional visits, provision of advice to other South West libraries, provision of training and mentoring services for participating libraries and other general assistance.

Should Council decide not to support this proposal, it is anticipated that no other Library in the South West would be in a position to take on the Regional Library role and the regional Libraries would need to find additional resources to be able to operate. Some of the more rural Libraries would be most affected by the withdrawal of this support. In addition to providing regional support to other libraries in the South West, the leadership role that the Bunbury Library undertakes as the Regional Library also provides a position of strength when negotiating with the State Library and other larger metropolitan library services. This role has also enabled the City's Library Service to retain its status as a 'first tier' library within the State.

As the nominated Regional Library, the City has also fostered positive relationships and promoted regional partnership opportunities with other participating LGAs in the South West including the City of Busselton, Shire of Boyup Brook, Shire of Bridgetown/Greenbushes, Shire of Capel, Shire of Collie, Shire of Dardanup, Shire of Donnybrook/Ballingup, Shire of Harvey, Shire of Manjimup, Shire of Murray, Shire of Nannup and Shire of Waroona. Within this group of LGAs there are 22 individual Library branches providing library services throughout the South West Region.

In addition, the City has demonstrated regional leadership through establishment of a working group which is investigating the potential of a single Library Management System (1LMS) that could be utilised by all participating libraries in the South West. At present, all libraries operate their services independently which can mean limited and often inconsistent service provision across the region. By implementing a 1LMS, system patrons would be able to utilise combined services, receive a simplified service and have access to a significantly larger collection that would be floated between participating libraries. By forming a working group with other interested LGAs, the Bunbury Library has been able to capitalise on the combined knowledge and experience of the working group members.

It is intended that this working group develop a proposal for a single LMS including required specifications pertinent to each library in the region. If approval is received by the relevant participating Councils to go ahead, the regional libraries should be able to secure a better deal as a group when sourcing an appropriate system. This working group is currently structured so that LGAs may opt-in/opt-out at any time. At present, the Shire of Dardanup and Shire of Capel are leading the working group with the City of Bunbury providing a high level of support provision, input and knowledge.

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

In previous years, the funding model consisted of a cost sharing arrangements between the State Library, the City of Bunbury and regional LGAs in an annual region-specific fully costed Activity Plan.

In 2013/14, the cost to the City of Bunbury was \$5,932.65 (which was the value of staff time only) with the State Library contributing \$19,507.64.

In 2014/15, a similar funding model is proposed with contributions currently proposed as being:

- City of Bunbury \$5,303.00 (value of staff time only)
- State Library \$15,982.84

Other Libraries across the South West Region do not contribute to the cost of the Activity Plan as it is solely an agreement between the Regional Library and the State Library for the Regional Library to provide regional services on behalf of the State Library.

### **Community Consultation**

Discussion about the continuation of this model has taken place with Libraries from the South West region. The Libraries across the South West each sign up to the Activity Plan each year to receive their support from the Regional Library.

### **Delegation of Authority**

There is no delegation of authority pertaining to this item.

### **Relevant Precedents**

- Council Decision 188/12 - *“That Council support the signing of Schedule C of the Regional Model Agreement to continue as the Regional Library for the South West Region for 2012/13 and to share costs of a region specific Activity Plan.”*
- Council Decision 122/13 - *“That Council support the signing of Schedule C of the Regional Model Agreement to continue as the Regional Library for the South West Region for 2013/2014”.*

## **10.4 Director Corporate Services Reports**

### **10.4.1 Application by the Carey Park Football Sporting and Community Club Inc. for a waiver of non-outgoing fees and levies applicable at Kelly Park**

<b>Applicant/Proponent:</b>	Carey Park Football Sporting and Community Club Inc.
<b>Author:</b>	Massimo Andreone, Manager Contracts and Property
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix DCS-1 – Applicant letter to the City Appendix DCS-2 – Site Location Plan Kelly Park Appendix DCS-3 – Kelly Park Project Expenditure Quote

#### **Summary**

The Carey Park Football Sporting and Community Club Inc. ("the Applicant"), leases from the City, for use as football clubrooms and change rooms, a portion of the land and improvements thereon, totalling 1,925m<sup>2</sup>, being part of the land comprised in Reserve 25362, being Lot 1066 Wisbey Street, Carey Park, known as Kelly Park ("the Leased Premises") specifically:-

- Clubroom Area of 792m<sup>2</sup>
- Change Room Area of 251m<sup>2</sup>
- Members Area (grass) of 882m<sup>2</sup>

Under Council Decision 103/13, Council resolved to approve the procurement and installation of lighting and associated electrical cabling at Kelly Park, subject to the provision of 'in kind' support by the Applicant, up to a limit of \$57,000, with the Applicant agreeing to cover electricity consumption costs, and with the City funding \$60,000 towards the project ("the Project").

The Applicant has approached the City, under cover of a letter dated 13 March 2014, **attached** at Appendix DCS-1, advising of its commitment to install new lighting fixtures onto the towers, and requesting further financial assistance from the City in the form of a two to three year waiver of all non- outgoing fees and levies applicable to the Leased Premises. The lighting assets would revert to the City upon termination of the current Deed of Lease ("the Lease").

#### **Executive Recommendation**

That Council agrees to a fifty per cent (50%) reduction (\$2964.50) in the annual rental payable by the Applicant each year over the next three years, totalling approximately \$8,900, subject to increases in accordance with the applicable Consumer Price Index based on the annual rental reviews, with such reduction to be structured over the balance of the term of the Lease, and further subject to the terms and conditions as specified in this report, and specifically subject to:-

- Preparation of a Deed of Variation to the Lease, to be approved by the Minister for Lands.
- The Applicant paying all costs associated with the lease variation, including document preparation costs and disbursements.

#### **Advisory Committee Recommendation**

Not applicable.

## **Item Background**

### **The Deed of Lease**

Care, control and management of Lot 1066 Wisbey Street, of which the Leased Premises forms part, is vested in the City, with the power, subject to the consent of the Minister for Lands, to enter into leases in respect thereof.

The Applicant leases from the City the Leased Premises, under which the term of the initial lease agreement, concluded in December 1999, was extended for a further ten (10) years, commencing on 31 December 2009, terminating on 31 December 2019. A copy of the site location plan, incorporating the Leased Premises, is **attached** at Appendix DCS-2.

In terms of the Lease:-

- The Applicant is to pay the yearly rental for each rental year during the term annually in advance, on 31 December (although the Applicant currently pays rental quarterly).
- The annual rental is reviewed every third anniversary of the date of commencement throughout the initial and the further term, and increased in accordance with the applicable Consumer Price Index.
- The Applicant pays the yearly outgoings in relation to the Leased Premises.

The current annual rental payable by the Applicant is in sum of \$5,928.99 exclusive of GST, and would fall due for review in December 2015, and again in December 2018.

### **Kelly Park Lighting Project**

The installation of lighting at Kelly Park was initiated by the Applicant as a result of increased demand on the ground at Kelly Park by displaced users of the Hands Oval during the redevelopment, with the Applicant having undertaken most of the research and design for the lighting. The lighting had initially been installed approximately forty years ago by the Applicant, was in a poor condition, not suitable for an upgrade, and had very limited coverage.

In March of 2013, the Applicant requested that the City provide funding assistance for the provision of lighting at Kelly Park, specifically to assist with the increased demand placed on the ground by the Hands Oval upgrade. The Applicant indicated that it would provide 'in kind' support in the form of materials, labour, plant and equipment, and project management, up to a limit of \$57,000. Funding of the City's contribution to the Project, in sum of \$60,000, was identified from savings on other projects. The City's budget was increased by \$1,016 at the February 2014 Budget Review and a further amount of \$6,000 was expended from the City's 'General Oval Maintenance' account, rendering the City's project expenditure to \$67,016.47.

Initial expenditure was anticipated to cover the set of four light towers (including base footings), complete with lighting assemblies, control boxes and internal cabling.

### **New Lighting Fixtures**

Expenditure under the Project has increased by a further amount of \$46,860, as per the quote from Barry Allen Electrical Services Pty Ltd, dated 20 February 2014, **attached** at Appendix DCS-3, specifically for the supply of 26 GIGA flood lights. This has been primarily as a result of the

Applicant having to meet the South West Leagues new Oval Lighting Standards, as well as for the preparation of an audit thereof by the South West League.

The City's expenditure to the Project to date is made up as follows:-

- Jandco Electrics – Power Survey - \$570
- Payment effected to the Applicant – Kelly Park Lights 4 x poles - \$22,727.27
- Barry Allen Electrical – Supply new switchboard for lights - \$7,400
- George Nulsen & Company Pty Ltd – Rag bolts and steel works - \$12,000
- Holcim Australia Pty Ltd – Concrete – \$18,319.20
- Barry Allen Electrical – Supply switch board for lights - \$6,000

**Total = \$67,016.47**

The Applicant has advised that that its contribution and 'in kind' support to the Project is as follows:-

- Transport of light towers (1) and crane - \$3,500
- Transport of light towers (2) and crane - \$2,000
- Cabling supply - \$22,500
- Steel reinforcing - \$4,000
- Replacement globes, cleaning up of light fittings - \$3,400
- Electrical site investigations, design of lighting layouts - refurbishment of boards - \$10,000
- Formwork - \$1,200
- Reinforcing install - \$2,400
- Concrete placement - \$8000
- Labour to prepare poles, and bolt holes for erection - \$3,500
- Excavation of footings - \$4,000
- Installation of underground services (horizontal boring -) \$20,000
- Power upgrades to substation - \$14,740
- Light pole erection labour and crane hire \$6,500
- Decommission existing lights and circuits, and pull down \$1,500
- Clean up and tidy works area Bobcat work \$500

**Total = \$107,740**

The existing lights have been decommissioned, but still require removal.

In conjunction with the physical works both at cost and 'in kind', the Applicant advises that it has provided project management, administrative support and supervision of the works, and based on the number of hours incurred by the Applicant on the works, a comparable 'project management fee' contribution would be in the order of \$6,800 - \$7,000, which could feasibly be added to the work 'in kind' provided by the Applicant towards the Project.

The Applicant has in the interim also secured a further sponsorship grant of \$5,000 from Worsley, which was utilised towards cleaning the old lamps and soda blasting them for use on the towers; and has paid an amount of \$15,000 on deposit towards the new lights, with the balance to be paid by the Applicant by the end of May 2014, upon satisfactory completion of the works.

**Council Policy Compliance**

There is no Council Policy applicable to this matter.

**Legislative Compliance**

There is no Legislative Compliance applicable to this matter.

**Officer Comments**

The Applicant has demonstrated its willingness to work together with Council towards a resolution of this matter in being proactive in raising its concerns with Council, utilising initiative in undertaking research into options to address the lighting shortfalls, providing 'in kind' support and contribution in the form of materials, labour, plant, equipment, expertise, project management, administrative support and supervision.

The acquisition of the assets upon termination of the Applicants tenancy at the site would, furthermore, in future, revert to the City. The City, by providing the recommended financial assistance to the Applicant, would acquire a substantial investment, which would be greatly beneficial to the City, in the long term.

**Analysis of Financial and Budget Implications**

The reduction in rental payable by the Applicant would not represent a capital outlay for the City.

**Community Consultation**

Not applicable.

**Councillor Officer Consultation**

The Director Works and Services, and the Manager Sport Leisure and Active Lifestyles have been briefed on the matter, and accord with the report and the recommendation.

**Strategic Community Plan Objectives**

Improve recreational open space and facilities.  
Increase participation in sport and leisure activities

## **10.5 Director Planning and Development Services Reports**

### **10.5.1 Local Planning Policy: Signage and Advertisements**

File Ref:	A04151
Applicant/Proponent:	City of Bunbury
Author:	Ann-Kristin Jank, Senior Strategic Planner
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-1 - Support Letter from BCCI Appendix DPDS-2 - Local Planning Policy: Signage and Advertisements Appendix DPDS-3 - Signage and Advertisements Study Appendix DPDS-4 – Local Planning Policy Schedule of Submissions

#### **Summary**

Historically the City of Bunbury has regulated advertising and signage through the *Local Law Relating to Advertising Devices* (Local Law) and its associated Advertising Devices Policy (ADP). However, the findings of a report titled *Local Laws Regulating Signs and Advertising Devices* prepared by the Joint Standing Committee on Delegated Legislation in 2009, highlighted the need for local governments to move away from the use of local laws made under the *Local Government Act 1995* to regulate signage on private property towards the use of the local planning policy framework under the *Planning and Development Act 2005* as the most appropriate mechanism. Subsequently, in 2010 the Department of Local Government advised councils that in its opinion, signs and advertising devices on private property should be more appropriately administered under the *Planning and Development Act 2005* (i.e. by Local Planning Schemes and Local Planning Policies).

In response to those findings and in order to support the development assessment process, a draft *Local Planning Policy: Signage and Advertisements* was prepared and publicly advertised for comment during July and August 2013, with two submissions being received. Feedback was also sought from the Bunbury Chamber of Commerce and Industries (BCCI) as requested by Council. A letter of support is **attached** at Appendix DPDS-1.

After numerous meetings and workshops with the BCCI following the initial public advertising period, a number of significant changes have been made to the final draft of the proposed Local Planning Policy, including the following:

- Additional purpose statement and objective for city centre;
- New Map 2 outlining City Centre Zone Signage Control Area and Central Business District Signage Control Area; and
- New development requirements for signage in the city centre, specifically unlimited sign face areas, consideration of third party signage, illuminated and animated signage.

The final draft was re-advertised from 16 April 2014 until 9 May 2014. In addition, local sign writers and the BCCI have been invited to make further submissions. No submissions have been received. It is therefore recommended to adopt the proposed Local Planning Policy.

The Local Planning Policy is **attached** at Appendix DPDS-2.

### **Executive Recommendation**

That Council, pursuant to Clause 2.3 of the City of Bunbury Town Planning Scheme No. 7, hereby resolves to adopt the proposed Local Planning Policy: Signage and Advertisements.

### **Background**

Council resolved to advertise the initial draft Local Planning Policy on 11 June 2013 (Council Decision 161/13):

*That Council,*

- 1. In accordance with Clause 2.3 of the City of Bunbury Town Planning Scheme No. 7, advertise the draft Local Planning Policy: Signage and Advertising Devices for public comment for a period of not less than 42 days.*
- 2. Reconsider the draft Local Planning Policy: Signage and Advertising Devices at the conclusion of the public advertising period.*
- 3. Particularly refer the draft Local Planning Policy: Signage and Advertising Devices to the Chamber of Commerce and local sign writers for specific consultation.*

The draft Local Planning Policy was publicly advertised for an extended period of 56 days, from 3 July 2013 until 27 August 2013, with a total of two submissions having been received.

Council also resolved the following on 26 November 2013 (Council Decision 360/13):

*Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate on this matter be adjourned until the Council meeting to be held on 10 December 2013 to enable the Bunbury Chamber of Commerce and Industry to provide feedback from their members to Councillors.*

After numerous meetings and workshops with the BCCI after the initial public advertising period, a number of significant changes have been made to the final draft of the proposed Local Planning Policy and on 1 April 2014 (Council Decision 113/14) Council resolved the following:

*Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, the debate be resumed in order for further discussion to be undertaken.*

Council also resolved to re-advertise the final draft Local Planning Policy on 1 April 2014 (Council Decision 114/14):

*That Council,*

- 1. In accordance with Clause 2.3 of the City of Bunbury Town Planning Scheme No. 7, re-advertise the draft Local Planning Policy: Signage and Advertisements for public comment for a period of not less than 21 days.*
- 2. Reconsider the draft Local Planning Policy: Signage and Advertisements at the conclusion of the public advertising period.*

### **Council Policy Compliance**

The procedure for making or amending a Local Planning Policy is set out under Clause 2.3 of the Scheme.



### **Legislative Compliance**

In accordance with the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*, Local Planning Policies are adopted under Part 2 of the Scheme. Local Planning Policies whilst not part of the Scheme, provide guidance in the preparation and assessment of applications for planning approval in relation to specific issues or a range of issues in a specific place.

### **Officer Comments**

The proposed Local Planning Policy translates the former Local Law and ADP into one contemporary Local Planning Policy for the regulation of signage and advertising devices on zoned land and buildings.

The proposed Local Planning Policy provides a framework for defining various types of signage and the requirements for their development through the application for planning approval procedure. As such, it provides design standards for dimensions and sign face areas, and assessment criteria for determining the suitability of proposals relative to the land use zones in which they are proposed.

The Local Planning Policy does not apply retrospectively, in that, existing compliant signage is not affected by this policy.

The proposed Local Planning Policy is supported by the accompanying *Signage and Advertisements Study*, which is **attached** at Appendix DPDS-3.

The study:

- outlines the underpinning principles and methodology behind the proposed Local Planning Policy and the former system of regulation under the *Local Government Act 1995*;
- details how the essential elements of the Local Law and ADP are reflected in the proposed Local Planning Policy and it outlines why other elements have been omitted; and
- with regard to later reviews, includes a number of recommendations for changes to the Scheme and the ADP.

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

There are no known financial or budget implications resulting from the draft Local Planning Policy.

### **Community Consultation**

The initial draft Local Planning Policy was advertised for an extended period of 56 days, from 3 July 2013 until 27 August 2013, including:

- the City of Bunbury website;
- public notices placed in a locally circulated newspaper;
- letters to local sign writers and the Bunbury Chamber of Commerce and Industries (BCCI);  
and
- public information sessions.

The initial draft Local Planning Policy and accompanying study have been distributed to local sign

writers and the BCCI. One information session was held at the Council Administration Building on 5 July 2013 from 4pm until 6pm. Another information session was held at the BCCI premises on 8 August 2013, after the BCCI invited members in their newsletter to attend. Both sessions received positive feedback.

A total of two submissions were received. One submission fully supported the proposed draft Local Planning Policy. The other submission requested changes, which have been substantially incorporated into the final draft of the proposed Local Planning Policy, as outlined in the Schedule of Submissions. The Schedule of Submissions is **attached** at Appendix DPDS-4.

With the benefit of the public advertising period, incorporating two information sessions and internal workshops with staff, some changes have been made to the initial draft Local Planning Policy.

After the public advertising period council officers attended several meetings and workshops with the BCCI in relation to the draft Local Planning Policy resulting in significant changes, especially regarding signage within the city centre.

The final draft Local Planning Policy was advertised for a period of 24 days, from 16 April 2014 until 9 May 2014, including:

- the City of Bunbury website;
- public notices placed in a locally circulated newspaper; and
- letters to local sign writers and the Bunbury Chamber of Commerce and Industries (BCCI).

No submissions were received.

#### **Councillor/Officer Consultation**

Officers of the Planning and Development Services Directorate have participated in the preparation of the proposed Local Planning Policy. The Executive Leadership Team (ELT) has also been briefed on the formulation process and content of the proposed Local Planning Policy.

**10.5.2 Proposed Change of Use of from “Showroom” to “Fast Food Outlet” and “Industry – Service” at Unit 1 LOT: 542 #1 Munro Loop DAVENPORT**

<b>File Ref:</b>	P13337
<b>Applicant/Proponent:</b>	Veens Design Drafting Service
<b>Author:</b>	Laura Sabitzer, Planning Officer
<b>Executive:</b>	Bob Karaszekwych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-5 – Location Plan, 1 Munro Loop Appendix DPDS-6 – Previous Planning Approval, 1 Munro Loop Appendix DPDS-7 – Proposed Site Plan, 1 Munro Loop Appendix DPDS-8 - Proposed Floor Plan, 1 Munro Loop Appendix DPDS-9 –Proposed Landscaping Plan, 1 Munro Loop Appendix DPDS-10 – Elevation Plan. 1 Munro Loop Appendix DPDS-11 – Veen’s Design Drafting Service Covering Letter Appendix DPDS-12 – Veen’s Design Drafting Service Comments

**Summary**

This application is for the proposed change of use of Unit 1 at Lot 542 #1 Munro Loop, Davenport. The unit currently has approval for a “Showroom” use. A lunch bar and catering service is proposed at the premises. It is proposed that the business would operate five (5) days a week providing breakfast and lunch meals as well as a catering service.

The application has been assessed against the provisions of TPS7 and relevant Local Planning Policies. The planning assessment has identified the following issues:

- The applicant’s submission is for a “lunch bar and catering service”. As the floor area of Unit 1 exceeds 100sqm by 143sqm (total 243sqm), the “lunch bar” is classified as a “Fast Food Outlet” use rather than a “Lunch Bar” use as defined in TPS7. The catering service is classified as “Industry – Service” as defined in TPS7.
- The proposal is a more intensive use than that which had been previously approved as a “Showroom”, hence a greater requirement for car parking bays are required under TPS7.
- The proposal requires a minimum 33 car bays. The existing approved car park has 9 car bays available. A 24 car bay parking shortfall exists. This is a significant variation from the TPS7 requirements.
- The applicant has proposed a modified car parking configuration increasing the total number of car bays (for Units 1, 2 and 3) from 20 to 32 car bays. However 19 of the 32 car bays are encroaching into the Halifax Road reserve verge, which that in itself demonstrates an over-development of the site that is not supported as it sets a bad precedent in the Halifax industrial area that currently suffers from overflow car parking associated with industrial developments.
- The use of the Halifax Road reserve verge is not supported as it is not appropriate that the verge be developed for private parking purposes exacerbated by the under-provision of 24 car park bays.
- There is no dedicated access to the service delivery (unloading/loading) area of Unit 1.
- It is a fundamental planning principle that orderly and proper planning be achieved; in the circumstances where it is evident that parking issues will arise approval should not be granted.

Those issues are elaborated on in the Officer Comments section of this report. As the proposal does not comply with TPS7, and Local Planning Policy provisions, the application is recommended to be refused.

### **Executive Recommendation**

That Council resolves to:

1. Refuse a development application for the proposed Change of Use of Unit 1 from “Showroom” to “Fast Food Outlet” and “Industry – Service” at Lot 542, #1 Munro Loop, Davenport (application reference: DA/2014/104/1) in accordance with the City of Bunbury Town Planning Scheme No. 7, for the following reasons:
  - a. The proposal does not satisfy Clause 10.2.1 (p) of the City of Bunbury Town Planning Scheme No.7 due to:
    - i. an insufficient number of car bays provided; and
    - ii. the inadequate provision of space for the unloading and loading of deliveries to the premises.
  - b. The proposal does not satisfy Clause 5.7.3.7 of the City of Bunbury Town Planning Scheme No.7 as additional parking bays are not provided to meet the requirements of the proposed uses in accordance with the Scheme.
  - c. The proposal is contrary to the provisions of Local Planning Policy 3.1: Access and Parking for Pedestrians, Bicycles and Vehicles and as such is not in accordance with Clauses 5.7.3.3 and 10.2.1(f) of the City of Bunbury Town Planning Scheme No.7.
  - d. The proposal does not represent orderly and proper planning and as such is not in accordance with Clause 10.2.1(b) of the City of Bunbury Town Planning Scheme No. 7.

### **Background**

The subject site is located on the corner of Munro Loop and Halifax Drive, Davenport and is 2236sqm in area. Refer to the location plan **attached** at Appendix DPDS-5.

The site and surrounding sites are zoned as “Industry” under the City of Bunbury Town Planning Scheme No. 7 (TPS7) and are within the Halifax Industrial Park Design Guideline area.

In 2012, planning approval was granted for the development of three (3) units at Lot 542 #1 Munro Loop, Davenport with Unit 1 approved as a “Showroom” use with ancillary offices. The other units; Unit 2 & 3 are approved as “Showroom” and “Warehouse” uses. The approved development is currently under construction. The previously approved plans are **attached** and can be viewed at Appendix DPDS-6.

A change of use application for Unit 1 was received in April 2014. The application proposes a lunch bar and catering service. The lunch bar proposes to operate from 6am – 2.30pm, 5 days a week for breakfast and lunch time service, with 4 – 6 staff at the premises at a given time. A catering service is also proposed to provide platters to order. The expected customers are to be from the local businesses in the industrial area.

The development plans (site plan, floor plan, landscaping plan and elevation plans) and the applicant's covering letter are **attached** at Appendices DPDS-7, DPDS-8, DPDS-9, DPDS-10 and DPDS-11. The applicant has also provided detail of indicative menus, projected sales and staffing requirement. This information can be provided to Council upon request.

Prior to the application being lodged, the proposal was discussed with the applicant. It was advised that there was substantial lack of car parking for the proposed use and that it was likely that such application would not be supported by the City.

Following the lodgement of the application and submission of the requested information, the applicant received detail of the planning assessment outlining the items of non-compliance. In response the applicant provided revised signage detail and comments, which can be viewed **attached** at Appendix DPDS-12.

### **Council Policy Compliance**

Local Planning Policies applicable to this proposal are as follows:

- Local Planning Policy 3.1: Access and Parking for Pedestrians, Bicycles and Vehicles (LPP 3.1)
- Local Planning Policy 4.11.1: Halifax Industrial Park Precinct Design Guidelines (LPP 4.11.1)
- Local Planning Policy 48: Landscaping (LPP 48)
- Draft Local Planning Policy: Signage and Advertisements (draft LPP)

With the exception of the provision of car bays onsite and the service delivery area for the premises, the other elements of the proposal, such as landscaping and signage comply with the applicable policy provisions. This is discussed in the Officer Comments, below.

### **Legislative Compliance**

The application has been assessed against the provisions of the City of Bunbury Town Planning Scheme No.7 (TPS7) and proposes the following variations:

- The number of car bays provided on-site does not meet the minimum car parking requirements outlined at Table 2 of TPS7.
- The proposed uses require a greater number of parking bays than the previous approved use. As additional parking bays are not provided in accordance with the Scheme, this is contrary to Clause 5.7.3.7 of TPS7.
- The access to service delivery area (loading or unloading) for Unit 1 is not in accordance with Clause 5.7.3.3 or 5.10.4.3 of TPS7.
- The proposal is not in accordance with all of the matters listed at clause 10.2 of TPS7. In particular Clauses 10.2.1 (b), 10.2.1 (f) and 10.2.1(p) pertaining to orderly and proper planning, compliance with Local Planning Policies and provision for the loading/ unloading and parking of vehicles.

The proposed variations to TPS7 are discussed further in the Officer Comments, below.

### **Officer Comments**

#### Land use

The proposal submitted is for a lunch bar and catering business. The proposal cannot be classed as a "Lunch Bar" use due to the size of the tenancy. TPS7 defines a "Lunch Bar" as:

*“...a premises or part of a premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas and having a maximum net lettable area of 100 sq m.”*

The Model Scheme Text, which is the document guiding the preparation of Town Planning Schemes in Western Australia contains the same definition for a lunch bar. The proposed lunch bar exceeds the maximum net lettable area of 100 sq m, as it is 243sqm in area (assessing the catering activity separately) or 321 sq m in area (assessing the whole tenancy area). As the use exceeds 100sqm in net lettable area (despite the applicants comments to the contrary) it is classified as a “Fast Food Outlet” use rather than a “Lunch Bar” use. A “Fast Food Outlet” use is defined in TPS7 as:

*“premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar”.*

In terms of the catering activity proposed, this would be classified as an “Industry – Service” use. Therefore the application actually proposes a change of use from “Showroom” to “Fast Food Outlet” and “Industry – Service”.

A “Fast Food Outlet” is listed as a “D” use in an Industrial zone. Council may exercise its discretion to approve this use, if considered appropriate, after having given due regard to matters listed at Clause 10.2 of TPS7. An “Industry – Service” use is listed as a “P” permitted use in an Industrial zone and is therefore capable of approval.

#### Car parking

The proposal is a more intensive use of the premises than the previous approved “Showroom” use hence requires additional parking bays to be provided. The minimum number of car bays required is outlined in Table 2 of TPS7. TPS7 requires a minimum of 33 car bays for the proposal.

TPS7 at clause 5.7.3.7 states:

*“When the use of any premises is changed to a use class that under the Scheme requires a greater number of parking bays, additional parking bays shall be provided to meet the requirements of the new use in accordance with the Scheme”.*

As car parking on-site is shared amongst tenancies, car parking is assessed in terms of the whole complex, rather than the individual units. A minimum of 11 car bays are dedicated to approved “Showroom” and “Warehouse” uses at Units 2 and 3.

Approval has previously been granted for 20 car bays on-site shared between the three units. The car parking area has vehicular access from driveways off Halifax Drive and Munro Loop. Refer to the previously approved plans **attached** at Appendix DPDS-6.

The applicant submitted an amended car parking plan that proposes a total of 32 car bays, however 19 of those bays are not wholly within the lot boundaries and encroach onto the Halifax Road reserve verge area. Refer to the site plan **attached** at Appendix DPDS-7. The City’s Development Control Unit (DCU) does not support the use of the verge to supply private car parking - the applicant has been advised of this. Although there has been examples in other areas of the City where the verge has been retrofitted and leased for parking purposes, in this case, it is not considered to be appropriate as the area has been a planned industrial area, and approval for

development of the site (from vacant land) was relatively recent (2012). Consideration should have been made at that time for land uses and building design to meet the needs of prospective tenants.

For the purposes of calculating the parking shortfall the previously approved 20 car bays on-site has been used. It is calculated that there is a significant 24 bay parking shortfall. Given this, Council can exercise its discretion on whether it approves the application. TPS7 at Clause 5.5 allows for the minimum car parking requirements to be varied providing that non-compliance with TPS7 will have no adverse effect upon prospective occupiers of the development; or function of Halifax Drive and the surrounding area.

The Scheme and LPP 3.1 and 4.1.4 set out provisions that allow, in certain circumstances, for the minimum car parking requirements of Table 2 to be reduced, with consideration of scenarios, such as off-site parking, public car park stations, access to public transport and cash-in-lieu of parking.

In this instance, there are no on-street car bays in vicinity of the site or access to public transport. Additionally, there is not the option of complementary usage of the bays, as the peak parking hours of the proposal will likely align to the expected peak hours of the other Showroom/ Warehouse units in the complex. Cash contribution in lieu of providing parking bays is not appropriate to address the significant under-provision of car parking bays.

The applicant has provided comments seeking a variation to the requirement for car parking bays. In summary, the applicant comments that the proposal is a needed service in the Halifax industrial area, the targeted customers are local businesses meaning that it is expected that some of the patrons will walk to the premises rather than drive, and that the lunch bar is fast food style of service with limited seating that may will result in the quick turnover of car bays. Refer to the full copy of the applicant's comments **attached** at Appendix DPDS-12.

Despite the applicant's assertions that there is limited seating shown at the premises; that some of the patrons may walk or car pool to the premises, there remains an inadequate supply of parking to meet the predicted demand that would further exacerbate the existing parking issues in the area.

In this case, the proposed car parking is not supported due to the following:

- Of the 20 car bays onsite, 11 of the 20 bays are dedicated to the Showroom and Warehouse uses at Units 2 and 3. This means that there are 9 car bays remaining for Unit 1 to use. The applicant expects that four (4) to six (6) staff would be at the premises at one time, from a practical sense this means that three (3) to five (5) bays would be available during the day for patrons.
- It is likely that some of the patrons would have large vehicles (i.e. trucks or vehicles with trailers) with no provision of larger car parking bays on site for parking those vehicles. There is a likelihood of those vehicles parking on the Halifax Road reserve verge as this practice already occurs at the existing lunch bar at #1 Halifax Drive, Davenport.
- Halifax Drive is the distributor road from Halifax industrial area to South Western Highway and is frequented by trucks and large vehicles. If there are no available car bays onsite, it is likely that vehicles will park haphazardly on the verge that in all probability create traffic and public safety issues, especially on the corner location.
- There are several existing parking issues in the general area that are regularly observed with vehicles using vacant lots in the industrial area for the purposes of overflow parking.
- The proposed 24 car bay shortfall is a significant, hence it is recommended that the proposal is refused.

### Service deliveries

TPS7 at Clause 5.10.4.3 states:

*“Areas for the loading and unloading of vehicles carrying goods or commodities to or from the premises...are to be provided and maintained in accordance with the approved plan...”*

Whilst TPS7 at Clause 5.7.3.3 states:

*“Provision for the parking of service vehicles...shall be made in accordance with the Scheme and any relevant Local Planning Policy”*

The relevant Local Planning Policy, LPP 3.1 requires loading and unloading areas to be located separate from car parking and pedestrian access areas. The delivery area for Unit 1 is via the western (Munro Loop) elevation. Referring to the proposed floor plan **attached** at Appendix DPDS-8, car bay 12 is located in front of the delivery area. The previously approved plan showed a separate delivery area for Unit 1, which was not a dedicated car bay. Therefore, as a separate delivery area is not provided, this is yet another variation to TPS7 Clauses 5.7.3.3 and 5.10.4.2 and LPP 3.1.

The applicant has provided the following comments, stating that car bay 12 would only be occupied for deliveries for a short time period and that the majority of deliveries would occur outside the opening hours of the premises. Refer to the full copy of the applicant’s comments **attached** at Appendix DPDS-12.

Whilst it is acknowledged that it could be conditioned that deliveries to Unit 1 are to only occur outside the opening hours of the business, this would require Officers time to observe compliance. This, coupled with the insufficient provision of car parking is considered to exacerbate the parking shortage upon the site.

### Landscaping

The proposed landscaping plan has been assessed and is in general accordance with Local Planning Policy: Landscaping and Halifax Business Park Design Guidelines at Clause 8.11, but does require a detail landscape plan. Refer to the proposed landscaping plan **attached** at Appendix DPDS-9.

### Signage

The application proposes four (4) wall signs for Unit 1; two (2) signs on the northern elevation facing Halifax Drive and two (2) signs on the western elevation facing Munro Loop. Refer to the elevation plan **attached** at Appendix DPDS-10 for details of signage.

The proposed signage has been assessed against the draft Local Planning Policy and is compliant with the policy provisions.

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

The proposal is located on private property, therefore poses no direct financial implications for the City. If the applicant is aggrieved by Council’s decision they may apply for a review of the decision through the SAT. In those circumstances, the City would incur legal costs.

### **Community Consultation**

There is no statutory requirement for this development application to be advertised for public comment.



### **Councillor/ Officer Consultation**

The proposal was referred to the City’s Development Control Unit (DCU) where it was considered that the use of the verge for private car parking including the significant reduction in car parking spaces is not appropriate. As such, is not supported.

### **Conclusion**

The applicant has submitted a change of use application to facilitate a proposed lunch bar and catering business at Unit 1 at Lot 542 #1 Munro Loop, Davenport. Notwithstanding, given the expansive floor area of Unit 1 the proposal is appropriately defined as a “Fast Food Outlet” and “Industry – Service” uses.

In an industry zoning “Industry – Service” is a permitted use whilst a “Fast Food Outlet” is a discretionary use, meaning that Council may approve the proposal, if it is considered appropriate after having regard to the matters outlined in Clause 10.2 of TPS7.

The proposal is a more intensive use than the current approved use of “Showroom”. Given that, the proposal requires provision of more car bays than the existing approved “Showroom” use.

Despite the a modified car parking layout that adds the number of car parking bays on site from 20 to 32 bays, those car bays are partially beyond the lot boundary and encroaching onto the verge, accordingly an over-development as there is an inadequate provision of car parking to meet the predicted demand from the proposed uses. The 24 bay car parking shortfall is not orderly and proper planning.

Accordingly, it is recommended that Council not exercise discretion to approve the proposed change of use.

### **Delegation of Authority**

The application is referred to Council for determination as Officers do not have delegation to refuse development applications.

### 10.5.3 Wittenoom Street (South's) Carpark

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Neil Dyer – Team Leader Parking Operations
<b>Executive:</b>	Bob Karaszewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-13 – South's Carpark Design

#### Summary

The resurfacing and reconfiguration of the Wittenoom Street (South's) Carpark was proposed to occur in the 2014/15 financial year to coincide with the upgrade to Prinsep Street. This project was moved to the 2015/16 financial year to allow for further investigations on the car park design, but this has now occurred.

In the meantime, the upgrade to the Victoria Street - Prinsep Street roundabout had commenced. It is considered opportune to reconsider the timing of works to the Wittenoom car park as the proposed works will increase the capacity of the car park by seven (7) bays (which will off-set the loss of four parking bays in Prinsep Street) and also improve the size of the parking bays, traffic flow, lighting and appearance of the car park with resultant cost savings.

#### Executive Recommendation

1. Project PR – 2103 *Reseal Wittenoom Street (South's) Carpark (Council Resolution 224/13)* be included in the 2014/15 financial year to allow the upgrade of the car park to coincide with the upgrade to Prinsep Street.
2. The project cost of \$125,000 to be funded from the Parking Reserve Fund.

#### Background

The Wittenoom Street (South's) carpark is a Visitor/Shoppers 2hr free car park. The car park is located on Wittenoom Street between Wellington Street and Prinsep Street. The car park has an area of 3559m<sup>2</sup> over five (5) separate lots.

In 2011, minor improvements were made to the car park to remove hazards to pedestrians and vehicles created by tree roots lifting internal kerbing and the pavement. Those works did not alter the layout of the car park nor did the works include any other improvements.

The car park has 103 bays and is prevalently used with approximately 500 vehicle movements per day. The existing pavement surface is in poor condition and the only lighting to the car park is located on the Wittenoom Street side of the car park that creates dark and unsafe areas within the car parking area.

Proposed improvements to the car park will ensure that dimension of car park bays comply with Australia Standards; ticket issuing machines are more conveniently positioned; lighting is increased, the overall aesthetic appearance improved and the installation of wireless CCTV surveillance.

Part of the car parking area contains an easement so that delivery trucks can service South's Furniture Store. The isles in the car park will be reconfigured to ensure a resolution to access and egress issues encountered by delivery trucks.

At the CBD Parking Strategy Control Group (CBDPSCG) meeting of 8 April 2013, the new car park design was supported with the recommendation that the upgrade of the car park should occur at the same time as the upgrade to the Victoria Street - Prinsep Street roundabout. The design of the car park had been previously supported by the CBDPSCG and the Council is **attached** at Appendix DPDS-13.

### **Council Policy Compliance**

There is no Council Policy applicable to this item.

### **Legislative Compliance**

There is no legislative compliance applicable to this item.

### **Officer Comments**

In 2011, minor work was undertaken in this car park to remove failing kerbing that created an immediate hazard for pedestrians and damage to vehicles. Only minor pavement repairs/ patching were undertaken at that time.

The proposed upgrade of the car park includes the resurfacing of the entire car park; improvements to the car park to comply with Australian Standards.

Although routine maintenance of the car park has occurred since 2011, the overall condition of the car park continues to decline. Bringing works forward to the 2014/15 financial year would enable works to coincide with those works on Prinsep Street to minimise impacts on businesses in the area. The upgrade will also improve the appearance of the car park and provide a net gain of seven (7) parking bays. This will assist to negate the loss of four (4) on-street parking bays resulting from the Prinsep Street upgrade.

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

The estimate for Project PR-2103 *Reseal Wittenoom Street (South's) Carpark (Council Resolution 224/13)* is \$125,000 as a Capital Upgrade project in 2015/16.

The Project it is to be funded from the CBD Parking Reserve Fund.

The original budget for the upgrading of the car park was \$150,000. However, a financial saving was achieved through the works undertaken as part of the Prinsep Street upgrade works and the proposed budget does include further improvements to the car park.

### **Community Consultation**

When the project was first discussed, the owners of adjoining businesses were consulted on the proposed designs for the car park and they had provided feedback. Those designs were also discussed and supported by the CBDOSCG that had included representatives from the retail sector, BCCI and the Council.

No wider community consultation has been undertaken. However, should the Executive Recommendation be supported this project and its benefits will be promoted to local business community and the wider Bunbury community through various media.

**Councillor/Officer Consultation**

Consultation has been previously undertaken with Team Leader Airport Design and the Team Leader Planning and Assets to ensure the car park design is aligned with the current proposed plans for the surrounding streets including the Prinsep Street upgrade.

The proposed upgrade to the car park was previously presented to the CBDOSCG on 8 April 2013, and then to the Council on the 6 August 2013.

**Outcome – Council Meeting 6 August 2013**

**Council Decision 224/13**

***Council endorse the alternative parking layout for the Wittenoom Street (South's) car park and allocate \$125,000 in the 2014/15 budget to implement these changes and resurfacing the car park.***

***Moved Cr Steck                      Seconded Cr Cook***

CARRIED

12 votes "for" / nil votes "against"

## **10.6 Director Works and Services Reports**

### **10.6.1 Contract Variation – Bunbury Airport Environmental Clearances**

<b>File Ref:</b>	A05718
<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Phil Harris, Director Works & Services
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Nil

#### **Summary**

A contract was awarded to GHD Pty Ltd in 2013 to undertake a Detailed Site Investigation of Lot 507 South West Highway as part of the proposed development of the rescue helicopter base and additional aircraft hangars over the former Clay Target Gun Club site. A contract variation in excess of the Chief Executive Officers delegated authority is required to cover the extra costs associated with additional ground water investigations requested by the Department of Environmental Regulation (DER). Variations exceeding 10% of the contract value require Council approval.

#### **Executive Recommendation**

In accordance with Section 3.57 of the Local Government Act 1995 and Regulation 20 of the Local Government (Functions and General) Regulations 1996 Council authorises the Chief Executive Officer to approve:

1. Variation Order # 1 for the sampling and analysis of gravel road base for site fill to the value of \$3,620 ex GST
2. Variation Order # 2 for attendance at meetings with the Department of Environmental Regulation and preparation of additional information required by the Department outside original scope to the value of \$2,390 ex GST
3. Variation Order # 3 to install ground water monitoring wells and undertake groundwater sampling and analysis to the value of \$17,910 ex GST

#### **Background**

In 2012 the City of Bunbury commenced the process of gaining environmental clearances to allow the development of a rescue helicopter base and additional aircraft hangars.

The project is the first in which the City of Bunbury was required to undertake Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) and although protracted officers have been methodically working through the process and are now in the final stages of obtaining the clearances. Federal and State permits to clear the remaining vegetation are expected to be issued within the next 6 – 8 weeks and the additional groundwater sampling and analysis which forms the basis of Variation Order # 3 will close out the DSI and allow the final document to be submitted to the DER for approval.

It is anticipated that the DER may request the preparation of a Construction Environment Management Plan (CEMP) which is anticipated to cost in the region of \$10,000. If this occurs a further variation will need to come to Council for approval.

### **Council Policy Compliance**

Delegations Register Instrument of Delegation - DAG4 Contract Price Variations.

### **Legislative Compliance**

Section 3.57 of the *Local Government Act 1995*  
Regulations 11 -24 *Local Government (Functions and General) Regulations 1996*

### **Officer Comments**

The original scope of the Detailed Site Investigation (DSI) did provide for the installation of three (3) ground water monitoring wells. The results obtained from these wells are inconclusive which has resulted in the DER requesting that another four (4) monitoring wells be installed and further groundwater sampling and analysis be undertaken from all seven (7) monitoring wells.

As GHD have been engaged to undertake the DSI it is not considered viable to go back to the market place to recall quotations for the groundwater monitoring as the information will be required to supplement the GHD report.

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

PR-1369 provided funding in 2012/13 to undertake the PSI along with funding in 2013/14 to undertake the DSI. PR-1369 also provides \$20,000 in the 2014/15 Budget to permit completion of the environmental studies.

### **Community Consultation**

Not Applicable

### **Councillor/Officer Consultation**

Not applicable

### 10.6.2 Koombana Bay Rail Bridge

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Phil Harris, Director Works and Services
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Appendix DWS-1 – Footbridge Working Committee Terms of Reference Appendix DWS-2 – Details of a Management Order as described in the Land Titles Registration Practice Manual

#### **Summary**

In 2013 the Public Transport Authority (PTA) requested that the City of Bunbury consider accepting a Management Order over the disused Koombana Bay Rail Bridge.

Council in response decided that it would not accept the transfer of the bridge in its current condition (Decision 373/13). The decision generated considerable coverage in the print and social media with the City bearing the brunt of negative comments until the Mayor clarified with the protagonists that the bridge is a state government owned asset and not the City's.

A Footbridge Working Party consisting of a cross section of community and industry members with a common goal of reopening the cantilevered pedestrian walkway was formed in February 2014.

Sufficient work has now been undertaken to provide Council with a reassurance that the bridge is structurally sound and capable, subject to repairs of being reopened.

#### **Executive Recommendation**

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.

#### **Background**

The rail bridge over the channel connecting the Leschenault Inlet to Koombana Bay was constructed by the State of Western Australia in the 1970's with rail activity ceasing in the 1980's. The bridge has a well utilised walkway attached to the main rail structure that provides a pedestrian link to the Koombana Bay area.

In August 2013, the Public Transport Authority wrote to the City advising that the pedestrian walkway had been closed so that programmed maintenance works could take place. The correspondence suggested that the pedestrian walkway link may be more aligned to Councils core business, further recommending that Council approach the Department of Lands for a Management Order over the approaches and bridge.

In order to provide Council with an informed recommendation on this matter City officers requested that the PTA provide a structural report on the condition of the bridge.

On 18 November 2013, staff received a copy of a structural assessment which indicated that the bridge was non-compliant with current standards requiring an estimated \$400,000 - \$500,000 to make complaint.

An agenda item was prepared for Councils consideration based on the information available at the time with the outcome reflecting 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 community driven Footbridge Working Party commenced meeting in February 2014 with approximately 19 people from stakeholder groups including representatives of State Government agencies, Member for Bunbury, private individuals, boating groups and business people. Three elected members and the Director Works and Services attended the meetings.

The group developed a Terms of Reference (**attached** at Appendix DWS-1) and agreed on pursuing short and long term goals with the immediate priority being on reopening the pedestrian walkway across the bridge.

A subcommittee comprising Chair Steve Down (AMD Accountants), Brendan Dorricott (Worley Parsons) Ian Gibbs (RCR Mining) and Phil Harris (CoB) was established to investigate options for the short term goal of reopening the bridge for pedestrians only.

The subcommittee met with the PTA representative with all parties agreeing that a further more detailed structural assessment was required. CoB arranged for divers to inspect all piers below the water line while Worley Parson offered the services of its senior structural engineer to review the initial structural assessment, the underwater inspection report and undertake a more detailed inspection of the structure. A subsequent structural assessment was prepared by Worley Parsons and provided to the PTA and City of Bunbury for review.

In summary the report indicated that the bridge can be made complaint for use of pedestrian traffic without significant investment subject to

- Replacement of existing rusted bolts with galvanised bolts
- Rust removal and treatment (cold galvanising treatment)
- Refurbishment of deck plates
- Placement of sacrificial anodes on piers
- Repairs to damaged concrete on piers
- Detailed survey of each pier to ensure no movement has occurred since initial construction (complete 24/5/2014)



The report suggests that subject to the six items being addressed the pedestrian walkway component could be reopened and will not impose a financial burden to ratepayers for many years.

### **Council Policy Compliance**

Not Applicable

### **Legislative Compliance**

Should Council wish to enter into a Management Order over the structure and approaches then the provisions of the Land Administration Act would prevail. Appendix DWS-2 provides details of a Management Order as described in the Land Titles Registration Practice Manual.

### **Officer Comments**

Given the City's experience with the Bunbury Timber Jetty, taking on responsibility of a non-compliant structure requires considerable caution to be exercised by Council as the Management Order binds Council to all future costs associated with maintenance of the structure.

It is suggested that Council only agree to accept a Management Order over the structure and approaches for a period of five years when a review of the structure a further structural report will provide clarity to Council on foreseeable issues. It may also coincide with the long term aspirations of the Footbridge Working Party to raise the central section of the bridge to the same level as the road bridge.

At the time this report was prepared discussions with the PTA indicated that they would only manage the replacement of the deck plates. The City would need to manage all other aspects of returning the structure to a usable condition.

This report intentionally does not cover details of aspirations of others to raise the structure.

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

The capital investment to return the pedestrian access way to being complaint has been estimated at:

- Replace bolts and treat rust effected connections \$10,000
- Repair / replace deck plates \$60,000
- Replace lighting \$10,000
- Place sacrificial anodes \$ 7,000
- Repair damaged Pier concrete \$15,000

It is estimated that ongoing maintenance and inspections of the structure including lights, navigational aids, structural inspections and preventative maintenance will be in the vicinity of \$12,000 per year

### **Community Consultation**

No community consultation has been undertaken in relation to this report however the Footbridge Working Party represent a cross section of the community and are aware that the subcommittee has been progressing the of the reopening.

## **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**

In order for staff to finalise the draft budget a decision is required in relation to the basis of rating to be imposed hence the requirement to deal with the matter as urgent business.

### **Recommendation**

That Council pursuant to section 5.4 of Councils Standing Orders, agree to receive the item entitled "*Review of the Basis of Rating following Community Consultation*" as a matter of urgent business.

#### 14.1 Review of the Basis of Rating following Community Consultation

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix DCS-4 – Discussion paper ‘Review of our Basis of Rating’ Appendix DCS-5 – Submissions Received

##### Summary

At the Council Meeting 4 March 2014, Council resolved the following:

1. *The discussion paper ‘Review of our Basis of Rating’ is advertised for public consultation.*
2. *A report is prepared for Council on the feedback received from the above public consultation.*

The discussion paper ‘A Review of our Basis of Rating’ (**attached** at Appendix DCS-4) was advertised in the Bunbury Mail on the 19 and 26 March 2014. In addition, a number of workshops were held with the Bunbury Chamber of Commerce and Industries; a copy of the discussion paper was placed on the City’s Website, and available from the City’s libraries and Customer Service Centre. At the close of the advertising period a total of three (3) submissions have been received (**attached** at Appendix DCS-5).

Councillors have discussed the options for the basis of rating at numerous budget workshops and have refined the options to either:

- Option 1: No Differential Rates (i.e. all properties are on the same rate in dollar and minimum); or
- Option 2: 2 Differential Rating Categories: General and Commercial

The option of levying either \$32M, \$32.4M or \$33M in rate revenue in the Draft 2014/15 Budget has also been discussed at budget workshops.

A decision is required by Council on the rating model to be used and the amount of rates to be raised (excluding specified area rates) to allow staff to prepare the Draft 2014/15 Budget for Council consideration.

##### Executive Recommendation

1. The three (3) public submissions on the discussion paper: ‘Review of our Basis of Rating’ are noted and feedback on Councils decision is provided to each respondent.
2. That Option \_\_\_\_\_ be endorsed as the preferred rating model to be used in future budgets.
3. That the total amount of rates raised (excluding Specified Area Rates) of \$ \_\_\_\_\_ be used as the amount of rates required for the Draft 2014/15 Budget.
4. Council approve the advertising of the Rates for 2014/15.
5. Council invite public comment in respect to the proposed rates for 2014/15 for a period of 21 days.

*(If Option 2 is endorsed the following recommendation is required)*

6. Council have available for public inspection a “Statement of Proposed Rating Objectives and Reasons for the Rating of Differential Rates and Specified Area Rates for 2014/2015” document.

### **Background**

The discussion paper ‘Review of our Basis of Rating’ was endorsed by Council on 4 March 2014 for public consultation. The document outlined the current rating strategy and also various options for potential changes to the current rating model. After advertising the discussion paper and conducting a number of presentations with the Bunbury Chamber of Commerce and Industries, three (3) submissions were received.

The following submissions were received:

1. Bunbury Chamber of Commerce and Industries  
The BCCI Executive Committee concluded that based on equity there is currently no plausible reason for the existence of the differential rates and submits to the City of Bunbury that there should be: a single rate in the dollar for all properties – no differential rates.
2. Mr Alan Summers, 14 Mansfield Street, Bunbury  
The submission included no specific recommendation for the basis on rating except that the rating structure should not favour CBD properties.
3. Fiona Skilbeck, Bunbury City Glass, 57 Halifax Drive, Bunbury  
The submission included no specific recommendation for the basis on rating, but commented on lack of services provided to Halifax and other industrial areas.

Councillors have discussed the rating options and the amount of rates required to be raised in the Draft 2014/15 Budget at numerous budget workshops.

### **Council Policy Compliance**

There is no council policy requiring a review of the basis of rating.

### **Legislative Compliance**

There is no legislative requirement for Council to review its basis of rating. The Local Government Act allows either a General (single) Rate or Differential Rate to be used as the basis of rating.

If Council imposes a Differential Rate, then the proposed rates have to be advertised for at least 21 days together with a document explaining the reasons and objectives of the different rates, prior to adopting the rates as part of the annual budget. However there is no requirement to advertise the proposed rates for the coming year if no differential rates are imposed.

### Officer Comments

The City of Bunbury current rates on 4 differential rating categories: General; City Centre and Special Use; Mixed Business; and Industrial and Non Residential Vacant Land. The amalgamation of these differential rates into either one or two rating categories will making the rating structure more equitable, with all properties in the City of Bunbury being on the same rate in dollar and minimum rate, or at most two rates in the dollar.

Should the 'No Differential Rate' option be endorsed, the amount of rates levied on a property compared to another property is then determined by the individual property's Gross Rental Valuation (GRV) provided by Landgate, which takes into consideration: location, improvements and use.

If the '2 Differential' rating option is used, Council is required to advertise these rates and document the reasons and objectives to explain the difference between the General and Commercial rate. Once all the new GRV's are received from Landgate, staff will calculate a rate in the dollar to be advertised. The General Rate includes the following property types: residential, residential vacant, sporting clubs and strata titled storage units. The Commercial Rate includes the following property types: city centre, special use, mixed business, industrial and non-residential vacant land. The above property classifications are determined by the City of Bunbury Town Planning Scheme.

The average increase in rates under each option is as follows:

Rates Raised	Option 1 No Differential Rates	Option 2 2 Differential Rates: General and Commercial	
		General	Commercial
\$32.0 Million	5.3%	5.1%	5.5%
\$32.4 Million	6.6%	5.0%	9.0%
\$33.0 Million	8.6%	8.4%	8.7%

The above rating options have all been based on the minimum rate will be \$1,000.

### Analysis of Financial and Budget Implications

There are no financial or budget implications in changing the basis of rating, as the same amount of rates can be raised to fund Council operations and projects in future budgets.

The amount of rates raised under either option will affect the 2014/15 Budget. The current draft 2014/15 budget has been developed on total rates income (excluding specified area rates) of \$32M. The support for a higher total rates income e.g. \$32.4 or \$33M will have a positive effect to the Income Statement – reducing the operating deficit and reducing new loan borrowings required in 2014/15.

### **Community Consultation**

Community consultation has taken place with advertising in the local newspaper, presentations to the Bunbury Chamber of Commerce and Industries, and copies of the discussion paper, 'A Review of our Basis of Rating' were available on the City's website, the libraries and Customer Service Centre. Three (3) public submissions were received.

### **Councillor/Officer Consultation**

The discussion paper, 'City of Bunbury - Review of our Basis of Rating' was provided to Councillors at the Council Briefing Session on 28 January 2014 and further discussed at the Council Briefing Sessions on 11 and 25 February 2014, 12 and 29 May 2014, and 3 June 2014. This document was updated to include feedback provided by Councillors prior to advertising.

**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**