



City of Bunbury Council

Minutes

5 September 2017



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

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Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	5
2.	Disclaimer	5
3.	Announcements from the Presiding Member.....	6
4.	Attendance	7
	4.1 Apologies	7
	4.2 Approved Leave of Absence	7
5.	Declaration of Interest.....	8
6.	Public Question Time.....	8
	6.1 Public Question Time	8
	6.2 Responses to Public Questions Taken ‘On Notice’	8
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	9
	7.1 Minutes.....	9
	7.1.1 Minutes – Ordinary Council Meeting.....	9
	7.1.2 Minutes – Council Advisory Committees and Working/Project Groups	10
8.	Petitions, Presentations, Deputations and Delegations.....	12
	8.1 Petitions.....	12
	8.2 Presentations.....	12
	8.3 Deputations	12
	8.4 Council Delegates’ Reports.....	13
	8.4.1 Council Delegate’s Report – Deputy Mayor Kelly and Councillor Giles.....	13
	8.5 Conference Delegates’ Reports	13
9.	Method of Dealing with Agenda Business.....	14
10.	Reports.....	15
	10.1 Financial Management Report for the Period Ending 31 July 2017 (was listed as item 10.2.1 on the Council Agenda).....	15
	10.2 Schedule of Accounts Paid for the Period 1 July 2017 to 31 July 2017 (was listed as item 10.2.2 on the Council Agenda).....	19
	10.3 Endorse Draft Disability Access and Inclusion Plan 2017-2022 (was listed as item 10.3.1 on the Council Agenda).....	20
	10.4 Retrospective Development Approval for Change of Use at Lot 4 (#51) Spencer Street, Bunbury (was listed as item 10.4.2 on the Council Agenda)	22
	10.5 Possible Acquisition of Lot 554 Francis Street, South Bunbury (was listed as item 10.4.3 on the Council Agenda).....	28
	10.6 Emergency Services Precinct – Lot 204 Clements Street, Davenport (was listed as item 10.4.4 on the Council Agenda).....	31
	10.7 Stakeholder Engagement and Marketing Strategy (was listed as item 10.2.3 on the Council Agenda)	35

Table of Contents

Item No	Subject	Page
10.8	Application for Development Approval for Proposed Showrooms at Lot 1 and Lot 2 (#27) Spencer Street and Lot 23 (#4) Zoe Street, Bunbury (was listed as item 10.4.1 on the Council Agenda)	39
10.9	Amendment to Community Law, Safety and Emergency Management Fees and Charges for Parking Machine Monitoring (was listed as item 10.4.5 on the Council Agenda)	49
10.10	Amendment to Delegation – DASPO3 – Development Applications (was listed as item 10.4.6 on the Council Agenda)	53
11.	Applications for Leave of Absence	57
12.	Motions on Notice	57
13.	Questions on Notice	57
13.1	Response to Previous Questions from Members taken on Notice	57
13.2	Questions from Members	57
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting	57
14.1	Koombana Foreshore Irrigation Variation for Bore works	58
15.	Meeting Closed to Public	61
15.1	Matters for which the Meeting may be Closed	61
15.2	Public Reading of Resolutions that may be made Public	61
16.	Closure	61

Vision

Bunbury will continue to be recognised as the capital City of the South West region, with a strong and diverse economy offering a safe, friendly and vibrant lifestyle within an attractive natural and built environment.

Core Values

The City of Bunbury aspires to act in accordance with the following values in all of its decisions and actions:

Leadership: empowering people to take responsibility for what they do and to strive to set an example for others to follow.

Teamwork: communicating and working co-operatively for the mutual benefit of all.

Integrity: establishing trust through openness and honesty.

Accountability: for our actions and performance.

Respect: for others by listening, understanding and responding appropriately.

Innovation: continually improving our services and processes through creative and progressive thinking and action.

Nature of Council's Role in Decision Making

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

Executive/Strategic: The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Legislative: Includes adopting local laws, town planning schemes and policies.

Review: When Council reviews decisions made by Officers.

Quasi-Judicial: When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

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

City of Bunbury Council Minutes

Minutes of the City of Bunbury Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 5 September 2017 at 5.30pm.

Minutes

5 September 2017

1. Declaration of Opening / Announcements of Visitors

The meeting was declared open by Mayor Gary Brennan at 5.30pm.

2. Disclaimer

The City of Bunbury accepts no responsibility for any act, omission, statement or intimation that occurs during Council Briefings or Council Meetings. The City refuses liability for any loss caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council Briefings or Council Meetings. Any person or legal entity acting or failing to act in reliance upon any statement, act or omission made during a Council Briefing or Council Meeting does so at their own risk.

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

Any statement or intimation of approval regarding any planning or development application made during a Council Briefing or Council Meeting is not to be taken as notice of approval from the City. The City advises that anyone who has an application lodged with the City must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attached to the decision made by Council regarding the application.

Copyright

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Recording and Webstreaming of Meetings

- All Ordinary and Special Council Meetings are electronically recorded except when Council resolves to go behind closed doors
- All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office
- The live stream can be accessed at <http://www.bunbury.wa.gov.au/Pages/Live-Stream.aspx>
- Recordings can be accessed at <http://www.bunbury.wa.gov.au/Pages/Council-Meeting-Videos-2017.aspx>
- Images of the public gallery are not included in the streaming, however the voices of people in attendance may be captured and streamed.
- If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance Officer on 9792 7273.

3. Announcements from the Presiding Member

Nil.

4. Attendance

Present:

Council Members:	
Presiding Member:	Mayor G Brennan
Deputy Presiding Member:	Deputy Mayor Councillor B Kelly
	Councillor S Morris
	Councillor M Cook
	Councillor M Steck
	Councillor W Giles
	Councillor J Miguel
	Councillor B McCleary
	Councillor J Hayward
	Councillor J McGuinness
	Councillor M Warnock
	Councillor K Steele
Executive Leadership Team (Non-Voting)	
Acting Chief Executive Officer	Mr M Osborne
Director Works and Services	Mr G Harris
Acting Director Planning and Development Services	Mrs F Anderson
City of Bunbury Officers (Non-Voting)	
Manager Finance	Mr D Ransom
Manager Corporate Governance	Mr G Golinski
Manager Information Communications and Technology	Mr M Roberts
Manager Community and Library Services	Ms S Chapman
Manager Planning and Development Services	Mr T Farnworth
Manager Tourism, Events and Promotions	Ms I Evans
Team Leader Development Assessment and Compliance	Mr M Young
Senior Planning Officer	Ms B Macaulay
Development Engineer	Mr K Daly
IT Support Officer	Mr J Bruhn
Media and Communications Officer	Mr J Tatham
Council Meeting Support Officer	Ms J Earl
Others (Non-Voting)	
Members of the Public	8
Members of the Press	3

4.1 Apologies

Nil.

4.2 Approved Leave of Absence

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

5. Declaration of Interest

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

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

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

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

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

Cr Michelle Steck declared a financial interest in item 10.4.1 titled “Application for Development Approval for Proposed Showrooms at Lot 1 and Lot 2 (#27) Spencer Street and Lot 23 (#4) Zoe Street, Bunbury” as her partner owns the property. Cr Steck will leave the chamber for the duration of the discussion and the vote on the matter.

6. Public Question Time

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

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

6.1 Public Question Time

Nil.

6.2 Responses to Public Questions Taken ‘On Notice’

Nil.

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 22 August 2017 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 22 August 2017 be confirmed as a true and accurate record.

Outcome – Council Meeting 5 September 2017

The recommendation (as printed) was moved Cr Cook, seconded Cr Giles.

The Mayor put the motion to the vote and it was adopted to become the Council's decision on the matter.

Council Decision 318/17

The minutes of the Ordinary meeting of the Bunbury City Council held 22 August 2017 be confirmed as a true and accurate record.

CARRIED

12 votes "for" / Nil votes "against"

Outcome – Council Meeting 5 September 2017

The recommendation (as printed) was moved Cr McCleary, seconded Cr Hayward.

The Mayor put the motion to the vote and it was adopted to become the Council's decision on the matter.

Council Decision 319/17

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

- 1. Heritage Advisory Committee Minutes – 9 August 2017**
- 2. Bunbury RoadWise Committee Minutes – 14 August 2017**
- 3. International Relations Committee Minutes – 17 August 2017**

CARRIED

12 votes "for" / Nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

Nil.

8.2 *Presentations*

Nil.

8.3 *Deputations*

Mr Behnam Bordbar and Mr Ross Underwood, Transcore and Planning Solutions

Mr Behnam Bordbar and Mr Ross Underwood requested to address item 10.4.1 titled “*Application for Development Approval for Proposed Showrooms at Lot 1 and Lot 2 (#27) Spencer Street and Lot 23 (#4) Zoe Street, Bunbury*”.

Council Decision 320/17

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Behnam Bordbar and Mr Ross Underwood’s deputation request to address item 10.4.1 titled “Application for Development Approval for Proposed Showrooms at Lot 1 and Lot 2 (#27) Spencer Street and Lot 23 (#4) Zoe Street, Bunbury” and allows a period of up to 10 minutes to present to Council.

CARRIED

12 votes “for” / Nil votes “against”

8.4 Council Delegates' Reports

8.4.1 Council Delegate's Report – Deputy Mayor Kelly and Councillor Giles

Applicant/Proponent:	Internal Report
Author	Deputy Mayor Brendan Kelly and Cr Wendy Giles
Executive:	Mal Osborne, Acting Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	Appendix DEL-1: Report – WALGA Convention 2017

Deputy Mayor Brendan Kelly and Councillor Wendy Giles represented the City of Bunbury at the annual Western Australian Local Government Association (WALGA) Convention held from 2 to 4 August 2017. A report is **attached** at Appendix DEL-1.

Recommendation

The report from Deputy Mayor Brendan Kelly and Cr Wendy Giles on the 2017 Western Australian Local Government Association Convention be received and noted.

Outcome – Council Meeting 5 September 2017

The recommendation (as printed) was moved Cr Cook, seconded Cr Giles.

The Mayor put the motion to the vote and it was adopted to become the Council's decision on the matter.

Council Decision 321/17

The report from Deputy Mayor Brendan Kelly and Cr Wendy Giles on the 2017 Western Australian Local Government Association Convention be received and noted.

CARRIED
12 votes "for" / Nil votes "against"

8.5 Conference Delegates' Reports

Nil.

9. Method of Dealing with Agenda Business

Standing Order 5.5 permits the Council to adopt the recommendations “by exception” (en-bloc).

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.2.1, 10.2.2, 10.3.1, 10.4.2, 10.4.3 and 10.4.4.

Items 10.2.3, 10.4.1, 10.4.5 and 10.4.6 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

The items “*adopted by exception*” were moved Cr Hayward, seconded Cr Cook.

* Working Capital (Current Assets less Current Liabilities)	\$83.23M	\$14.97M
* Equity (Total Assets less Total Liabilities)	\$628.98M	\$584.27M
4. Capital Works (attached at Appendix CEO-5)		
- Actual capital works of \$329K is \$1.80M less than the year-to-date budgeted capital works of \$2.13M, (refer explanation within report).		
5. Operating Project Expenditure (attached at Appendix CEO-6)		
- Actual operating project expenditure of \$157K is \$51K less than the year-to-date budgeted operating project expenditure of \$208K, (refer explanation within report).		

Executive Recommendation

The Financial Management Report for the period ending 31 July 2017 be received.

Strategic Relevance

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

Background

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-1)
- Statement of Financial Activity (**attached** at Appendix CEO-2)
- Statement of Net Current Assets (**attached** at Appendix CEO-3)
- Statement of Financial Position (**attached** at Appendix CEO-4)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-5)
- Operating Projects Summary (**attached** at Appendix CEO-6)
- Monthly Community Financial Report (**attached** at Appendix CEO-7)

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

Council Policy Compliance

Not applicable.

Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix CEO-3) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

At the Special Council Meeting 25 July 2017, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2017/18.

Officer Comments

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
<p>Operating Grants and Subsidies <i>Operating Grant Income</i> – Unfavourable variance of \$86K due to the Mains Roads reducing their annual grant allocations. All councils in WA were advised on 28 July 2017 that the Direct Road Grant allocation pool would be reduced by \$10M in 2017/18. A forecast adjustment has been made and this will be included in the October Budget Review. This will be partially offset by a refund of approximately \$51,000 from vehicle registration fees when received in August 2017.</p>	<p>(\$86,333) (27%)</p>
Operating Expenditure	
<p>Materials and Contracts <i>Material Expenditure</i> – Favourable year-to-date variance of \$84K, mainly due to the timing of expenditure. This will be monitored on a monthly basis.</p> <p><i>Consultants Expenditure</i> – Favourable year-to-date variance of \$10K, mainly due to the timing of expenditure. This will be monitored on a monthly basis.</p> <p><i>Software License or Maintenance Expenditure</i> - Favourable year-to-date variance of \$16K, mainly due to the timing of expenditure. This will be monitored on a monthly basis.</p>	<p>\$126,891 12%</p>
Non-Operating Income and Expenditure	
<p>Interest on Capital Grants <i>Interest on Capital Grants</i> – Favourable variance of \$17K due to the additional interest received on the Koombana Bay redevelopment funds held on term deposit, these additional funds are transferred to the project. A forecast adjustment has been made and this will be included in the October Budget Review.</p>	<p>\$16,924</p>

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
Unfavourable variance. See explanation above included in the Statement of Comprehensive Income variances.	(\$83,624) (1.2%)
Operating Expenses	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	\$314,757 9.4%
Capital Expenses	
Acquisition of Assets – Favourable variance due to the delay in progress of various projects, the majority of this variance is seen in PR-4145 Expand and upgrade Koombana Bay Foreshore – \$1.66M. Refer to Capital Expenditure report for project details.	\$1,805,553 85%

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2017/18 financial year. Any forecast changes noted will be included as part of the October 2017 Budget Review.

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (**attached** at Appendix CEO-7) has been prepared to give the community an easy to understand summary of the City’s financial performance. Once received by Council, this report will be made available on the City’s website for community information.

Councillor/Officer Consultation

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

Approved budget amendments are recorded in the financial statements to reflect the City.

Outcome – Council Meeting 5 September 2017

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 322/17

The Financial Management Report for the period ending 31 July 2017 be received.

CARRIED
 12 votes “for” / Nil votes “against”

10.2 Schedule of Accounts Paid for the Period 1 July 2017 to 31 July 2017 (was listed as item 10.2.2 on the Council Agenda)

Applicant/Proponent:	Internal Report	
Responsible Officer:	David Ransom, Manager Finance	
Responsible Manager:	David Ransom, Manager Finance	
Executive:	Mal Osborne, Acting Chief Executive Officer	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
Attachments:	Appendix CEO-8: Schedule of Accounts Paid – July 2017	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 July 2017 to 31 July 2017.

1. Municipal Account – payments totalling \$17,666,368.95
2. Advance Account – payments totalling \$11,671,116.21
3. Trust Account – payments totalling \$20,278.07
4. Visitor Information Centre Trust Account – payments totalling \$14,706.70
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$314,798.57
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$351,236.74

Executive Recommendation

The Schedule of Accounts Paid for the period 1 July 2017 to 31 July 2017 be received.

Outcome – Council Meeting 5 September 2017

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council's decision on the matter.

Council Decision 323/17

The Schedule of Accounts Paid for the period 1 July 2017 to 31 July 2017 be received.

CARRIED
 12 votes "for" / Nil votes "against"

10.3 Endorse Draft Disability Access and Inclusion Plan 2017-2022 (was listed as item 10.3.1 on the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	Ryan Campbell, Community Development Officer
Responsible Manager:	Sharon Chapman, Manager Library and Community Services
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix DCCS-1: Draft Disability Access and Inclusion Plan 2017-2022

Summary

The City is currently developing its new Disability Access and Inclusion Plan (DAIP) 2017-2022.

The Draft DAIP 2017-2022 (**attached** at Appendix DCCS-1) was referred to the Community Access Committee (CAC) Meeting scheduled to be held 4 August 2017 however there was no quorum at the meeting.

This document is now being forwarded to Council for endorsement.

Executive Recommendation

That Council endorse the draft Disability Access and Inclusion Plan 2017-2022 and note that the outcomes and achievements from the Disability Access and Inclusion Plan 2017-2022 are reported annually in the City's Annual Report.

Strategic Relevance

Key Priority Area 1: Community and Culture
Objective 1.1 Establish Bunbury as the Most Accessible Regional City in Australia (MARCIA) by 2020

Background

It is a requirement under the Disability Services Act 1993 (amended 2004) that the City of Bunbury have a Disability Access and Inclusion Plan (DAIP). The Disability Services Act sets out the minimum review requirements for public authorities (including local governments) in relation to DAIPs. The City's DAIP is to be reviewed at least every five years, in accordance with the Act. The City's current DAIP 2012-2017 is due to expire and a review process has been underway since earlier this year.

As part of this review the City undertook a comprehensive consultation process with both the community and City staff. From this a Consultation Report was provided by Aha! Consulting who ran the workshops. The Consultation Report was presented to the CAC at a further workshop where the DAIP strategies were finalised.

Endorsement of both the report and the strategies was sought through the Community Access Committee Agenda for the meeting scheduled for 4 August 2017, however there was no quorum at

the meeting and therefore this was not obtained. As this has been extensively workshopped with the CAC and with the ECU MARCIA Research group, all members of which had input into the documentation, it is felt appropriate for the Draft DAIP 2017-2022 to be referred to Council for endorsement.

Council Policy Compliance

The CAC operates under the Council's Code of Conduct.

Legislative Compliance

Disability Services Act 1993 (amended 2004)
Local Government Act 1995

Officer Comments

One of the core functions of this Committee is to monitor the implementation of the City's DAIP which is outlined in point 5 of its Terms of Reference. It is therefore important that the CAC is informed and kept up to date with anything involving the DAIP.

Analysis of Financial and Budget Implications

Not applicable

Community Consultation

Nil

Councillor/Officer Consultation

Nil

Applicant Consultation

Not applicable

Outcome – Council Meeting 5 September 2017

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council's decision on the matter.

Council Decision 324/17

That Council endorse the draft Disability Access and Inclusion Plan 2017-2022 and note that the outcomes and achievements from the Disability Access and Inclusion Plan 2017-2022 are reported annually in the City's Annual Report.

CARRIED
12 votes "for" / Nil votes "against"

10.4 Retrospective Development Approval for Change of Use at Lot 4 (#51) Spencer Street, Bunbury (was listed as item 10.4.2 on the Council Agenda)

File Ref:	P08811, DA/2017/104/1
Applicant/Proponent:	Kingpark Pty Ltd T/A Acton South West
Responsible Officer:	Barbara Macaulay, Senior Planning Officer
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix DPDS-5: Location Plan Appendix DPDS-6: Development, Site and Floor Plans Appendix DPDS-7: Site Photographs

Summary

Council has received an application for retrospective development approval for a change of use at Lot 4 (#51) Spencer Street, Bunbury. The application proposes a change the use from 'educational establishment' to 'office'. In addition, the application is also seeking the following variations:

1. A variation to the required number of car parking bays. Eight (8) car parking bays are proposed in lieu of the ten (10) car parking bays required; and
2. A variation to the maximum permissible net lettable area (NLA) of 'office' uses permitted in the 'Mixed Business Zone'. The application proposes a NLA of 299m² in lieu of the maximum of 200m² permitted under the City of Bunbury Town Planning Scheme No. 7 (TPS7).

Officers recommend the application be approved subject to a cash-in-lieu payment for the shortfall of two car parking bays.

Executive Recommendation

That Council:

In accordance with the *Planning and Development Act 2005* (as amended), hereby resolves to grant development approval for 'office' use at Lot 4 (#51) Spencer Street, Bunbury, subject to the following conditions:

1. At all times, the development the subject of this development approval must comply with the definition of 'office' land use class as contained in Schedule 1 of the City of Bunbury Local Planning Scheme.
2. All development shall be in accordance with the approved development plans attached, which form part of this development approval.
3. This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval.

4. Before development commences, satisfactory arrangements must be made with the City of Bunbury for a cash contribution in lieu of the provision of two (2) car parking bays, as a proportion of the total number of ten (10) car parking bays required, in accordance with clause 5.7 of the City of Bunbury Town Planning Scheme No. 7 and the City's Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles.

Advice Notes:

- (a) This is a development approval only. The applicant/landowner are advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or licence requirements that may relate to the development or land use.
- (b) With regard to Condition 4, the applicant is advised that the total cash-in-lieu amount is \$7,950.

Strategic Relevance

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

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

Background

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

Property Address:	Lot 4 (#51) Spencer Street, Bunbury
LPS7 Zoning:	'Mixed Business Zone'
Draft LPS8:	'Mixed Use – Commercial Zone'
Existing Land Use:	Offices
Lot Area:	721m ²

Lot 4 (#51) is currently included in the 'Mixed Business Zone' under the existing City of Bunbury Town Planning Scheme No. 7 (LPS7). Similar zoned properties surround the subject property. The subject site contains an existing building consisting of two tenancies. The front portion of the building is currently leased by Groven Legal with the rear portion of the building leased by Acton South West (real estate agent).

The subject site currently has an approval for an 'educational establishment'. In accordance with TPS7 an 'office' is listed as a discretionary 'D' use in the 'Mixed Business Zone'. This means that Council can exercise its discretion by granting development approval.

The existing development consists of eight car parking bays, of which one is an accessible parking bay. Of relevance to this application is the location of the City of Bunbury's own public car park at #22 Zoe Street, which is situated approximately 40m north east of the subject site.

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

Development Plans of the proposed showrooms consisting of a Site Plan and Floor Plan are **attached** at Appendix DPDS-6.

Photographs of the subject site and its surrounds are **attached** at Appendix DPDS-7.

Legislative and Council Policy Compliance

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

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- City of Bunbury Town Planning Scheme No. 7 (TPS7)
- Draft City of Bunbury Local Planning Strategy
- Draft City of Bunbury Local Planning Scheme No.8 (LPS8)
- Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles.

Officer Comments

Officers have assessed the application against the provisions of the existing TPS7 and Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles. Each will be discussed in turn.

Town Planning Scheme

Officers consider the following sections of TPS7 are relevant to this application:

- clause 5.10.5.5 Mixed Business Zone – Minimum Floor Area
- Table 2 – Car Parking Table

Each of the above will be discussed separately.

Clause 5.10.5.5 Mixed Business Zone – Minimum Floor Area

Clause 5.10.5.5 of the existing Scheme states that:

Within the Mixed Business Zone, a maximum net lettable area of 200m² per lot, and 200m² per strata or survey strata scheme, applies for “office” uses (exclusive of “incidental” office uses).

In assessing the application against the above criteria officers have given due regard to draft Local Planning Scheme No. 8 (LPS8). Under draft LPS8 the subject site is to be located in the ‘Mixed Use - Commercial Zone’. Under the ‘Mixed Use - Commercial Zone’ the maximum permitted NLA of office uses is 500m² per lot or strata lot. In light of the expected changes in the zoning of the subject site in the near future (i.e. LPS8), officers recommend that a variation to the maximum permissible NLA for an office floorspace under TPS7 can be approved.

Car Parking Table

In accordance with the Car Parking Table (Table 2) of the Scheme, the required number of car parking bays is calculated at a rate of 1 bay per 30 square metres of NLA, but with a minimum of

not less than five bays, whichever is the greater. The existing car parking arrangements consists of seven car parking bays and one accessible parking bay. This leaves the subject site with a shortfall of two car parking spaces.

Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles

Clause 9.1 of the Local Planning Policy is relevant to the assessment of this development application, which states that:

Subject to the Scheme and the provisions of this Local Planning Policy, the Local Government may require an applicant for planning approval to provide, or may otherwise agree to accept, a cash contribution in lieu of the provision of a proportion of the total number of car parking bays required under the Scheme in accordance with following requirements –

- (a) A cash in lieu contribution for car parking shall only be considered in locations where:
 - (i) the Local Government has planned to provide a public car park that may adequately service the parking demands of both the general public and the proposed use/development; and/or*
 - (ii) a public car park exists (including the decking of an existing car parking area) that may adequately service the parking demands of both the general public and the proposed use/development; and*
 - (iii) the proposed development/use is situated in the locality of a planned or existing public car park in accordance with the requirements of the Appropriate Distance Criteria to Off-site Car Parking Areas under clause 8.12 of this Local Planning Policy.**

In light of the above, officers consider the application complies with (a)ii above, in that the Zoe Street public car park may reasonably service the balance of parking needs of the existing offices. In this instance, the local government may request the applicant to provide a cash-in-lieu contribution for the shortfall in the required number of car parking bays.

Cash-in-lieu for Car Parking

The cash-in-lieu contribution is calculated in accordance with Council's Schedule of Fees and Charges and clause 9.1(b) of Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles. Calculations of cash-in-lieu may include the sum total of the land value component, the construction cost and the costs incurred in obtaining the valuation.

In this instance, where a public car park is already constructed in the vicinity of the site, officers have calculated the cash-in-lieu component on the construction component only. Recent valuations of the construction cost for an open air at-grade car park is \$159 per square metre. Based on this recent valuation, officers calculate the total cash-in-lieu contribution as \$7,950.

Furthermore, in accordance with the Local Planning Policy and subject to the agreement of the local government, a cash-in-lieu contribution may be made by either:

- (a) a one off cash payment of the total lump sum; or*
- (b) a staged lump sum payment; or*
- (c) an agreed annual fixed rate contribution; or*
- (d) as a combination of (b) and (c) above.*

Analysis of Financial and Budget Implications

Cash-in-lieu contributions received by the City of Bunbury will go towards the General Parking Reserve. This reserve is used exclusively for the maintenance, acquisition and expansion of City of Bunbury carparks.

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

Community Consultation

The proposal was advertised for public comment from 20 June 2017 to 7 July 2017. The public consultation measures included the following:

- letters to adjoining landowners and occupiers
- notification sign on site
- notice of proposal on the City of Bunbury's website
- copies of plans and supporting information made available at the City of Bunbury's Customer Service Centre.

No submissions were received as a result of publicly advertising the application for development approval.

Councillor/Officer Consultation

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

Applicant Consultation

The draft officer's recommendation has been communicated with the landowner and the applicant. The landowner has provided a written response agreeing to the draft conditions including the cash-in-lieu amount of \$7,950.

Outcome – Council Meeting 5 September 2017

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council's decision on the matter.

Council Decision 325/17

That Council:

In accordance with the Planning and Development Act 2005 (as amended), hereby resolves to grant development approval for 'office' use at Lot 4 (#51) Spencer Street, Bunbury, subject to the following conditions:

- 1. At all times, the development the subject of this development approval must comply with the definition of 'office' land use class as contained in Schedule 1 of the City of Bunbury Local Planning Scheme.***
- 2. All development shall be in accordance with the approved development plans attached, which form part of this development approval.***
- 3. This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval.***
- 4. Before development commences, satisfactory arrangements must be made with the City of Bunbury for a cash contribution in lieu of the provision of two (2) car parking bays, as a proportion of the total number of ten (10) car parking bays required, in accordance with clause 5.7 of the City of Bunbury Town Planning Scheme No. 7 and the City's Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles.***

Advice Notes:

- (a) This is a development approval only. The applicant/landowner are advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or licence requirements that may relate to the development or land use.***
- (b) With regard to Condition 4, the applicant is advised that the total cash-in-lieu amount is \$7,950.***

CARRIED

12 votes "for" / Nil votes "against"

10.5 Possible Acquisition of Lot 554 Francis Street, South Bunbury (was listed as item 10.4.3 on the Council Agenda)

Applicant/Proponent:	Internal Report		
Responsible Officer:	Kristen Mildwaters, Acting Manager Major Projects and Property		
Responsible Manager:	Kristen Mildwaters, Acting Manager Major Projects and Property		
Executive:	Felicity Anderson, Acting Director Planning and Development Services		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Review	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial	
	<input type="checkbox"/> Legislative	<input type="checkbox"/> Information Purposes	
Attachments:	Nil.		

Summary

Following Council decision 82/16 of 22 March 2016, officers have been in discussions with the Department of Planning, Lands and Heritage for the possible acquisition of Lot 554 Francis Street, South Bunbury. The negotiations are reported back to Council for consideration.

Executive Recommendation

That Council:

1. Note that the Department of Planning, Lands and Heritage Land Administration Unit is not prepared to offer deferred settlement of Lot 554 Francis Street, Bunbury.
2. Refuse the offer to purchase Lot 554 Francis Street, Bunbury for \$1.1 million, and authorise the Chief Executive Officer to further negotiate with the Department of Planning, Lands and Heritage Land Administration Management Unit regarding the acquisition of the lot, with any offer to be the subject of Council approval.

Strategic Relevance

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

Background

At its meeting held 22 March 2016, Council authorised the Chief Executive Officer to negotiate with the Department of Planning, Lands and Heritage (the “Department”) to potentially acquire Lot 554 Francis Street, South Bunbury and to ensure that those negotiations and terms be reported back to Council for approval.

Since then officers have proceeded to negotiate with the Departments Land Asset Management Unit (“LAMU”) to identify whether the Department would be interested in a deferred settlement arrangement.

Given the sites constraints this would allow the City to develop the land and recover associated costs, prior to paying for the full cost of the land.

The Departments LAMU team have advised as of 13 March 2017, *“That DoL has considered the City’s request and deferred settlement for this lot would not be accepted.”*

Following this advice further enquiries were made with the Department, including assessment of the valuation reports that formed the proposed offer.

On 8 June 2017 the City was advised as follows *“The land has been offered to the City of Bunbury for acquisition, however, could potentially be offered to the open market with proceeds returned immediately. Any future proponent would be required to obtain the normal planning and environmental approvals. Should the City decide that it does not wish to progress with the transfer, LAMU will prepare the site for market. It is noted that the City has not provided comments regarding a private sale to the open market and LAMU will consider any further comments. Depending on the outcome of the marketing process (should DoL proceed), LAMU may reconsider the City’s request later.”*

In order to enable the Department and LAMU to proceed to the open market the City has been requested to advise their agreement for this method of sale to proceed as a resolution of Council.

Council Policy Compliance

The Land Rationalisation and Acquisitions Policy applies.

Legislative Compliance

Not applicable in this instance.

Officer Comments

Research previously undertaken into this property identified a number of issues such as the requirement for onsite drainage to be contained and the presence of degraded wetlands within and adjacent to the site that needed to be managed. It also identified that considerable land fill and site works would likely be required to meet conditions for any future development or sub-division of the site. These works would be at upfront cost to the City. This was identified as a significant expense that is not currently budgeted or forecast in the City’s current or future years budgets.

It was the City’s preference to have minimal upfront costs in order to proceed with the acquisition.

A deferred settlement would have provided the City with that opportunity and the scenario in which the City pays for the land acquisition up front will impact significantly on the City’s budget.

Analysis of Financial and Budget Implications

The land was valued at \$1,100,000 inc GST on an ‘as is’ basis in January 2017. At that price, without a deferred settlement, the City would need to provide that consideration upfront.

Additional costs for the development or sub-division of the site would then need to be considered.

There is no current or future budget allocation for the purpose of acquiring Lot 554 Francis Street or associated site works.

Community Consultation

Community consultation has not been required to undertake this process.

Councillor/Officer Consultation

Internally through the Development Coordination Unit process, this proposal has been discussed with relative staff as well as being addressed with Council at two previous meetings.

Applicant Consultation

Nil

Outcome – Council Meeting 5 September 2017

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council's decision on the matter.

Council Decision 326/17

That Council:

- 1. Note that the Department of Planning, Lands and Heritage Land Administration Unit is not prepared to offer deferred settlement of Lot 554 Francis Street, Bunbury.***
- 2. Refuse the offer to purchase Lot 554 Francis Street, Bunbury for \$1.1 million, and authorise the Chief Executive Officer to further negotiate with the Department of Planning, Lands and Heritage Land Administration Management Unit regarding the acquisition of the lot, with any offer to be the subject of Council approval.***

CARRIED

12 votes "for" / Nil votes "against"

10.6 Emergency Services Precinct – Lot 204 Clements Street, Davenport (was listed as item 10.4.4 on the Council Agenda)

File Ref:	P08230
Applicant/Proponent:	Bunbury Bushfire Brigade and Bunbury Volunteer Fire and Rescue Service
Responsible Officer:	Chris Widmer, Team Leader Community Safety and Emergency Management
Responsible Manager:	Sarah Upton, Manager Environmental Health, Community Law and Safety and Emergency Management
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix DPDS-8: Location Plan – Proposed Emergency Services Precinct

Summary

The City and Department Fire Emergency Services (DFES) are in discussions regarding the establishment of a co-located ‘Emergency Services Precinct’ to accommodate the Bunbury Bushfire Brigade and the Bunbury Volunteer Fire and Rescue Service. The preferred location for this is a portion of Lot 204 Clements Street, Davenport. For discussion to continue, the tenure over the land for this purpose is required from Council.

Executive Recommendation

That Council endorses:

1. A portion of Lot 204 Clements Street located between Lot 202 Robertson Drive and the SES (State Emergency Service) headquarters being allocated for the purpose of establishing an ‘Emergency Services Precinct’ to accommodate the Bunbury Bush Fire Brigade and Bunbury Volunteer Fire and Rescue Service;
2. The Chief Executive Officer formally advising DFES (Department of Fire and Emergency Services) that this land has been allocated for the purpose of an ‘Emergency Services Precinct’;
3. The Chief Executive Officer applying to the Department of Planning for approval to establish an ‘Emergency Services Precinct’ on Lot 204 Clements Street.

Strategic Relevance

Key Priority Area 2 Transport and Infrastructure
Objective 2.3 Maintain a high standard of community infrastructure

Key Priority Area 5 Corporate
Objective 5.6 Improve local, regional, state and national perception of Bunbury
Objective 5.7 Deliver services in a manner commensurate with community expectations

Background

The current Bunbury Fire Brigade (BFB) has been in their current station since 1995 which is now in need of significant refurbishment, including works to the associated hardstand which is in poor repair. The existing buildings also limit the ability for the BFB to accept control of additional vehicles that DFES have identified as a requirement for the area. These vehicles include bulk water tankers (12KL) and a heavy duty fire unit (3.4). Additionally, the existing exit/egress to the BFB station has now been sold to Aqwest, resulting in the immediate need to modify the driveway to enable access via Clements Street.

The Bunbury Volunteer Fire Rescue Services (VFRS) moved into a leased facility in Halifax prior to the relocation of the Bunbury Fire station in 2015. The current VFRS facility is adequate however as the premises are leased, it does not allow the brigade to establish itself in the building and the lease also places an unwanted financial burden on DFES.

To address the above and to allow the future expansion of both entities, DFES are amenable to assisting with the construction of a new co-located facility for the two entities and within Bunbury. The assistance offered would be in the form of a self-supporting (LGGS funded) loan. A condition of this project moving forward is that the City of Bunbury make available suitable land for the proposed facility. If this can be secured, then an application can proceed.

Staff have identified a potential site for the facility that is in keeping with the existing use of the land and which would have minimal impact on the City. The subject land is a portion of Lot 204 Clements Street, Davenport (formally known as Lot 200 Robinson Drive) which is located between Lot 202 (AQWEST) and the recently constructed State Emergency Services (SES) HQ and which largely accommodates the current BFB station. A location plan is **attached** at Appendix DPDS-8.

The proposed land is freehold to the City of Bunbury and so if the land is designate as an 'Emergency Services Precinct' it will then limit the City in its future, should it wish to sell, subdivide or lease this land for alternative purpose.

This site is considered appropriate for the establishment of a voluntary 'Emergency Services Precinct' however as the size of the site is able to accommodate the already proposed increase to the fleet for both brigades, it is immediately adjacent to the existing SES headquarters, it is on the land is already being utilised by the BFB and the site is its central located providing good access to major road to the north, south and east of Bunbury. In addition to these things, access to the site and some of the headworks for the site were completed when the SES HQ was constructed.

Should the land be approved for this purpose, staff will continue discussing with DFES to proceed with the development of a combined facility.

Council Policy Compliance

Land Rationalisation and Acquisitions.

Legislative Compliance

Once the project has been agreed by all parties, all statutory approvals will be sought.

A formal agreement will also be developed and endorsed between the City of Bunbury, DFES and the respective volunteer groups.

Officer Comments

This project is in the very early stages but requires land to be committed to allow the discussions to continue. If the City is able to confirm the availability of the site, it is envisaged that the project would be commenced in the next 2-5 years.

The benefit to the City of Bunbury would be that it would not have to spend a large sum of money on repairs and upkeep the existing BFB station that is a City of Bunbury asset and would enable the continued growth of the VFRS within Bunbury. As the proposal is to construct a new facility, it would be a contemporary, purpose-built building that will be able to accommodate both entities.

The proposed site for the 'Emergency Services Precinct' is located in Lot 204 on Deposited Plan: 411401, which is included in the 'Regional Open Space Reserve' (ROS) under the Greater Bunbury Region Scheme (GBRS). The purposes of ROS reserve is 'to protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access'.

The City of Bunbury as a local government does not have delegated authority to grant planning approval for the "Emergency Services Precinct" under the GBRS, which instead must be determined by the Western Australian Planning Commission (WAPC).

This situation is the same as for the establishment of the SES Headquarters in 2015 which is located on the same lot and immediately adjacent to the proposed site. City of Bunbury officers will work with the WAPC to address any planning requirements that may be applied to the development approval.

Property Officers have advised land would no longer be available for future lease income or potential subdivision and sale should the precinct be approved. However future community benefit may be considered of "higher value".

Analysis of Financial and Budget Implications

There is no cost from this report. If this project proceeds, the funding model proposed for this facility would be a self-supporting (LGGS funded) loan which is the same as was used for the adjacent SES facility and being a no cost option for the City of Bunbury.

Community Consultation

As this proposal is still in the early stages, initial consultation has only occurred with DFES however the two volunteer entities are aware of the discussions. As the project develops, it is acknowledged that there will be extensive consultation with the two volunteer entities to ensure their specific requirements are satisfied.

Councillor/Officer Consultation

Officers have consulted with the City of Bunbury's property staff and they have no objections to securing the land for this purpose, however have identified that there is a need to formalise the tenure of the land through a lease or similar documentation to protect the City of Bunbury should the project proceed.

City of Bunbury's planning staff have advised that there are a number of conditions likely to be requested by WAPC when making its determination and officers will work with planning staff and WAPC to address these.

Outcome – Council Meeting 5 September 2017

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council's decision on the matter.

Council Decision 327/17

That Council endorses:

- 1. *A portion of Lot 204 Clements Street located between Lot 202 Robertson Drive and the SES (State Emergency Service) headquarters being allocated for the purpose of establishing an 'Emergency Services Precinct' to accommodate the Bunbury Bush Fire Brigade and Bunbury Volunteer Fire and Rescue Service;***
- 2. *The Chief Executive Officer formally advising DFES (Department of Fire and Emergency Services) that this land has been allocated for the purpose of an 'Emergency Services Precinct';***
- 3. *The Chief Executive Officer applying to the Department of Planning for approval to establish an 'Emergency Services Precinct' on Lot 204 Clements Street.***

CARRIED

12 votes "for" / Nil votes "against"

10.7 Stakeholder Engagement and Marketing Strategy (was listed as item 10.2.3 on the Council Agenda)

Applicant/Proponent:	Stakeholder Engagement and Marketing Working Group
Responsible Officer:	Isabell Evans, Manager Tourism, Promotion and Events
Responsible Manager:	Isabell Evans, Manager Tourism, Promotion and Events
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Nil

Summary

This report is presented to Council to facilitate the allocation of funds for the purpose of reviewing the City’s Corporate Marketing and Communications Strategy.

Executive Recommendation

That Council:

1. Support a review of the City’s Corporate Marketing and Communications Strategy.
2. Approve the inclusion of PR-4370 Stakeholder Engagement and Marketing Strategy in the 2017/18 budget for this purpose.
3. Request the Chief Executive Officer (through the Stakeholder Engagement and Marketing Working Group) provide a final copy of the consultant report and recommendations to Council for consideration.

***Absolute Majority Required**

Strategic Relevance

Key Priority Area 5 Corporate
 Objective 5.1 Facilitate community and stakeholder participation in decision making

Background

The City’s Corporate Marketing and Communications Strategy was endorsed by Council on 21 March 2017 as follows (ref. 112/17):

That Council:

1. *Endorse the updated 2017 Corporate Marketing and Communications Strategy as presented at appendix CEO-1;*

2. *Establish a working group comprising Cr Warnock, Cr McGuinness and Cr Hayward along with relevant officers identified by the Chief Executive Officer to develop the terms of the reference and consultants brief to develop a stakeholder engagement and marketing strategy for the City; and*
3. *Note that the working group will complete the brief in time for consideration as part of the 2017/18 budget discussions.*

The working group subsequently met on a number of occasions to finalise a consultants brief, as well as source some indicative pricing from suitably qualified and experienced consultants to undertake the works identified in the brief.

Council Policy Compliance

Quotes for these services were sourced in accordance with Council's purchasing policy.

Legislative Compliance

N/A

Officer Comments

The drafting of the consultants brief and sourcing of quotes was unable to be finalised in time for the establishment of the 2017/18 budget (per Council Decision 112/17), and as such the matter is now presented to Council for consideration by the Stakeholder Engagement and Marketing Working Group.

The strategic purpose of this study is to review the effectiveness of the City's current Corporate Marketing and Communications Strategy against the following key objectives:

Review

- Review effectiveness of the current marketing objectives contained in the plan including benchmarking the City of Bunbury against other local governments who excel with communications and stakeholder engagement strategies.

Compare

- Undertake a current situation analysis including but not restricted to:
 - audit of current framework
 - effectiveness
 - strategies
 - promotion
 - capacity and systems in the area of stakeholder management
 - communications and stakeholder engagement

Facilitate

- Facilitate workshops with Elected Members to identify key focus areas and determine any new deliverables, strategies and outcomes they would like to include.

Research

- Undertake a gap analysis resulting from feedback from the workshops and advise the outcomes of this (eg. where the City of Bunbury is versus where we could be)
- Identify opportunities for the City of Bunbury to improve on current forms of audience and stakeholder mapping, development base and key messages to go out through this process.

Recommend

- Deliver to the City of Bunbury a recommendation in relation to best practice in terms of community stakeholder engagement.
- Ensure any recommendations in the communications plan are in accordance with local government legislative requirements (advertising, consultation periods etc).
- Recommend a process to resolve the identified gaps determined.

Deliver

- Prepare a draft City of Bunbury Stakeholder Engagement and Marketing Strategy and present to Council for consideration.
- Include recommendations around the priorities, resourcing and funding and include a framework using IAP2 framework and a matrix (eg: consult, engage, participate, inform)

To enable these works to be undertaken, a budget of \$30,000 is required and is requested by the Stakeholder Engagement and Marketing Working Group. Any recommendations resulting from the review will then be presented to Council (through the Stakeholder Engagement and Marketing Working Group) for consideration.

Analysis of Financial and Budget Implications

The Stakeholder Engagement and Marketing Working Group recommend that Council approve PR-4370 Stakeholder Engagement and Marketing Strategy in the 2017/18 budget for this purpose.

Community Consultation

Nil

Councillor/Officer Consultation

This matter is presented to Council for consideration by the Stakeholder Engagement and Marketing Working Group.

Applicant Consultation

Not applicable.

Outcome – Council Meeting 5 September 2017

The recommendation (as printed) was moved Cr McGuinness, seconded Cr Warnock.

The Mayor put the motion to the vote and it was adopted to become the Council’s decision on the matter.

Council Decision 328/17

That Council:

- 1. Support a review of the City’s Corporate Marketing and Communications Strategy.***
- 2. Approve the inclusion of PR-4370 Stakeholder Engagement and Marketing Strategy in the 2017/18 budget for this purpose.***
- 3. Request the Chief Executive Officer (through the Stakeholder Engagement and Marketing Working Group) provide a final copy of the consultant report and recommendations to Council for consideration.***

CARRIED

12 votes “for” / Nil votes “against”

ABSOLUTE MAJORITY VOTE ATTAINED

10.8 Application for Development Approval for Proposed Showrooms at Lot 1 and Lot 2 (#27) Spencer Street and Lot 23 (#4) Zoe Street, Bunbury (was listed as item 10.4.1 on the Council Agenda)

File Ref:	P11294, DA/2017/116/1
Applicant/Proponent:	Planning Solutions Australia Pty Ltd
Responsible Officer:	Barbara Macaulay, Senior Planning Officer
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix DPDS-1: Site Plan, Floor Plan and Elevations Appendix DPDS-2: Location Plan Appendix DPDS-3: Site Photographs Appendix DPDS-4: Photographs of Spencer Street Footpath

Summary

Development approval is sought for showrooms at Lot 1 and Lot 2 (#27) Spencer Street and Lot 23 (#4) Zoe Street, Bunbury. The proposed development is recommended for conditional development approval and may be determined under delegation by City of Bunbury officers. However, the application is referred to Council for determination at the applicant's request.

In particular, the applicant questions the imposition of two standard conditions recommended by City of Bunbury staff on the development approval. The two conditions being challenged relate to the requirement to upgrade the Spencer Street footpath adjoining the proposed development (part of condition 23) and to provide a truncation on Lot 1 Spencer Street (condition 24). The conditions in question are provided in full below.

Executive Recommendation

That Council:

In accordance with the *Planning and Development Act 2005* (as amended), hereby resolves to grant development approval for 'showroom' use at Lot 1 and Lot 2 (#27) Spencer Street and Lot 23 (#4) Zoe Street, Bunbury, subject to the following conditions:

1. At all times, the development the subject of this development approval must comply with the definition of the 'showroom' land use class as contained in Schedule 1 of the City of Bunbury Local Planning Scheme.
2. Before the development commences, the subject land parcels must be amalgamated/consolidated into the one certificate of title with the new title issued, and a copy of the new title provided to the satisfaction of the City of Bunbury.

Or, alternatively the land owner must enter into a legal agreement with the City of Bunbury to secure the amalgamation/consolidation of the subject land parcels into one certificate of title within a specified time frame. The legal agreement must be at the full cost of the land owner, to the specification of the City's solicitor and to the satisfaction of the City of Bunbury.

3. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
4. This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval.
5. All works required to satisfy a condition of this development approval are required to be installed / constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
6. Before the development is occupied, all external surfaces of concrete tilt panel must be painted and/or finished to the satisfaction of the City of Bunbury.
7. Before the development commences, a landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan must address the following:
 - (a) A site plan of existing and proposed development with natural and finished ground levels.
 - (b) The location, species and size of existing vegetation and the vegetation proposed to be removed.
 - (c) Exact species, location and quantity of the proposed vegetation to be planted.
 - (d) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
 - (e) Provision for one shade tree per eight (8) car parking spaces. Details are to be provided on the location and species type of tree as per the City of Bunbury's Local Planning Policy: Landscaping.
 - (f) Mulching or similar treatments of garden beds including edges.
 - (g) Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
 - (h) Treatment of paved areas (parking and pedestrian areas).
 - (i) Fence material, height and treatment.
8. Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan. These areas must be maintained as landscaped areas at all times to the satisfaction of the City of Bunbury.
9. Before the development is occupied, a minimum of 39 car parking bays must be provided on the land the subject of this development approval and to the satisfaction of the City of Bunbury.
10. Before the development is occupied, a minimum of one (1) car parking bay must be provided for the exclusive use of disabled persons in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the City of Bunbury.

11. Goods or materials including waste must not be stored within the access driveways, parking bays, landscaping areas, or setback areas to a public road.
12. All verge areas abutting the boundaries of the subject site must remain clear at all times and must not be used for any other purpose including car parking, trade display, storage and signage to the satisfaction of the City of Bunbury.
13. A schedule of exterior materials, colours and finishes must be submitted with the building permit application for the approval of the City of Bunbury. The subject development must be finished and maintained in accordance with any approved schedule of materials.
14. At all times, the loading and unloading of service/delivery vehicles must take place within the property boundaries of the lot/development site.
15. At all times, provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the City of Bunbury. Details to be submitted with the building permit application.
16. Before the development is commenced, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads Guidelines, and City of Bunbury requirements, for all access, car parking and pedestrian movement requirements, to the satisfaction of the City of Bunbury. Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.
17. Before the development commences, a crossover permit must be obtained from the City of Bunbury. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
18. Before the development is occupied, all disused or redundant vehicular crossover(s) must be removed and the area reinstated to the satisfaction of the City of Bunbury.
19. Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
20. Before the development is occupied, line marking and signage for vehicle parking and unloading/loading bays must be installed in accordance with the approved plans.
21. Before the development is occupied, lighting must be provided on site for the access way(s), parking area(s) and turning area(s) to the specification and satisfaction of the City of Bunbury. Plans are to be submitted to the City of Bunbury for approval prior to construction commencing.
22. Before the development commences, a damage bond to the value of \$5,000 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.

23. Before the development is occupied, the following infrastructure must be upgraded to the specification and satisfaction of the City of Bunbury:
 - (a) Upgrade of Spencer Street footpath to City of Bunbury standards – detailed design plans required prior to construction.
 - (b) Relocation of existing power pole on Zoe Street to the requirements of Western Power and to the satisfaction of City of Bunbury
 - (c) Detailed design plans of the infrastructure upgrade must be submitted to the City of Bunbury for approval prior to construction commencing.
24. Before the development is occupied, the area of land marked in red on the approved development plan for the purpose of road truncation / road widening must be ceded free of cost to the City of Bunbury.
25. Before the development commences, a Traffic Management Plan prepared in accordance with Main Roads WA's Code of Practice must be submitted for approval by the City of Bunbury.
26. A minimum of 2m³ of storm water storage for each 65m² of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.
27. Detailed design plans for stormwater management must be submitted to the specification and satisfaction of the City of Bunbury for approval prior to the development commencing, and be implemented in accordance with the approved stormwater management plan prior to the development being occupied.
28. The stormwater system must be designed and constructed in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties, and where able, provide an overflow connection to the City of Bunbury's drainage network, to the specification and satisfaction of the City of Bunbury.
29. Before the development is occupied, sediment traps must be integrated into the stormwater and drainage system to the satisfaction of the City of Bunbury. All construction activities must be undertaken so as to avoid dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.

Design details of the sediment traps are to be included with the stormwater management plan required to be submitted.
30. This property is susceptible to flooding. Any building construction shall have a minimum finished floor level of 2.1m AHD in accordance with the City of Bunbury's Local Planning Policy: Development in Flood Affected Areas.

Advice Notes:

- (a) The City of Bunbury advises that where a development approval contains conditions which are required to be discharged before development commences, to commence development before those conditions are discharged means that the development is not pursuant to the planning permission and is therefore unauthorised development.

- (b) With regards to Condition 7, the applicant is advised that the existing tree adjacent to Cornwall Street is recommended for retention and should be incorporated into the landscaping plan. In addition the applicant is advised that the Zoe Street road reserve is not approved for verge landscaping purposes and the existing pedestrian footpath is to be retained.
- (c) With regards to Condition 14, courier deliveries from on-street car parking bays are permitted where it does not pose any safety issues for pedestrians and vehicular traffic movements.
- (d) With regards to Condition 16, the applicant is advised of the following information to be submitted as part of the detailed design plans:
 - (i) Car parking bays are to be a minimum width of 2.5m and 5.4m in length.
 - (ii) Proposed bay 29 and associated crossover as indicated in red on the approved development plan is to be upgraded to a designated loading bay for Unit 1.
 - (iii) A continuous path of travel is to be provided from the pedestrian path adjacent to Unit 1 and Unit 2 to Cornwall Street as indicated in orange on the approved plan.
- (e) Separate approvals for signage are required from the City of Bunbury if signage exceeds the requirements listed at Schedule 9 – Exempted Advertisements in the City of Bunbury Town Planning Scheme No. 7.
- (f) Before the removal of a structure, a demolition permit must be obtained from the City of Bunbury unless exempted under the *Building Regulations 2012*.
- (g) The development the subject of this development approval is also regulated by the *Western Australia Building Act 2011*, *Building Regulations 2012* and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The owner is advised to liaise further with the City of Bunbury's Building Certification team on (08) 9792 7000.

Strategic Relevance

Key Priority Area 3: Natural and Built Environment

Objective 3.4 Facilitate urban design, diversity of land uses, and enabling infrastructure

Key Priority Area 4: Regional Economy

Objective 4.3 Promote Bunbury as a place that supports commercial, residential and social development

Background

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

Property Address:	- Lot 1 and 2 (#27) Spencer Street, Lot 23 (#4) Zoe Street.
LPS7 Zoning:	- Lot 1 and 2 (#27) Spencer Street 'Mixed Business Zone' and 'R60' - Lot 23 (#4) Zoe Street 'Mixed Business Zone'
Draft LPS8 Zoning:	- Lot 1 and 2 (#27) Spencer Street 'Mixed Use – Commercial Zone' and 'R60/100' - Lot 23 (#4) Zoe Street 'Service Commercial Zone'
Existing Land Use:	- Lot 1 and 2 (#27) Spencer Street contains an existing Beaurepaires tyre repairs workshop - Lot 23 (#4) Zoe Street is vacant
Lot Area:	- Lot 1 (#27) Spencer Street = 1,532.964m ² - Lot 2 (#27) Spencer Street = 1,011.724m ² - Lot 23 (#4) Zoe Street = 1,011.724m ²

The subject site consists of three lots with a total area of approximately 3,556m². Similar zoned properties adjoin the subject site's eastern and southern boundaries and include the land uses of offices, motor vehicle sales and club premises. The subject site has frontages to Spencer Street, Cornwall Street and Zoe Street. The subject site is located in close proximity to the central business district (CBD), with the properties on the adjacent side of Cornwall Street being included in the 'City Centre Zone'. The properties located on the adjacent side of Spencer Street are included in Special Use Zone No. 26 (i.e. the Aldi development site).

Lot 1 and Lot 2 contain an existing 'Beaurepaires' tyre repairs workshop which is proposed to be demolished, while Lot 23 is currently vacant. The proposal is to develop a single-storey tilt panel building across the existing lots to be used for showroom purposes. The proposal consists of two showroom tenancies. The corner Unit 1 is to be approximately 893m² and Unit 2 is to be approximately 1,226m². Unit 2 extends between Spencer Street and Zoe Street.

Development Plans of the proposed showrooms consisting of a Site Plan, Floor Plan and Elevations are **attached** at Appendix DPDS-1.

A location plan showing the subject site and its surrounds is **attached** at Appendix DPDS-2.

Photographs of the subject site and its surrounds are **attached** at Appendix DPDS-3.

Photographs of the Spencer Street footpath compared to recent footpath upgrades in the vicinity (i.e. the Aldi development site) are **attached** at DPDS-4.

Legislative and Council Policy Compliance

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

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- City of Bunbury Town Planning Scheme No. 7 (TPS7)
- Local Planning Policy: Mixed Business Zone – Areas of Commercial Primacy

- Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles
- Local Planning Policy: Building Heights
- Local Planning Policy: Building Facades of Commercial and Industrial Development
- Local Planning Policy: Landscaping
- Draft City of Bunbury Local Planning Strategy
- Draft City of Bunbury Local Planning Scheme No. 8 (LPS8).

Officer Comments

It should be noted that the applicant questions development approval conditions 23a and 24 as recommended by officers accordingly:

23. Before the development is occupied, the following infrastructure must be upgraded to the satisfaction of the City of Bunbury. Detailed design plans of the infrastructure upgrade must be submitted to the City of Bunbury for approval prior to construction commencing.
 - (a) Upgrade of Spencer Street footpath to City of Bunbury standards – detailed design plans required prior to construction.
24. Before the development is occupied, the area of land marked in red on the approved development plan for the purpose of road truncation / road widening must be ceded free of cost to the City of Bunbury.

Each of the above conditions will be discussed independently.

Requirement for Footpath Upgrade

Officers consider the proposed showrooms will result in an intensification of the subject site due to the significant areas of retail floor space created. Currently one third of the site is vacant with the remaining two thirds occupied by a tyre repair business with the majority of the patronage travelling to the site is by vehicle due to the nature of the business. When the site is redeveloped it is highly likely that there will be an increase in pedestrian traffic to and from the site.

In accordance with the Western Australian Planning Commission's (WAPC) Development Control Policy 1.2 – General Principles, the provision of vehicular and non-vehicular access to the proposed development is a relevant planning consideration. Given the close proximity of the proposed development to the city centre and the intensification of development at the site, officers consider the upgrade of the existing footpath on Spencer Street is a relevant and reasonable condition to impose on the development approval to ensure the orderly and proper planning of the site and the integration of the proposed development with surrounding development.

The City of Bunbury's Asset Team has rated the Spencer Street foot path at a level 3 condition (with 1 being the best and 5 being the worst possible condition). Photographs of the subject footpath are provided in the attached site photos. The current footpath on Spencer Street is 1.5m wide and given Spencer Street's functional role in central Bunbury, it is recommended by officers that the footpath is upgraded to a contemporary standard two (2) metre wide concrete path.

Furthermore, it is considered the proposed method for requiring the upgrade to the footpath is clear, transparent and simple to understand and administer. Requiring the applicant to upgrade the footpath as part of the development represents a transparent outcome as any costs incurred are a true representation of the cost of the associated works as opposed to estimating a monetary contribution value.

It is also noted that recent developments in the vicinity of this site have been conditioned to upgrade footpaths (and in some cases other infrastructure) as a result of the proposed development. Examples are ALDI, Bunbury Toyota, SKG Radiology and Geographe Ford. The requirement for a footpath to be constructed has been applied consistently for all recent developments within the vicinity of the proposed development.

Requirement for Road Truncation

Officers consider the requirement for a road truncation on Lot 1 as being necessary to cater for the short, medium and long term road design and traffic management requirements of the Spencer Street and Cornwall Street intersection. In particular, the requirement for a truncation is considered necessary for the following reasons:

- (a) The intersection of Spencer Street and Cornwall Street is proposed to be upgraded in the 2017-2018 financial year to improve sight lines.
- (b) In the medium to long term a more robust design solution will be required for this intersection in order to cater for additional CBD traffic movements (particularly on Cornwall Street). Provision of an adequate truncation at this location will allow for additional road infrastructure and the geometry required to accommodate such infrastructure. As such, it is possible that a roundabout and/or dedicated left-turn slip lane from Cornwall Street may be installed at some point in time subject to future requirements.
- (c) The truncation would allow for expansion of utilities (primarily underground) in the future, similarly to the above comment. As the cadastral boundary is in such close proximity to the current road carriageway, it is likely that some services on their standard alignment will be under the road pavement. The truncation would therefore allow for future services to be installed in the road verge/footpath area which is preferred and safer for ongoing maintenance.
- (d) The current lack of a truncation also does not allow for an adequately wide enough pedestrian refuge area at the corner of the intersection. A future truncation would allow for a wider footpath area (i.e. 2m minimum with some additional separation to the carriageway), which allows for safer and more efficient pedestrian circulation as would be typical or expected in an urban or main-street like environment.

In accordance with IPWEA Subdivisional Guidelines Edition 2.2, a 10m x 10m truncation is required for commercial developments; however, a reduced truncation with a minimum of 6m x 6m is being sought by officers. It is noted the requirement for a 6m x 6m truncation was recently applied for the Spencer Street and Edward Street intersection as part of the development approval for Aldi located at Lot 100 (#9) Edward Street.

Requirement for Lot Amalgamation

In addition it is noted the proposed development spans across three lots. Officers consider there is good reason to require the lots to be amalgamated and therefore recommended this as a condition of approval. Whilst it is acknowledged that the subject lots are currently under single ownership, the issue remains that the proposed development is on three separate lots which are capable of being sold and as such capable of being under separate ownership. This raises a number of issues as follows:

- Proposed Unit 2 is built across the lot boundaries of Lot 2 Spencer Street and Lot 23 Zoe Street. The local government has no information as to how proposed Unit 2 will be serviced in regards to power, water and sewerage. Other factors such as the building's fire rating, the provision of ablutions and internal facilities, the allocation of storage and access areas, and the design of the rear service access to Zoe Street are currently all integrated as a single tenancy. Therefore in the event Lot 23 is sold there could be significant issues should the building be serviced from an adjoining lot. Officers believe the local government is likely to be drawn into any disputes.
- In addition, the application is considered as one development with vehicle access, car parking and landscaping requirements shared across the three subject lots. In order for the proposed showrooms to be compliant with the development standards required under LPS8 and associated local planning policies the subject lots would require amalgamation.
- Vehicle access to proposed Unit 1 is obtained via proposed Unit 2 to Spence Street. Should Lot 2 be sold, the corner Unit 1 would have no vehicle access. Furthermore the City would not support an additional crossover so close to the street intersection. In this instance, officers recommend the subject lots are required to be amalgamated or an easement is placed on the title granting reciprocal rights of access over the shared vehicle access way and car parking area. Nevertheless, the proposed Unit 2 should be retained on one lot as it is designed and operates as a single premise.

Local Planning Scheme

Officers consider the application generally complies with the development standards of the existing Town Planning Scheme No. 7 (TPS7) and associated local planning policies. The subject lots are currently included in the 'Mixed Business Zone' under TPS7, and as such, the land use class of 'showroom' is a permitted 'P' use in this zone. A variation is being sought for a reduction in the front setback to Zoe Street; however, this may be considered under clause 5.10.5.3.1 of the Scheme as provided below:

Where a lot is situated at the intersection of two or more streets, the local government may reduce the distance of the building line from any road reserve other than which, in the opinion of the local government, the lot fronts.

In light of the above, officers have given due regard to draft Local Planning Scheme No. 8 (LPS8) in determining an acceptable reduced setback to Zoe Street. Under draft LPS8, the subject lot is proposed to be zoned 'Mixed Use – Commercial Zone', in which a 2m front setback is required. Given the proposed showroom is consistent with draft LPS8 the proposed 2.5m setback to Cornwall Street is recommended for approval by officers.

Analysis of Financial and Budget Implications

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

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

Community Consultation

The application for development approval does not require public advertising under the Scheme, the *Planning and Development Act 2005* or associated *Planning and Development (Local Planning Schemes) Regulations 2015*.

Councillor/Officer Consultation

The proposal has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report. In addition, the City of Bunbury Manager of Engineering and Civil Operations and the Team Leader Design Engineering and Civil Operations were consulted in regards to the requirement for a truncation to be provided for the Spencer Street and Cornwall Street intersection.

Applicant Consultation

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

Outcome – Council Meeting 5 September 2017

Cr Steck declared a financial interest in the item as her partner owns the property and left the chamber at 5.32pm for the duration of the discussion and vote on the matter.

Mr Behnam Bordbar and Mr Ross Underwood addressed Council in relation to this item.

The recommendation (as printed) was moved Cr McCleary, seconded Cr Kelly.

Cr Cook moved, Cr Warnock seconded that the debate be adjourned for two rounds of meetings (four weeks). The purpose of the matter being deferred is to allow further consultation between the applicant and City officers with a view to arriving at a favourable outcome.

The Mayor put the motion to the vote and it was adopted to become the Council's decision on the matter.

Council Decision 329/17

That pursuant to Standing Order 11.6, this matter be adjourned until the Council Meeting scheduled for 17 October 2017.

CARRIED

6 votes "for" / 5 votes "against"

Cr Steck returned to the chamber at 5.53pm.

10.9 Amendment to Community Law, Safety and Emergency Management Fees and Charges for Parking Machine Monitoring (was listed as item 10.4.5 on the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	Neil Dyer, Team Leader Parking
Responsible Manager:	Sarah Upton, Manager Environmental Health, Community Law and Safety and Emergency Management
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Nil.

Summary

An amendment is required to the 2017/18 Fees and Charges in relation to the cost of parking machine monitoring, as these items were not included in the adopted Fees and Charges. The amendments are required for City staff to charge for undertaking monitoring on parking machines situated on privately owned land.

Executive Recommendation

That Council:

1. Endorses the following amendments to 2017/18 fees and charges effective from 18 September 2017:
 - (a) Parking machine monitoring (City asset) per machine per month - \$254.55 excluding GST.
 - (b) Parking machine monitoring (non-City asset) per machine per month - \$75.00 excluding GST.
 - (c) Sundry items for parking machines (e.g. battery, machine components) - at cost.
2. Authorises the advertising of the above amendments to the 2017/18 Fees and Charges in accordance with Section 6.19 of the *Local Government Act 1995*.

***Note: Absolute Majority Vote Required**

Strategic Relevance

Key Priority Area 2 Transport and Infrastructure
Objective 2.1 Maintain transport infrastructure at levels consistent with community expectation

Background

The sale of the Cornwall Street carpark has necessitated an amendment to the existing fees for parking machine maintenance and monitoring to enable the City to charge for monitoring being undertaken of parking machines not owned by the City. Prior to the sale of the carpark, the monitoring of the parking machines located in the carpark was undertaken in accordance with the lease agreement. The sale of the carpark included the machines to Crestway and resulted in the termination of the lease.

The City currently maintains and monitors two other private carparks that have parking machines however in both situations, the machines are owned by the City and the maintenance fee is structured to include both the cost of the machine hire and its associated maintenance. As the parking machines in the carparks owned by Crestway are all privately owned, a fee structure needs to be established that covers only the cost of the machine monitoring.

The City is currently finalising the terms of a formal maintenance agreement for the ongoing maintenance and monitoring of the ticket machines within the Crestway owned carparks however the standard monitoring fee of \$82.50 has been agreed to allow the basic monitoring to continue while the terms of the agreement are finalised and the complete schedule of fees is agreed. The base service fee requires the City to ensure the remote monitoring of the machine fleet and responding to any failures.

The inclusion of this fee into the schedule of fees and charges is to provide clarification for the fee being applied in this situation, it is proposed that the wording to the existing fee for machine monitoring also be amended to specify that it relates only to the monitoring of City owned parking machines operating on private property; and the establishment of a new fee that enables the City to charge for the monitoring of privately owned parking machines operating in private carparks.

The additional fee "Sundry items" is to enable the City to apply a charge for parking machine parts required to maintain privately owned parking machines on private property. This fee does not include the cost for component installation as this has previously and will continue be addressed as part of any formal maintenance agreement. A formal maintenance agreement is a legal agreement addressing multiple agreed terms and costs and sits outside of the fees and charges schedule.

The proposed wording is as follows:

Amend the existing fee to include the words "City asset"

Parking machine monitoring (City asset) per machine per month - \$254.55 excluding GST

Proposed new fees for maintenance of privately owned machines on private property.

Parking machine monitoring (non-City asset) per machine per month - \$75.00 excluding GST

Proposed fee sundry items.

Sundry items for parking machines (e.g. battery, machine components) - at cost

Council Policy Compliance

Nil

Legislative Compliance

Section 6.19 of the *Local Government Act 1995* requires that Council gives public notice of its intention to impose any new fees and charges if this is not considered at the time of adopting the annual budget. Council is also required to advise the date which the proposed fees and charges will be imposed.

Officer Comments

As the 2017/18 Fees and Charges were last adopted by Council as part of the budget on 25 July 2017, a Council resolution is required to amend the 2017/18 Fees and Charges.

The City of Bunbury manages private carpark by formal agreement, and where applicable fees and charges are applied.

Analysis of Financial and Budget Implications

There are no known budget implications.

Community Consultation

Community consultation will take place with advertising in the local newspaper and copies of the proposed fees and charges available from the City's website, libraries and Customer Service Centre.

Councillor/Officer Consultation

Officers have discussed these amendments to the fees and charges with the City of Bunbury finance staff.

Applicant Consultation

Nil.

Outcome – Council Meeting 5 September 2017

The recommendation (as printed) was moved Cr Hayward, seconded Cr Giles.

The Mayor put the motion to the vote and it was adopted to become the Council's decision on the matter.

Council Decision 330/17

That Council:

- 1. *Endorses the following amendments to 2017/18 fees and charges effective from 18 September 2017:***
 - (a) Parking machine monitoring (City asset) per machine per month - \$254.55 excluding GST.***
 - (b) Parking machine monitoring (non-City asset) per machine per month - \$75.00 excluding GST.***
 - (c) Sundry items for parking machines (e.g. battery, machine components) - at cost.***
- 2. *Authorises the advertising of the above amendments to the 2017/18 Fees and Charges in accordance with Section 6.19 of the Local Government Act 1995.***

CARRIED

12 votes "for" / Nil votes "against"

ABSOLUTE MAJORITY VOTE ATTAINED

10.10 Amendment to Delegation – DASPO3 – Development Applications (was listed as item 10.4.6 on the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	Leanne French, Senior Governance and Risk Officer
Responsible Manager:	Greg Golinski, Manager Governance and Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Mal Osborne, Acting Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Nil.

Summary

The purpose of this report is for Council to amend Delegation DASPO3 – Development Applications.

Executive Recommendation

That Council amends Delegation DAG03 – Development Applications to read:

Power or Duty:

1. Interpret and apply the provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, City of Bunbury Local Planning Scheme, any applicable local planning policy, study or strategy; and
2. Determine:
 - Applications for development approval with and without conditions, pursuant to clause 68 (2)(a) and (b), Schedule 2, Planning and Development (Local Planning Schemes) Regulations 2015; or
 - Amendments to or cancellation of development approvals with or without conditions, in respect of applications determined under delegated authority, pursuant to clause 77(4)(a) and (b), Schedule 2, Planning and Development (Local Planning Schemes) Regulations 2015.

Conditions:

1. Where a specific development approval on the property has previously been subject to consideration and determination by Council, all subsequent applications involving any key elements of the original proposal shall be presented to Council for determination.
2. Any authority granted by this delegation is not to be exercised where an applicant specifically requests (in writing) that their application be determined by Council.

***Note: Absolute Majority Vote Required**

Strategic Relevance

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

Background

A local government the size of the City of Bunbury cannot operate without utilising Council's power under the Act to delegate certain functions to either a committee of Council or the Chief Executive Officer. Delegations free up Council time to enable Elected Members to focus on representation, strategic planning, and community leadership, thereby enabling the Chief Executive Officer to efficiently implement Council resolutions and policy. The use of delegated authority means a large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

This particular delegation enables the Chief Executive Officer to determine applications for development approval and currently reads:

"Power or Duty

To determine applications for development approval subject to the Local Planning Scheme and section 68(2) (a) and (b) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. "

Council Policy Compliance

Not applicable

Legislative Compliance

Clause 82, 83 and 84 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* govern delegations by local government under the Local Planning Scheme.

Officer Comments

It has recently been identified that the current delegation does not allow for officers, in respect of a granted development approval, to determine applications to:

- amend a development approval so as to extend the period within which any development approved must be substantially commenced;
- amend or delete any condition to which the approval is subject;
- amend any aspect of the development approved which, if amended, would not substantially change the development approved;
- cancel the approval.

Whilst it is not a regular occurrence, on occasion the City does receive applications for amendments to or cancellations of development approvals. Currently, all applications to amend a development approval need to be determined by Council.

In line with the City's approach to effective and efficient customer service, in respect of applications where officers have determined initial development approval under delegation, an amendment to the delegation is sought to enable officers to also consider applications for amendments or cancellations.

Following consultation with the Acting Chief Executive Officer, Acting Director Planning and Development and relevant officers, the following amendment to the delegation is proposed:

“Power or Duty:

1. Interpret and apply the provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, City of Bunbury Local Planning Scheme, any applicable local planning policy, study or strategy; and
2. Determine:
 - applications for development approval with and without conditions, pursuant to clause 68 (2)(a) and (b), Schedule 2, Planning and Development (Local Planning Schemes) Regulations 2015; or
 - amendments to or cancellation of development approvals with or without conditions, in respect of applications determined under delegated authority, pursuant to clause 77(4)(a) and (b), Schedule 2, Planning and Development (Local Planning Schemes) Regulations 2015.

Conditions:

1. Where a specific development approval on the property has previously been subject to consideration and determination by Council, all subsequent applications involving any key elements of the original proposal shall be presented to Council for determination.
2. Any authority granted by this delegation is not to be exercised where an applicant specifically requests (in writing) that their application be determined by Council.”

Analysis of Financial and Budget Implications

There are no financial or budget implications in relation to this item.

Community Consultation

Not applicable

Councillor/Officer Consultation

Consultation has been undertaken with the Acting Chief Executive Officer, Acting Director Planning and Development, Manager Sustainability, Planning And Development and Team Leader Development Assessment and Compliance.

Applicant Consultation

Not applicable

Outcome – Council Meeting 5 September 2017

The recommendation (as printed) was moved Cr Miguel, seconded Cr Hayward.

The Mayor put the motion to the vote and it was adopted to become the Council's decision on the matter.

Council Decision 331/17

That Council amends Delegation DAG03 – Development Applications to read:

Power or Duty:

- 1. Interpret and apply the provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, City of Bunbury Local Planning Scheme, any applicable local planning policy, study or strategy; and***
- 2. Determine:***
 - Applications for development approval with and without conditions, pursuant to clause 68 (2)(a) and (b), Schedule 2, Planning and Development (Local Planning Schemes) Regulations 2015; or***
 - Amendments to or cancellation of development approvals with or without conditions, in respect of applications determined under delegated authority, pursuant to clause 77(4)(a) and (b), Schedule 2, Planning and Development (Local Planning Schemes) Regulations 2015.***

Conditions:

- 1. Where a specific development approval on the property has previously been subject to consideration and determination by Council, all subsequent applications involving any key elements of the original proposal shall be presented to Council for determination.***
- 2. Any authority granted by this delegation is not to be exercised where an applicant specifically requests (in writing) that their application be determined by Council.***

CARRIED

10 votes "for" / 2 votes "against"

ABSOLUTE MAJORITY VOTE ATTAINED

Cr Steck and Cr McCleary requested that their votes "against" be recorded. All other Councillors and the Mayor voted "for" the motion.

11. Applications for Leave of Absence

Nil.

12. Motions on Notice

Nil.

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil.

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

It is requested that this matter be dealt with as urgent business. An affirmative Council Decision is required before this matter can be considered.

Recommendation

That Council pursuant to section 5.4 of Council's Standing Orders, agree to receive the item titled "Koombana Foreshore Irrigation Variation for Bore Works" as a matter of urgent business.

Outcome – Council Meeting 5 September 2017

The recommendation (as printed) was moved Cr McCleary, seconded Cr Cook.

The Mayor put the motion to the vote and it was adopted to become the Council's decision on the matter.

Council Decision 332/17

That Council pursuant to section 5.4 of Council's Standing Orders, agree to receive the item titled "Koombana Foreshore Irrigation Variation for Bore Works" as a matter of urgent business.

CARRIED

14.1 Koombana Foreshore Irrigation Variation for Bore works

File Ref:	A06605
Applicant/Proponent:	Internal Report
Responsible Officer:	Gavin Harris, Director Works and Services
Responsible Manager:	Gavin Harris, Director Works and Services
Executive:	Gavin Harris, Director Works and Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	CRUSC-1: Variation No. 46 Bore and Filtration

Summary

This report outlines a request from Ertech Pty Ltd for a variation for the Koombana foreshore project for the provision of irrigation works for the new bore located on the foreshore reserve. The variation amount of \$218,776.81 is greater than the officer's approval amount of \$50,000 and therefore requires a Council resolution.

Executive Recommendation

That Council accept Variation No. 46 (Bore and Filtration) from Ertech Pty Ltd for the installation of pumps, electrical works, filtration unit and associated infrastructure for a cost of \$218,776.81 (ex GST) for the Koombana Foreshore project.

Strategic Relevance

Key Priority Area 5 Corporate
Objective 5.2 Maintain a high standard of corporate governance and improve access to information
Objective 5.3 Ensure financial sustainability

Background

Following savings made due to an alternative technology being used at Pelican Point, \$225,000 was identified from PR-1333 Pelican Point Bore Replacement and transferred to PR-4326 Install New Bore at Koombana Bay at the February 2017 budget review. The bore was required to service the new Koombana Foreshore once it was identified that the existing bore that currently services the Caravan Park and Jetty Baths area would be inadequate to continue to service these areas and the new foreshore. Officers were issued with a new licence from the Department of Water to construct a new bore into the Yaragadee aquifer.

The bore was installed in June 2017 and water samples indicated the need for filtration of iron from the water so as to ensure the new foreshore infrastructure was free from staining.

Council Policy Compliance

Delegated Authority General 04

Each Delegated officer's capacity to approve a variation to a contract is limited to 10% of the contract value, or the value of their purchasing authority, whichever is the lesser amount (to a maximum of \$50,000)

Legislative Compliance

Pursuant to the provisions of Section 5.42 of the Local Government Act 1995 and part 4 of the Local Government (Functions and General) Regulations the Chief Executive Officer is Delegated Authority to approve price variations for and approved contract subject to sufficient funds being available within the approved expenditure budget for the project or line item.

Officer Comments

Following the initial design to supply water to the new Koombana Foreshore from an existing bore servicing the Caravan Park and Jetty Baths area calculations on the final irrigation design proved that the bore was not capable of supplying the required volume of water. Subsequently the only option available was the installation of a new bore located in the northern foreshore area adjacent to the Dolphin Discovery Centre.

As a new bore was required there was also the requirement for new associated infrastructure such as pumps, electrical works, filtration units and associated equipment. Due to the water quality a filtration unit is required to ensure that new infrastructure is not stained red/brown by the high iron content in the water.

The CONFIDENTIAL ATTACHMENT Variation No 46 Bore and Filtration request consists of the following major elements –

- Irrigation amendments for new bore location
- Reticulation Controller
- Electrical Works
- Bore and Pump and Head Works
- Iron Filtration System
- Shed to house filtration unit

This is the only source of water supply for the new Koombana Foreshore.

Analysis of Financial and Budget Implications

Currently there is a provisional sum of \$152,311 allowed for within the project budget (PR-4145 Expand and upgrade Koombana Bay Foreshore) but outside of the Ertech Pty Ltd contract. There is also \$107,860 remaining in PR-4326 Install New Bore at Koombana Bay. This is a total of \$260,171. The Variation request of \$218,776.81 can be covered from both projects with some of elements associated with the bore works and some with the irrigation works. Therefore no funds from the Project contingency are required.

Community Consultation

Not Applicable

Councillor/Officer Consultation

Not Applicable

Applicant Consultation

Not Applicable

Outcome – Council Meeting 5 September 2017

The recommendation (as printed) was moved Cr Hayward, seconded Cr Cook.

The Mayor put the motion to the vote and it was adopted to become the Council’s decision on the matter.

Council Decision 333/17

That Council accept Variation No. 46 (Bore and Filtration) from Ertech Pty Ltd for the installation of pumps, electrical works, filtration unit and associated infrastructure for a cost of \$218,776.81 (ex GST) for the Koombana Foreshore project.

CARRIED

10 votes “for” / 2 votes “against”

Cr Steck and Cr Steele requested that their votes “against” be recorded. All other Councillors and the Mayor voted “for” the motion.

15. Meeting Closed to Public

15.1 *Matters for which the Meeting may be Closed*

Nil.

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

Nil.

16. Closure

The meeting was declared closed at 6.00pm.