



City of Bunbury Council

Minutes 23 April 2024



CITY OF BUNBURY
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Western Australia
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Acknowledgement of Country

We acknowledge the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders past, present and emerging.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

We are one team
We keep each other safe
We display empathy and respect
We have fun and celebrate our successes
We work together to achieve great outcomes

WE ARE OPEN

We are open to opportunities
We actively listen and think things through
We are inclusive and treat everyone equally
We are honest and open in our communications
We are open to feedback to improve our performance

WE ARE BRAVE

We lead the change, we own it
We trust and empower each other
We have the difficult conversations early
We hold ourselves to the highest standard
We have the courage to improve and simplify

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, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- 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.
- Information Purposes:** Includes items provided to Council for information purposes only which do not require direction from Council (that is for 'noting').

1. Declaration of Opening / Announcements of Visitors

The Mayor declared the meeting open at 5.30pm and in doing so acknowledged the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. He paid his respects to all members of the Aboriginal community and their cultures; and to Elders past, present and emerging.

The Mayor advised that he had approved Cr Steck's attendance via electronic means.

The Mayor acknowledged former Councillor Michael Buswell who was in attendance in the public gallery.

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.

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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-2022.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 7000.
-

3. Announcements from the Presiding Member

Nil

4. Attendance

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor B Andrew
	Councillor T Brown
	Councillor G Ghaseb
	Councillor M Quain
	Councillor M Steck (via zoom)
	Councillor M Kozisek
	Councillor K Turner
	Councillor K Steele
	Councillor P Ramesh
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Ferris
Director Infrastructure	Mr G Harris
A/Director Sustainable Communities	Mr D Russell
A/Director Corporate and Community	Mr G Golinski
City of Bunbury Officers (Non-Voting)	
Manager Finance	Mr D Ransom
Manager Planning & Building	Ms B Macaulay
Planning Officer	Mr P Diamond
Governance Officer	Mr L Murphy
Senior Corporate Communications Officer	Ms K Fielding
Others (Non-Voting)	
Members of the Public	8

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

4.3 Attendance at Previous Meetings

*Data begins from 1 July 2023.

Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Brown	Cr Ghasseb	Cr Kozisek	Cr Quain	Cr Ramesh	Cr Steck	Cr Steele	Cr Turner
Ordinary Council Meeting	12/13	13/13	13/13	8/8	13/13	12/13	13/13	7/8	11/13	11/13	13/13
Special Council Meeting	5/5	5/5	5/5	1/1	4/5	5/5	5/5	1/1	4/5	5/5	5/5
Agenda Briefing	11/13	12/13	13/13	7/8	10/13	12/13	12/13	8/8	9/13	11/13	13/13
Audit Committee	2/2	N/A	1/1	N/A	1/1	1/1	1/1	N/A	1/1	N/A	N/A
Bunbury Events Advisory Committee	N/A	N/A	N/A	N/A	N/A	N/A	1/1	N/A	1/1	N/A	1/1
CEO Performance Review Committee	1/1	N/A	N/A	N/A	0/1	1/1	1/1	N/A	0/1	0/1	N/A
Disability Access and Inclusion Committee	N/A	N/A	1/1	N/A	0/1	N/A	N/A	N/A	N/A	N/A	1/1
Heritage Advisory Committee	N/A	1/1	N/A	N/A	N/A	1/1	1/1	N/A	N/A	N/A	N/A
International Relations Committee	N/A	1/1	N/A	1/1	0/1	N/A	N/A	1/1	N/A	N/A	N/A
Policy Review and Development Committee	N/A	2/2	N/A	N/A	1/1	1/2	2/2	N/A	N/A	2/2	N/A
Youth Advisory Council Committee	N/A	N/A	N/A	N/A	N/A	N/A	1/1	N/A	N/A	N/A	N/A

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 Quain declared a financial interest in item 10.4.2 Proposed Amendment to Original Approval 2022/112 – Fast Food Outlet and Associated Drive Through Facility at Lot335 #10 Broadway, Pelican Point as her daughter is an employee of the proponent.

Cr Quain declared an impartiality interest in item 10.5.2 Prinsep Streetscape Concept Design as she is a member of the Bunbury Women’s Club

Cr Ghasseb declared an impartiality in item 10.4.2 Proposed Amendment to Original Approval 2022/112 – Fast Food Outlet and Associated Drive Through Facility at Lot335 #10 Broadway, Pelican Point as his brother drafted the plans.

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

Michael Buswell asked the following questions, which are presented below:

Question 1

Has Council considered the reality of the Christmas Tree, not only to the City but to the Noongar People? Have we looked at the report by the University of Western Australia on the significance?

Response

The Mayor responded that it is up to each elected member to make this consideration within their debate on this item.

Question 2

I noted in the Council agenda report that there was a reference that the recognition of this matter may impinge on the masthead of the City of Bunbury. I see on the agenda that there is another emblem. Does this emblem impinge on the masthead of the City of Bunbury?

Response

The Mayor took this question on notice.

Question 3

Do Councillors acknowledge our history? Do Councillors look at both our Noongar and Modern history?

The Mayor noted that there is information regarding the history within the report on this agenda, and that each elected member must make their own consideration within their debate.

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 City of Bunbury Council held 2 April 2024 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 2 April 2024 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 23 April 2024

The recommendation (as written) was moved by Cr Quain and seconded by Cr Kozisek.

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

Council Decision 054/24

The minutes of the Ordinary meeting of the City of Bunbury Council held 2 April 2024 be confirmed as a true and accurate record.

CARRIED UNANIMOUSLY
11 votes "for" / Nil votes "against"

7.1.2 Minutes – Council Advisory Committees

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 7.1.2-A: Disability Access and Inclusion Committee Minutes

Summary

The following Advisory Committee Meeting was held, and the minutes are presented for noting:

1. Title: Disability Access and Inclusion Committee Minutes
Author: Sue Alexander, Community Development Officer - Inclusion
Appendix: 7.1.2-A

Council Committee Recommendation

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

1. Disability Access and Inclusion Committee Minutes – 21 February 2024

Voting Requirement: Simple Majority

Outcome of Meeting 23 April 2024

The recommendation (as written) was moved by Cr Andrew and seconded by Cr Brown.

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

Council Decision 055/24

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

- 1. Disability Access and Inclusion Committee Minutes – 21 February 2024**

CARRIED UNANIMOUSLY
11 votes "for" / Nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Matthew Fink requested to address Council in relation to item *10.4.2 Proposed Amendment to Original Approval 2022/112 – Fast Food Outlet and Associated Drive Through Facility at Lot335 #10 Broadway, Pelican Point.*

The Mayor put a motion to the vote that Matthew Fink be allowed to address council for a period of up to 10 minutes, and it was adopted to become Council's decision on the matter.

Council Decision 056/24

Pursuant to clause 6.9 (2)(b) of Council's Standing Orders, Council approves Matthew Fink's deputation request to address item 10.4.2 Proposed Amendment to Original Approval 2022/112 – Fast Food Outlet and Associated Drive Through Facility at Lot335 #10 Broadway, Pelican Point and allows a period of up to 10 minutes to present to Council:

CARRIED UNANIMOUSLY
11 votes "for" / Nil votes "against"

8.4 Council Delegates' Reports

Nil

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 item 10.2.1, 10.4.1 and 10.5.1.

Items 10.2.2, 10.2.3, 10.3.1, 10.3.2, 10.3.3, 10.4.2 and 10.5.2 were discussed and voted on separately.

All items have been renumbered in the order they were considered with the items voted “*by exception*” listed first.

The items “*adopted by exception*” were moved by Cr Andrew and seconded by Cr Kozisek.

10. Reports

10.1 Appointment to International Relations Committee (listed as 10.2.1 in the agenda)

File Ref:	COB/386
Applicant/Proponent:	Internal
Responsible Officer:	Qing Ye, International Relations Officer
Responsible Manager:	Shae Phillips, Manager Communications & Place Activation
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Confidential Appendix 10.2.1-A: External Member Appointments – International Relations Committee

Summary

This report is presented to Council to endorse the appointment of a community representative member, to fill one (1) vacant position on the International Relations Committee.

Executive Recommendation

That Council endorse the appointment of the candidate outlined at Confidential Appendix 10.2.1-A to the International Relations Committee to fill the one (1) vacant community representative position and serve out the remainder of the term, ending in October 2025.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance.
Outcome 13	A leading local government.
Objective 13.1	Provide strong, accountable leadership and governance.

Regional Impact Statement

The International Relations committee aims to facilitate, support and promote cultural, sporting, education, tourism and economic partnership opportunities between Bunbury and its international partners. Membership on the committee is open to people from the Greater Bunbury region.

Background

At the Ordinary Council Meeting held on 12 December 2023, Council appointed eight (8) candidates as members of the International Relations Committee with one (1) vacancy still available. The remaining vacancy received a nomination from the community and is now presented to Council for endorsement.

Council Policy Compliance

Nil

Legislative Compliance

Subdivision 2 of Division 2 of Part 5 of the Local Government Act 1995 deals with establishment of committees and their meetings.

Officer Comments

The International Relations Committee provides advice and support in the ongoing development of relationships and strategic opportunities with Setagaya, Japan, Jiaxing, China and Nha Trang, Vietnam.

The International Relations Committee membership comprises of two (2) Elected Members and nine (9) community representatives. Councillors Ramesh and Brown are the Elected Member representatives on the committee.

Eight (8) International Relations Committee members were appointed following the October 2023 Council Elections, with one (1) vacancy still available.

A formal application was received on the 27 February 2024 from an applicant, expressing interest in joining the International Relations committee. The applicant missed the deadline for nominations last September, October and November. The applicant presents solid experience and background, including participating in Launceston's Mayoral Delegation Visit to its sister city Ikeda, and her multiple personal trips to Japan. The City of Bunbury has a close sister city relationship of over 31 years with Setagaya, Japan, and the applicant's passion and experience with delegation exchanges with Japan will be valuable to the committee.

Analysis of Financial and Budget Implications

There are no financial or budget implications arising from the recommendations within this report.

Community Consultation

The vacant positions representing the International Relations Committee, were advertised from 14 September and closed on 11 October 2023, reopened from 17 to 30 November 2023. The advertisement featured on the City of Bunbury's social media platforms, e-newsletter and City Focus editions.

Councillor/Officer Consultation

During the consultation process, the City's International Relations Officer engaged with the Governance team, who approved to incorporate this new application directly into the Council Agenda Item, due to the level of experience and passion the applicant brings to the committee.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Appointments to committees will be effective immediately.

Outcome of Meeting 23 April 2024

The recommendation (as written) was moved by Cr Andrew and seconded by Cr Kozisek.

The Mayor put the motion to the vote, and it was adopted (en-bloc) to become the Council's decision on the matter.

Council Decision 057/24

That Council endorse the appointment of the candidate outlined at Confidential Appendix 10.2.1-A to the International Relations Committee to fill the one (1) vacant community representative position and serve out the remainder of the term, ending in October 2025.

CARRIED UNANIMOUSLY
11 votes "for" / Nil votes "against"

10.2 Proposed Scheme Amendment No. 12 to City of Bunbury Local Planning Scheme No. 8 at Lot 81 South Western Highway, Davenport (listed as 10.4.1 in the agenda)

File Ref:	DD/12/2023/5/1
Applicant/Proponent:	Stan Lawrence-Brown, LB Planning
Responsible Officer:	Gareth Webber, A/ Senior Planning Officer
Responsible Manager:	Barbara Macaulay, Manager Planning and Building
Executive:	Sarah Upton, A/ Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.4.1- A Scheme Amendment No. 12 Report Appendix 10.4.1-B Proposed Modifications Appendix 10.4.1-C Schedule of Submissions

Summary

Scheme Amendment No. 12 has been prepared by LB Planning on behalf of the landowner of Lot 81 South Western Highway, Davenport. At its Ordinary Meeting of 7 November 2023, Council resolved to adopt and advertise the proposed standard scheme amendment for public comments.

The amendment has been publicly advertised and referred to the relevant service authorities for comment. The proposed standard amendment is now presented to Council in order to seek a resolution to support the amendment subject to the recommended modifications prior to being referred to the Western Australian Planning Commission (WAPC) for its consideration and recommendation to the Minister.

Officers recommend modification to condition 2 and 3 of “Schedule 3 – Additional Site and Development Requirements Table 6” to introduce additional wording to align with the requirements of the *Government Sewerage Policy (WAPC 2019)*.

Executive Recommendation

That Council, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

1. Advise the Western Australian Planning Commission that the local government resolves to support the proposed standard Scheme Amendment No. 12 to the City of Bunbury Local Planning Scheme No. 8 subject to the modifications contained in Appendix 10.4.1-B.
2. Provide the advertised scheme amendment documentation to the Western Australian Planning Commission.
3. Advise the Western Australian Planning Commission that no advice from the Department of Biodiversity, Conservation and Attractions regarding the zoning or reserving of the Resource Enhancement Wetland has been received at the time of writing this report. The Western Australian Planning Commission are recommended to liaise with the Department of Biodiversity, Conservation and Attractions regarding the suitability of the Resource Enhancement Wetland to be rezoned for industrial development.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well planned City.
Outcome	A community with high quality urban design and housing diversity.
Objective 7.1	Promote responsible planning and development.

Pillar	Prosperity
Aspiration	A strong and diversified economy.
Outcome 11	A strong, resilient and diverse economic hub for the South West.
Objective 11.2	Attract diversified investment, industry and businesses.

Regional Impact Statement

The proposed amendment will not have a regional impact.

Background

The subject site is 41.83 hectares in area and located approximately 8 kilometres southeast of the Bunbury Central Business District. The subject site is bounded by South Western Highway to the west, the Bunbury Outer Ring Road to the south, Preston River to the east and the Bunbury Airport expansion area to the north. Further surrounding land uses include the Bunbury Speedway, Bunbury Airport, Motorcycle Club, Go-Kart Club, Bunbury Regional Prison and various rural activities. The subject site is also identified within the 'Preston Industrial Park' area.

A Structure Plan over the subject site was endorsed by the Western Australian Planning Commission (WAPC) on 11 January 2022. The Structure Plan consists of six lots ranging in size from 5 to 8 hectares for large scale industrial uses consistent with the 'General Industry' zone under Local Planning Scheme No.8 (LPS8). Conditional subdivision approval for six lots in accordance with the Structure Plan was also granted by the WAPC on 27 April 2022.

The current zoning of the land provides a basis for future detailed planning in accordance with the structure planning provisions of LPS8. As an endorsed Structure Plan and conditional subdivision approval have been granted over the subject site, the proposed rezoning and additional provisions that form part of this amendment are the next step to facilitating industrial development.

A full copy of the scheme amendment report can be found at Appendix 10.4.1-A.

Council Policy Compliance

There is no Council policy that relates to the assessment of the scheme amendment.

Legislative Compliance

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

- *Planning and Development Act 2005*;
 - *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - City of Bunbury Local Planning Strategy 2018; and
 - City of Bunbury Local Planning Scheme No. 8 (LPS8 or the Scheme).
-

Officer Comments

The proposed scheme amendment has been assessed against the relevant State and Local policy framework and is consistent with the framework. The amendment is therefore considered to be a standard scheme amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The purpose of this amendment is to rezone the subject site from 'Industrial Development' zone to 'General Industry' zone. In addition, the amendment also proposes to insert specific site and development requirements from the endorsed Structure Plan which relate to onsite wastewater management and disposal into Schedule 3 – Additional Site and Development Requirements of LPS8.

One of the proposed specific site and development requirements only allows 'dry industry' land uses where connection to reticulated sewer is not provided. It is acknowledged that the nearest sewer pressure main is approximately 2 kilometres away from the subject site and there are no plans for the area to be connected to sewer in the short to medium term. The transfer of the development requirements from the Structure Plan into the Scheme will reinforce that only 'dry industry' land uses will be permitted.

A 'dry industry' is deemed to be any industrial use permitted by LPS8 where it can be demonstrated that the quality and volume on site effluent disposal can be successfully disposed of without environmental or health effects. Examples of 'dry industry' land uses that can be considered in the 'General Industry' zone and do not generate a high volume of wastewater onsite include 'warehouse / storage', 'transport depot' and 'trade display'.

The proposed scheme amendment will facilitate further industrial development and management of site constraints in a manner that is consistent with the relevant planning framework. The proposal is consistent with the objectives of the zone to enable use of the land for industrial purposes.

There were no matters raised during advertising that warrant not supporting the scheme amendment. Officers recommend minor modifications to the wording to the requirements of condition 2 and 3 based on relevant advice.

Analysis of Financial and Budget Implications

There are no known financial or budgetary implications of progressing a standard amendment to the Local Planning Scheme.

Community Consultation

The scheme amendment was advertised to service authorities and a notice placed on the website in accordance with clause 64 of the deemed provisions. A total of eight submissions were received from service authorities with no objections being raised. The Department of Water and Environmental Regulation (DWER) and Department of Fire and Emergency Services (DFES) provided comment which is discussed further below. No submissions were received from the public.

Department of Water and Environmental Regulation

DWER identified that the proposal has potential for impact on the environment and recommended additional wording be added to condition 2 to align with the requirements of the Government Sewerage Policy. Officers have recommended a modification to the scheme amendment to include the additional wording consistent with this advice.

Department of Fire and Emergency Services

A small section of the eastern and western portions of the subject site are located within a Bushfire Prone Area. No Bushfire Attack Level Assessment (BAL) or Bushfire Management Plan (BMP) was submitted with the scheme amendment. However, the endorsed structure plan contains a BMP that addresses the criteria of *State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7)*. Officers discussed this with DFES who advised that whilst strategic planning proposals such as a scheme amendments generally require a BAL and BMP, as the scheme amendment relates to an endorsed Structure Plan, it is unlikely that anything would change from their previous advice.

It is noted that a condition of the WAPC subdivision approval requires information to be provided to demonstrate that the measures contained within the BMP have been implemented during subdivisional works. Furthermore, any development application within the Bushfire Prone Area would be required to address the criteria of SSP3.7.

Department of Biodiversity, Conservation and Attractions

No formal response was received from the Department of Biodiversity, Conservation and Attractions (DBCA) within the statutory timeframe. Officers contacted DBCA who advised they intend to provide comment regarding the Resource Enhancement Wetland, however that was not received at the time of writing this report. Due to the time constrictions for Officers to make a recommendation to the WAPC before the end of the consideration period, this report is written without the formal advice of DBCA. It is recommended that the Western Australian Planning Commission liaise further with DBCA regarding the Resource Enhancement Wetland.

A full copy of the Schedule of Submissions is contained in Appendix 10.4.1-C.

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. The City's Environmental Health department provided comment regarding the level of detail required for a detailed site and soil evaluation. Based on this advice, officers have recommended modifications to include additional wording under condition 2 and 3 in accordance with the *Government Sewerage Policy* and Australian Standards.

Applicant Consultation

A copy of the Schedule of Submissions and officer's recommended modifications have been provided to the applicant. The applicant has confirmed that they are agreeable to the recommended modifications.

Timeline: Council Decision Implementation

Council's resolution (recommendations) together with the amendment documentation will be submitted to the WAPC. Referral to the Commission can be expected to be undertaken within 21 days of the Council decision.

Outcome of Meeting 23 April 2024

The recommendation (as written) was moved by Cr Andrew and seconded by Cr Kozisek.

The Mayor put the motion to the vote, and it was adopted (en-bloc) to become the Council's decision on the matter.

Council Decision 058/24

That Council, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

- 1. Advise the Western Australian Planning Commission that the local government resolves to support the proposed standard Scheme Amendment No. 12 to the City of Bunbury Local Planning Scheme No. 8 subject to the modifications contained in Appendix 10.4.1-B.***
- 2. Provide the advertised scheme amendment documentation to the Western Australian Planning Commission.***
- 3. Advise the Western Australian Planning Commission that no advice from the Department of Biodiversity, Conservation and Attractions regarding the zoning or reserving of the Resource Enhancement Wetland has been received at the time of writing this report. The Western Australian Planning Commission are recommended to liaise with the Department of Biodiversity, Conservation and Attractions regarding the suitability of the Resource Enhancement Wetland to be rezoned for industrial development.***

CARRIED UNANIMOUSLY

11 votes "for" / Nil votes "against"

10.3 City of Bunbury Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) (listed as 10.5.1 in the agenda)

File Ref:	DOC/1279042
Applicant/Proponent:	Internal
Responsible Officer:	Saphron Wheeler, A/Coordinator Natural Environment & Sustainability
Responsible Manager:	Stacey Meredith, A/Manager Projects and Asset Management
Executive:	Gavin Harris, Director Infrastructure Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.5.1-A Final City of Bunbury CHRMAP Appendix 10.5.1-B Short-term Coastal Action Plan Appendix 10.5.1-C DRAFT CHRMAP Summary Report

Summary

The purpose of this report is to request Council to endorse the City of Bunbury Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), support the implementation of the Short-term Coastal Action Plan, and support the promotion of the CHRMAP Summary Report in the community.

Executive Recommendation

That Council resolves to:

1. Endorse the final City of Bunbury Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) as presented at appendix 10.5.1-A as a guide for future coastal planning and management.
2. Commence investigations and actions to confirm the assumptions made in the CHRMAP, as outlined in the Short-term Coastal Action Plan, as presented at appendix 10.5.1-B, noting that groynes are a protective option that will be investigated but not constructed in the short-term (0 – 15 years).
3. Prepare and implement an engagement plan to communicate the CHRMAP recommendations and next steps to the community, including the promotion of the CHRMAP Summary Report, as presented at appendix 10.5.1-C.
4. Request the Chief Executive Officer to investigate opportunities to share a Coastal Engineering resource with adjoining local governments to provide a holistic approach to managing the adjoining coastline.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Planet
Aspiration	A healthy and sustainable ecosystem
Outcome 6.1	Minimise risks and impacts from fires, floods, heat waves, and other natural disasters.
Objective 6.1.1	Develop and implement a Coastal Hazard Risk Management Adaptation Plan (CHRMAP)

Regional Impact Statement

Endorsement of the CHRMAP means the City will be eligible for grant funding to implement the Short-term Coastal Action Plan. Coastal actions and investigations will be undertaken to investigate the recommended adaptation pathways, including more engagement with the community about the CHRMAP.

Background

The City is a member of the Peron Naturaliste Partnership (PNP), which comprises the membership of nine local government authorities between Cape Peron and Cape Naturaliste in the southwest of Western Australia – Bunbury, Busselton, Capel, Dardanup, Harvey, Mandurah, Murray, Rockingham, Waroona. Through the City's PNP membership, the City joined a Steering Group with the Shires of Capel, Harvey and Dardanup, the Southern Ports Authority and the Department of Biodiversity, Conservation and Attractions to commission consultants to produce the Capel to Leschenault CHRMAP. The City of Bunbury CHRMAP was developed as part of the Capel to Leschenault CHRMAP.

The 2019 CHRMAP prepared for the Koombana Bay area has been considered in the Capel to Leschenault CHRMAP. Outside of Koombana Bay, there has been no prior CHRMAPs prepared for the remainder of the project area.

Coastal engineering consultancy Water Technology along with community planning consultancy Shape Urban were appointed in March 2021 to produce the CHRMAP. The final CHRMAP was presented to the Steering Group in November 2023 and the CHRMAP was finalised in December 2023.

In March 2024, a Short-term Coastal Action Plan was developed to assist City staff and Elected Members in prioritising, budgeting, scoping and implementing the various coastal management actions that were recommended in the CHRMAP, over the next five years. The City also sought the assistance of a consultant to summarise and re-frame the CHRMAP for a public audience (the CHRMAP Summary Report).

Council Policy Compliance

The following Council Policies apply:

- Asset Management
- Climate Change
- Sustainability

Legislative Compliance

State governments across Australia have introduced obligations that require local governments to consider and plan for coastal hazards (inundation and erosion). In Western Australia, the governing policy is the Western Australian Planning Commission's State Planning Policy No. 2.6: State Coastal

Planning Policy (“SPP2.6”). SPP2.6 recommends management authorities develop a CHRMAP for land use or development that is vulnerable to coastal hazards.

Officer Comments

The City’s coastline is exposed to a significant level of coastal hazard risk (specifically coastal erosion and inundation), which will place pressure on public and private assets along the coast as the sea level rises over time. Rising sea levels and intensifying storm activity will increase the risk of coastal inundation (temporary coastal flooding), storm erosion and long-term shoreline recession. The purpose of the City of Bunbury CHRMAP is to provide strategic guidance for coordinated, integrated, and sustainable decision making for future coastal land use planning, including management or, and adaptation to, these coastal hazard risks.

The City of Bunbury CHRMAP describes risk management actions to be undertaken to achieve preferred risk treatments, considering the short-term (0-15 years), medium-term (15-30 years) and long-term (up to 100 years). Coastal hazard vulnerabilities were addressed by dividing the City’s shoreline into five Management Units, recommending adaptation pathways and options to manage the coastal erosion and inundation risk, to give preliminary direction for future investigations and funding opportunities.

CHRMAP Endorsement (Appendix 10.5.1-A)

Four Management Units recommend a short-term option to “investigate and prepare for groynes” to address beach erosion. This means that the City would need to undertake further investigations and studies to determine whether this option is suitable. There is no recommendation to build groynes in the short-term (0 – 15 years).

The CHRMAP recommends that groynes be constructed in the medium to long-term (15 – 100 years). However, this recommendation would depend on the outcomes of the short-term investigations. In endorsing the CHRMAP, Council would not be committing to building groynes. Council would be acknowledging the CHRMAP actions and recommendations to use as a guide for future coastal planning and management. It is important to note that endorsement of the CHRMAP means the City will be eligible for grant funding to implement the Short-term Coastal Action Plan.

The CHRMAP notes that the proposed options should be the subject of further investigations, surveys, policy review, impact investigations (environmental, visual and social), development approval and authorities’ endorsement, local stakeholder and community engagement, preliminary design, detailed design, costing and any other applicable preparation work required prior to being implemented. Following this work, the intent is for the CHRMAP to be reviewed, and the recommended options will be updated to take the new information into consideration.

Short-term Coastal Action Plan (Appendix 10.5.1-B)

The Short-term Coastal Action Plan was developed to help prioritise, budget, scope and implement the various coastal management actions that were recommended in the CHRMAP, over the next five years (2024/2025 to 2028/2029 inclusive). Actions include (but are not limited to) storm impact monitoring, sand and rock source feasibility studies, the development of foreshore management plans, foreshore asset and coastal protection structure audits, and the development of an emergency evacuation plan. The Short-term Coastal Action Plan does not include the construction of protective structures such as groynes or seawalls.

Importantly, State and Federal coastal grant opportunities outline that an ‘endorsed’ CHRMAP is required to be eligible for funding to implement recommended actions. Once the CHRMAP is

endorsed, City officers will systematically work through the actions in the Short-term Coastal Action Plan, accessing grant funding where possible.

CHRMAP Summary Report (Appendix 10.5.1-C)

Community and stakeholder involvement is a critical component of the CHRMAP process, as it defines what and how much value is placed on assets within the coastal management zone. It is recommended that an engagement plan is prepared and implemented to support future local stakeholder and community engagement into the implementation stage of the CHRMAP project.

However, it is important to first ensure the community are aware of and understand what a CHRMAP is and what the recommendations mean. While the final CHRMAP was released for public consultation, the City received limited interest and submissions, which is likely to be in part because the CHRMAP is a highly technical report that is very long (101 pages, plus eight appendices) and structured in accordance with SPP2.6 guidance which is rigid and hard to digest.

A CHRMAP Summary Report is being developed to distil the technical CHRMAP information, to put it simply, and to include frequently asked questions and a description of how the community may be affected. The CHRMAP Summary Report was prepared by a consultant and is currently in draft form, with the intent being to reduce the content further to create a shorter and more streamlined document for public release. The Draft CHRMAP Summary Report, in its current form, gives a comprehensive and detailed overview of the CHRMAP process that is helpful to read and understand.

Shared Coastal Engineering Resource

The CEO and Director of Infrastructure have had preliminary discussions with adjoining local governments including Busselton, Capel and Harvey in regard to identifying key resources required to investigate and implement the outcomes identified in the individual CHRMAP's. There is a need for the local governments to work together and to pool resources and ensure that the coastline and associated investigations and implementations are considered across more than one local government. Consideration should be given to secure Coastal Engineering resources that can work across several local governments and ensure economies of scale, particularly when securing investigations that may be wider ranging than one local government.

Analysis of Financial and Budget Implications

Endorsement of the CHRMAP will enable the City to apply for grant funding, such as the Western Australian State Government, Coastal Adaptation and Protection (CAP) Grant, Coastal Management Plan Assistance Program (CMPAP), Coastwest Grants Program and the Australian Federal Government, Disaster Ready Fund (DRF).

There is an existing budget for CHRMAP preparation and implementation (*PR-4286 – Prepare City of Bunbury CHRMAP*). Identified in the current Long Term Financial Plan are allocations of \$220,000 in FY 23/24, increasing to \$440,000 in FY 24/25, \$660,000 in FY 25/26, \$880,000 in FY 26/27 and \$1,100,000 in future years. It is understood that unspent funds from each financial year will be transferred to a reserve fund.

There is likely to be unspent funds in the short-term, as the implementation of the Short-term Coastal Action Plan is estimated to cost \$868,000 over the next five years. The majority of the costs are likely to be encountered in the medium to long-term, when investigations are complete, and the relevant protection measures are being constructed or implemented.

Community Consultation

Consultation with community, residents, businesses and users of the City of Bunbury coastal zone was undertaken as part of the CHRMAP development. Consultation was undertaken in accordance with a Community and Stakeholder Engagement Plan, which included a Community Assets and Values survey, a community workshop, a briefing session and public advertisement of the CHRMAP. The draft CHRMAP was publicly advertised for 12 weeks (ending 16th June 2023) and five comments were received. A summary of the public review comments and associated responses are included in Appendix H of the final CHRMAP.

Councillor/Officer Consultation

A presentation was delivered to Council on 7 February 2023 by the consultant (Water Technology) and the PNP, which outlined the CHRMAP process and draft CHRMAP recommendations ahead of the public advertisement period. Elected Members were also invited to the community engagement session on 3 May 2023.

Councillor Tresslyn Smith sits on the PNP Board and has received updates for the duration of the CHRMAP project during quarterly board meetings.

The CHRMAP was mentioned at the 1 February 2022 OCM concerning a City of Bunbury Declaration on Climate Change (Council Decision 019/22).

Applicant Consultation

Nil.

Timeline: Council Decision Implementation

On 20 March 2024, the City in partnership with the Department of Transportation Maritime has submitted a grant application requesting \$3.77M from Round 2 of the Australian Federal Government Disaster Ready Fund for repair works to the Leschenault Inlet training walls and channel revetment rock protection structures. These works will increase the height of the channel revetment walls to help protect against the medium term predicted sea level rise identified within the CHRMAP.

The City will submit one or more grant applications (CAP and/or CMPAP) on 17 April 2024, to secure funding to proceed with relevant items as outlined in the Short-term Coastal Action Plan.

The grant applications will be subject to Council endorsement of the CHRMAP prior to grant award.

Outcome of Meeting 23 April 2024

The recommendation (as written) was moved by Cr Andrew and seconded by Cr Kozisek.

The Mayor put the motion to the vote, and it was adopted (en-bloc) to become the Council's decision on the matter.

Council Decision 059/24

That Council resolves to:

- 1. Endorse the final City of Bunbury Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) as presented at appendix 10.5.1-A as a guide for future coastal planning and management.***
- 2. Commence investigations and actions to confirm the assumptions made in the CHRMAP, as outlined in the Short-term Coastal Action Plan, as presented at appendix 10.5.1-B, noting that groynes are a protective option that will be investigated but not constructed in the short-term (0 – 15 years).***
- 3. Prepare and implement an engagement plan to communicate the CHRMAP recommendations and next steps to the community, including the promotion of the CHRMAP Summary Report, as presented at appendix 10.5.1-C.***
- 4. Request the Chief Executive Officer to investigate opportunities to share a Coastal Engineering resource with adjoining local governments to provide a holistic approach to managing the adjoining coastline.***

CARRIED UNANIMOUSLY

11 votes “for” / Nil votes “against”

10.4 Annual Meeting of Electors Motion: Nuytsia Floribunda (listed as 10.2.2 in the agenda)

File Ref:	COB/3605
Applicant/Proponent:	City of Bunbury Electors'
Responsible Officer:	Renae Randall, Team Leader Marketing and Communications
Responsible Manager:	Shae Phillips, Manager Communications and Place Activation
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

This report outlines key considerations related to potential endorsement of Nuytsia Floribunda as floral emblem for the City of Bunbury. The report highlights several reputational and financial risks to the City should the Electors' motion be endorsed.

At the 12 March Ordinary Council Meeting, debate on this item, was adjourned until the 23 April 2024 Ordinary Council Meeting and is now presented to Council for deliberation.

During debate and discussion on this matter on 12 March, it was questioned whether Council had previously (in the early 1990's) made a decision to endorse Nuytsia Floribunda as its floral emblem at that time. Officers' have liaised with the original mover of the electors' motion (Mr Buswell) and tried to locate records of such a decision being made, which has proved unsuccessful.

Executive Recommendation

Motion currently on the table from 12 March (moved Cr Andrew, seconded Cr Turner):

That Council:

- 1. Note the Electors Motion for the Nuytsia Floribunda to be endorsed as the City 's floral emblem.**
- 2. Not support the endorsement of a floral emblem at this time.**

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Prosperity
Aspiration	A unique and desirable destination within the South West Region
Outcome	N/A
Objective	N/A

Regional Impact Statement

N/A

Background

On 30 January 2024 the following motion was passed by the City’s electors at the Annual General Meeting of Electors’:

“That Council investigate and endorse the Nuytsia Floribunda as the City’s Floral Emblem.”

The matter was presented to Council on 12 March 2024 in accordance with section 5.33 of the *Local Government Act 1995*, which requires that all decisions made at an electors’ meeting be presented to Council as soon as practicable following the motion being passed.

Council adjourned debate on this matter for 2 rounds of meetings, with the original executive recommendation (now a motion) currently on the table having been moved by Cr Andrew and seconded by Cr Turner:

That Council:

- 1. Note the Electors Motion for the Nuytsia Floribunda to be endorsed as the City’s floral emblem.*
- 2. Not support the endorsement of a floral emblem at this time.*

During debate and discussion on this matter on 12 March, it was questioned whether Council had previously (in the early 1990’s) made a decision to endorse Nuytsia Floribunda as its floral emblem at that time. Officers’ have liaised with the original mover of the electors’ motion (Mr Buswell) to try and locate records of such a decision being made, which has proved unsuccessful.

As the record of the motion from the 1990s cannot be located and the specifics of the affirmative action required to implement the decision are unknown, it is impossible to understand the context of that decision. Therefore, the Council is recommended to deliberate on the matter raised by the electors in January 2024 separately, without any reference to the previous motion.

Comments specifically relating to the matter of Nuytsia Floribunda as a floral emblem are contained below at Officer Comments.

Council Policy Compliance

N/A

Legislative Compliance

N/A

Officer Comments

The Nuytsia Floribunda is a Western Australian native that produces yellow/orange flowers at Christmas time, resulting in its common name, ‘Western Australian Christmas Tree’.

Nuytsia Floribunda grows in sandy soils and is present across the Southwest, although it has a range extending from Kalbarri to Esperance. The species is the largest parasitic plant in the world; it can attach to the roots of other plants and feed off their sap as well as sustaining itself through photosynthesis. It is a member of the mistletoe family.

1. Operational Considerations

1.1 Adoption of Nuytsia Floribunda as Floral Emblem accessible on community website

Should Nuytsia Floribunda be endorsed by Council as floral emblem, this would need to be made accessible to the community through the City of Bunbury website. This will have a financial implication for the City of approximately \$2,000 (development of floral graphics).

However, the Nuytsia Floribunda emblem is not consistent with the City's existing logo and style guide. This means that practical application beyond the inclusion on the City's website would be limited. Should a decision be made to endorse Nuytsia Floribunda, the City holds risk of this floral emblem having limited perceived relevance.

1.2 Use of Nuytsia Floribunda as additional pictorial on City collateral

Whilst it is possible to use a floral emblem as well as the City's current logo on existing City collateral (such as letterheads) this does present very strong risk of brand confusion, potentially reducing the impact of City marketing and message. This holds further potential ongoing financial risks for the City.

1.3 Inclusion of Nuytsia Floribunda *within* existing City logo/branding

Should a floral emblem be included within the existing City of Bunbury logo, this will require full brand redevelopment.

Full brand redevelopment has financial implications to the City in excess of \$60 000 *excluding* cost incurred for re-printing/development of associated City products (i.e. stationary, uniforms, badges, branded community and corporate images. These costs are unbudgeted and will be substantial.

2. Strategic Considerations

2.1 Reputational Risks

2.1.1 Community Perception of characteristics of Nuytsia Floribunda

Nuytsia Floribunda, whilst a native Australian plant, is also a parasitic plant whose roots can travel up to 110 metres in search of nutrients obtained from the roots of other plants.

The City notes that adopting this plant as emblem does carry reputational risk occurring from negative community/media perception of this adaptive strategy, should observers make correlations between the behaviour of the endorsed floral emblem and the City's behaviour.

2.1.2 Community Perception that Nuytsia Floribunda is not uniquely Bunbury and does not align with current City strategic direction/priorities.

Whilst Nuytsia Floribunda is prevalent across the City of Bunbury, this native does grow throughout the South-West (and more broadly across Western Australia). Adopting this species as emblem holds risk of the City being perceived as not representing the uniqueness of Bunbury through branding.

This also creates potential misalignment with the City's existing Strategic Community Plan (SCP) Outcome 12, 'Promoting a 'unique and desirable destination within the Southwest'. In this, there is further risk of perception that a floral emblem lacks benefit and purpose for the City, as this does not align with key priorities identified by the community through the SCP.

2.1.3. Cultural Sensitivity and Community Demand for a Floral Emblem

The selection of *Nuytsia Floribunda* as a floral emblem holds risk around cultural sensitivity, particularly with Indigenous communities.

Nuytsia Floribunda is a significant species in Western Australian Aboriginal culture. Consequently, its adoption as a floral emblem may not align with the cultural significance and perspectives.

It is essential to consider diverse cultural perspectives and engage with Indigenous communities in the decision-making process regarding floral emblems, and this consultation has not taken place.

More broadly, there has been no community consultation around a floral emblem for the City, and should one be required, which species should be selected.

The City has no known records of community demand for a floral emblem beyond those related to this motion, and does not recommend prioritising resources towards this engagement process given outlined strategic risks.

Given the above, it is requested that Council does not endorse *Nuytsia Floribunda* as the City's floral emblem.

Should the current motion be defeated, officers offer a better-worded alternate recommendation as detailed below, noting that adopting this floral emblem for the City is still not supported for the reasons above:

That Council:

- 1. Note the electors motion to recognise *Nuytsia Floribunda* as the City's floral emblem.*
- 2. Note the practical considerations of adopting an emblem as detailed within this report.*
- 3. Note that Officers have liaised with Mr Buswell in an endeavour to locate previous Council decisions in this regard.*
- 4. For the reasons outlined within this report, not support the adoption of a floral emblem for the City of Bunbury at this time.*

Analysis of Financial and Budget Implications

Estimated \$2,000 for digital floral graphic.

Estimated \$50,000 - \$100,000 for rebranding, plus implementation expenses.

Community Consultation

N/A

Councillor/Officer Consultation

N/A

Applicant Consultation

N/A

Outcome of Meeting 23 April 2024

At the 12 March Ordinary Council Meeting, debate on this item, was adjourned until this meeting.

The order of speakers at the time of the adjournment was:

1. Cr Andrew (Mover, reserved the right to speak)
2. Cr Turner (Secunder, has spoken)

Debate was resumed with a speaker against the motion.

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

Council Decision 060/24

That Council:

1. ***Note the Electors Motion for the Nuytsia Floribunda to be endorsed as the City 's floral emblem.***
2. ***Not support the endorsement of a floral emblem at this time.***

CARRIED UNANIMOUSLY

8 votes "for" / 3 votes "against"

Mayor Miguel and Councillors Andrew, Brown, Kozisek, Ramesh, Smith, Steck and Turner voted for.

Councillors Ghaseb, Quain and Steele voted against.

10.5 Homelessness and Housing Solutions Working Group (listed as 10.2.3 in the agenda)

File Ref:	COB/3297
Applicant/Proponent:	Internal
Responsible Officer:	Jessica Kelly, A/Manager City Growth
Responsible Manager:	Jessica Kelly, A/Manager City Growth
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.2.3-A: Homelessness and Housing Solutions Working Group Proposed Terms of Reference Appendix 10.2.3-B: Homelessness and Housing Solutions Working Group Representative Makeup

Summary

This report seeks endorsement of the terms of reference for the Homelessness and Housing Solutions Working Group and the advertising for community member representatives.

Executive Recommendation

That Council:

1. Endorse Cr _____, and Cr _____ as Council representatives on the Homelessness and Housing Solutions Working Group and Cr _____ as a proxy member.
2. Endorse the representatives as outlined in the **attached** Appendix 10.2.3-B, as representatives on the Homelessness and Housing Solutions Working Group.
3. Endorse the attached Draft Terms of Reference (as **attached** at Appendix 10.2.3-A) for the Homelessness and Housing Solutions Working Group.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome	A safe community
Objective	Improve safety and crime prevention services Modify the physical environment to improve community safety Reduce the harmful use of alcohol and other drugs
Pillar	People
Aspiration	A safe, healthy and connected community
Outcome	A compassionate and inclusive community
Objective	Listen and respond to community needs at all stages of life Support vulnerable groups, including aged persons and those with disability.
Pillar	Place

Aspiration	An integrated, vibrant and well planned City
Outcome	A community with high-quality urban design and housing diversity
Objective	Increase access to safe, affordable and diverse housing options

Background

At the Ordinary Council Meeting held 12 December 2024 Council Decided (269/23):

That the City of Bunbury establish a “Homelessness and Housing Solutions Working Group”.

A presentation was made to Elected Members at the Strategic Briefing held 9 April 2024, seeking their input on the way forward.

Council Policy Compliance

The City’s Governance Framework makes provision for the establishment of Working Groups as a mechanism for facilitating and improving broader participation in the City’s decision-making process.

Legislative Compliance

Not applicable.

Officer Comments

It is proposed that the Homelessness and Housing Solutions Working Group include key high-level staff who are decision-makers and can help facilitate the group being successful in undertaking its key activities. The Chief Executive Officer will be the City of Bunbury representative on the Group but will call on subject matter experts when required. These will include, but not be limited to: the Team Leader Community Law Safety and Emergency Management; the Team Leader Community Development; and the Team Leader City Planning.

Further consideration was given to agency and industry representatives who it was felt could contribute to quality discussion around genuine issues with the supply of affordable housing and work towards suitable housing solutions. Once the working group is formed, the members can discuss any industry representatives that they may feel would be necessary or appropriate as part of the group.

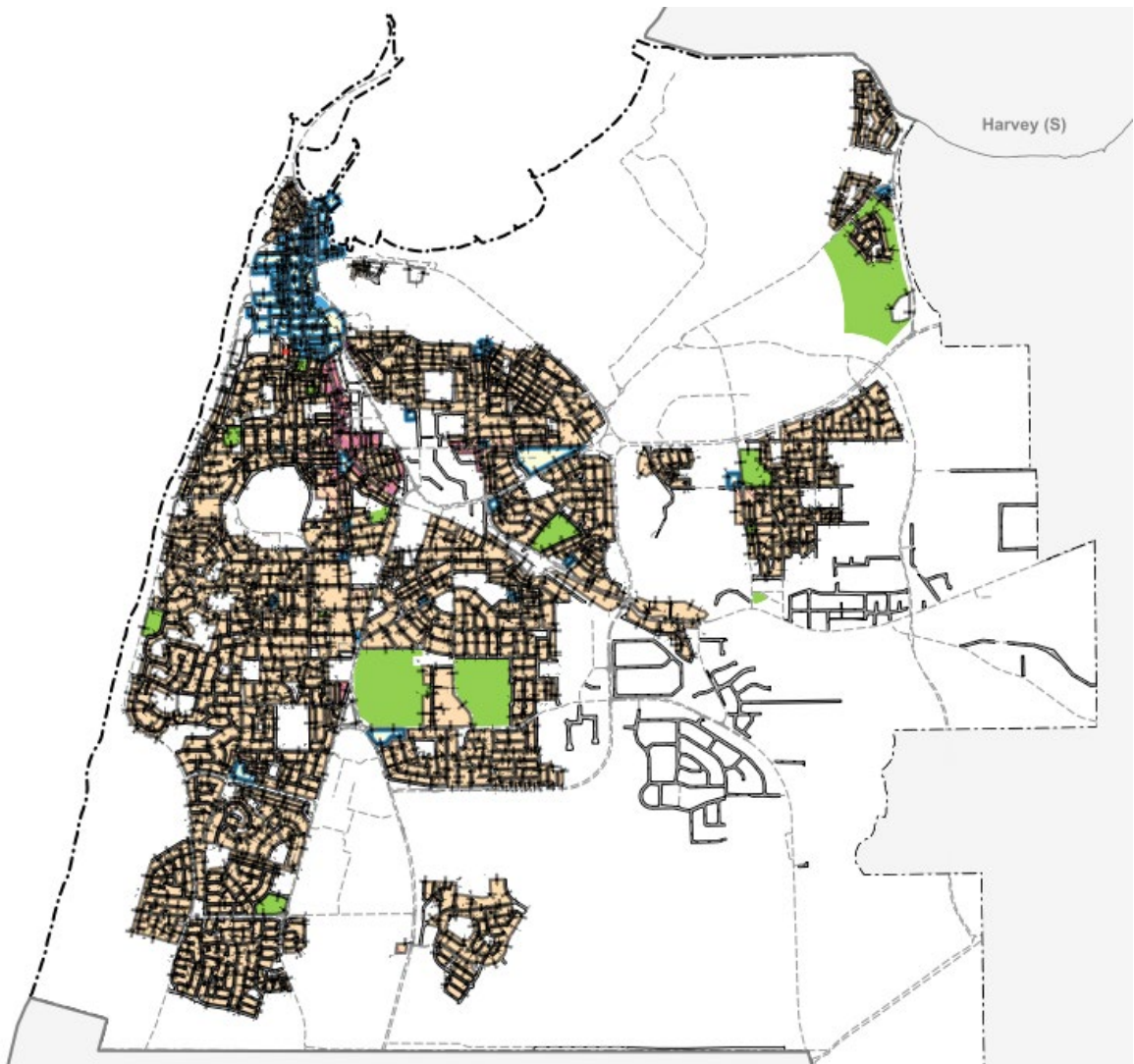
The representative makeup of the group are listed in Appendix 10.2.3-B for Elected Members to consider.

As the Homelessness and Housing Solutions Working Group is not an official Advisory Committee the adherence to *Local Government Act 1995* requirements regarding establishment are not applicable. This will allow the group to liaise directly with key stakeholders who have a strong interest in homelessness and housing solutions to assist in working towards the delivery of a the key activities listed in the Terms of Reference.

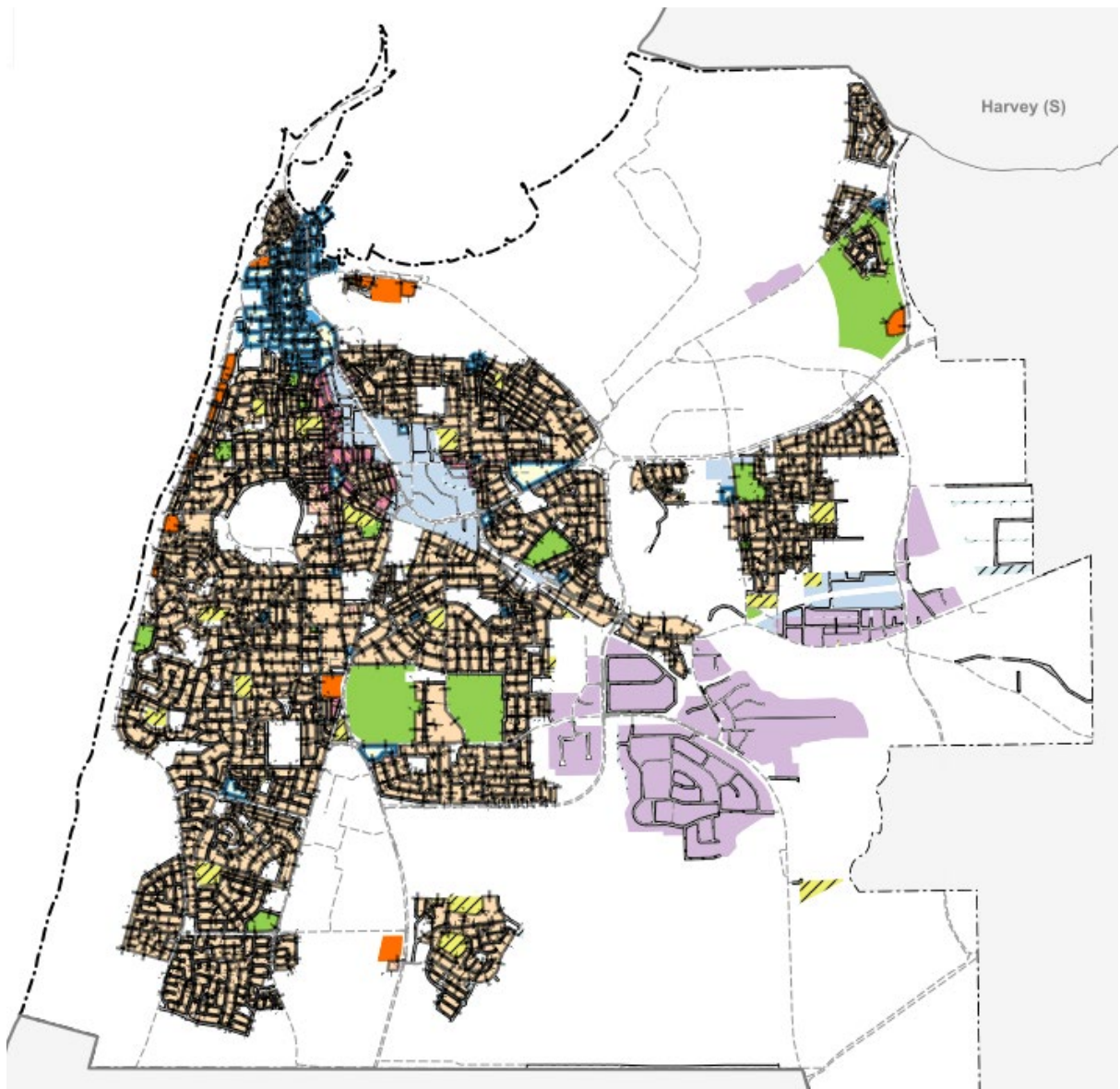
Under existing zoning in LPS8, short-term crisis accommodation could be accommodated within the City:

Land Use	Example	Zoning Permissibility
Residential Building <i>a building or portion of a building, together</i>	• #15 Forrest Avenue -	‘D’ use in Regional Centre, Mixed Use – Commercial,

<p><i>with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:</i></p> <ul style="list-style-type: none">- temporarily by two or more persons; or- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.	<p>Accord West Building</p> <ul style="list-style-type: none">• #25 Victoria Street - Access Housing Australia	<p>Mixed Use – Residential and Private Community Purpose Zones</p> <p>‘A’ use in Residential Zone.</p>
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Land Use	Example	Zoning Permissibility
<p>Community Purpose <i>means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.</i></p>	<ul style="list-style-type: none"> #53 Beach Road - South West Refuge 	<p>'P' use in Regional Centre and District Centre Zone.</p> <p>'D' use in Neighbourhood Centre, Mixed Use – Commercial, Tourism Zone, Private Community Purpose, and Service Commercial Zone.</p> <p>'A' use in Local Centre, Mixed Use – Residential, Residential and Light Industry Zone.</p>



Analysis of Financial and Budget Implications

Nil

Community Consultation

Advertising will be undertaken for Community Representatives on the Working Group.

Councillor/Officer Consultation

Elected Members were aware of this proposal as it resulted from a Motion passed at the Ordinary Council Meeting held 12 December 2024.

A workshop was held on 3 January 2024 to discuss the system of support for homelessness and a presentation was made to Elected Members at the Strategic Briefing held 9 April 2024, seeking their input on the way forward.

The Draft Terms of Reference were distributed to Elected Members for comment on 12 April 2024.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Once Council approves the Terms of Reference and Membership of the Group, advertising will be undertaken for community representatives and it envisaged that inaugural meeting of the Group will occur in June 2024.

Outcome of Meeting 23 April 2024

The Mayor called for nominations for the Homelessness and Housing Solutions Working Group. Councillors Steck, Brown, Ghasseb and Ramesh self-nominated.

The Mayor advised that he would deal with each point of the Executive Recommendation separately. The outcomes of each point are as follows:

Part 1:

[That Council] endorse Cr _____, and Cr _____ as Council representatives on the Homelessness and Housing Solutions Working Group and Cr _____ as a proxy member.

The recommendation, was moved by Cr Ghasseb and Seconded by Cr Steele with the inclusion of the nominees as follows noting the increase from the originally proposed two to four members:

*Endorse Councillors **Steck, Brown, Ghasseb, and Ramesh** as Council representatives on the Homelessness and Housing Solutions Working Group and all other Councillors as proxy members*

CARRIED 9 Votes 'for' / 2 Votes 'against'

Mayor Miguel and Councillors Andrew, Ghasseb, Kozisek, Quain, Ramesh, Steele, Smith and Steck voted for.

Councillors Brown and Turner voted against.

Part 2:

*[That Council] endorse the representatives as outlined in the **attached** Appendix 10.2.3-B, as representatives on the Homelessness and Housing Solutions Working Group.*

The recommendation as written was moved by Cr Steele and seconded by Cr Andrew.

CARRIED UNANIMOUSLY

Part 3:

*[That Council] Endorse the attached Draft Terms of Reference (as **attached** at Appendix 10.2.3-A) for the Homelessness and Housing Solutions Working Group.*

The recommendation (as written) was moved by Cr Andrew and seconded by Cr Quain.

CARRIED UNANIMOUSLY

Council Decision 061/24

That Council:

- 1. Endorse Councillors Steck, Brown, Ghasseb, and Ramesh as Council representatives on the Homelessness and Housing Solutions Working Group and all other Councillors as proxy members***
- 2. Endorse the representatives as outlined in the attached Appendix 10.2.3-B, as representatives on the Homelessness and Housing Solutions Working Group.***
- 3. Endorse the attached Draft Terms of Reference (as attached at Appendix 10.2.3-A) for the Homelessness and Housing Solutions Working Group.***

CARRIED

10.6 Evolve Transformation Program Update (listed as 10.3.1 in the agenda)

File Ref:	DOC/1280472
Applicant/Proponent:	Internal
Responsible Officer:	Jordan Hunt, Team Leader Integrated Planning
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.3.1-A Evolve Program Update – March 2023

Summary

The attached report provides an update on the progress of the City’s Evolve Transformation Program for the past quarter. It details the progress against the schedule, key achievements and intended activities for the next period, proportion of budget spent, benefits achieved, and details of the social responsibility agreement with technology partner Mastek (previously Evolutionary Systems, “Evosys”).

Executive Recommendation

That Council receive and note the Evolve Transformation Program Update, as provided at Appendix 10.3.1-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust performance.
Outcome 13	A leading local government.
Objective 13.2	Adopt innovations to improve business efficiencies and the customer experience.

Regional Impact Statement

The Evolve Transformation Program (“Evolve”) will make the City of Bunbury the best local government in regional WA and enable us to build a Better Bunbury now and into the future.

Background

The Evolve Transformation Program will significantly enhance the City’s ability to meet our strategic anchors of improved community impact, enhanced reputation and ensuring the sustainability of our services. Changes made through the Evolve Transformation Program will revitalise internal processes, helping us to achieve our organisational purpose of building a better Bunbury through continuous improvements to the way we work.

The Evolve Transformation Program will also build organisational adaptability, enabling a 7% organisational capacity increase equivalent to more than 36,000 hours a year of productivity which can be further invested in offsetting future costs, enhancing service delivery or building further efficiencies. This will allow for greater innovation, enterprise and ongoing improvement within a rapidly and continuously changing social and economic environment.

The successful implementation of the Evolve Transformation Program will achieve significant benefits to the organisation and its community. The extent of these benefits will be tracked and measured as the project is rolled out.

Council Policy Compliance

Tendering for goods and services is conducted in accordance with:

- Purchasing Council Policy; and
- Access and Inclusion Policy.

Legislative Compliance

All elements of the Evolve Transformation Program are developed and rolled out in line with or exceeding the required Legislation.

Officer Comments

Key achievements for the previous period are detailed in the report for the technology and business streams of the program.

Analysis of Financial and Budget Implications

N/A

Community Consultation

N/A

Councillor/Officer Consultation

Ongoing

Applicant Consultation

N/A

Timeline: Council Decision Implementation

It is anticipated that all elements of the Evolve Transformation Program will be implemented over the next 6 months, with ongoing culture and change management in the 24 months following to ensure the acquired processes and tools are embedded into the organisation.

Outcome of Meeting 23 April 2024

The recommendation (as written) was moved by Cr Andrew and seconded by Cr Steck.

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

Council Decision 062/24

That Council receive and note the Evolve Transformation Program Update, as provided at Appendix 10.3.1-A.

CARRIED UNANIMOUSLY
11 votes “for” / Nil votes “against”

10.7 Renaming section of Trinity Rise, College Grove between Somerville Drive and University Close.
(listed as 10.3.2 in the agenda)

File Ref:	COB/1279
Applicant/Proponent:	Internal
Responsible Officer:	Leonie Barwick, Team Leader Corporate Revenue
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.3.2-A DP426456 Appendix 10.3.2-B Road portion to be renamed Appendix 10.3.2-C Approved Road Name List

Summary

Due to the residential development at Lot 70 Winthrop Avenue (Refer Appendix 10.3.2-A), there is now a requirement for street addressing for the new lots. There is currently no street number availability.

It is proposed that the portion of Trinity Rise from Somerville Drive to University Close is renamed (Refer Appendix 10.3.2-B).

The proposed new road name to be Scholtzia Way (Refer Appendix 10.3.2-C)

Executive Recommendation

That Council:

1. That Council endorse the name change of the road between Somerville Drive to University Close, formerly Trinity Rise, to Scholtzia Way;
2. That College Grove residents and ratepayers are notified of the name change.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Place
Aspiration	an integrated, vibrant, and well-planned City.
Outcome 9	A city that is easy to get around safely and sustainably.
Objective 9.3:	Improve road safety, connectivity, and traffic flow.

Regional Impact Statement

There is no regional impact associated with the renaming of the section of Trinity Rise between Somerville Drive and University Close.

Background

During the initial development of College Grove, the road name Trinity Rise was allocated for the developing lots North of Somerville Drive. At the time, the land immediately north of Somerville

Drive was set aside for public purpose and/or government owned. Therefore street numbering for developed residential lots on Trinity Rise did not begin until halfway along the road at the northern end.

By renaming a portion of Trinity Rise, street numbering can be assigned to lots currently under development and any future development along this section of road.

If the section of road remained as Trinity Rise, there would be fourteen properties which would require new street addressing. If the portion of the road is renamed as a continuation of University Close, there would be six property owners affected by a change in street addressing.

Council Policy Compliance

Street Addressing Council Policy
Naming of Roads, Reserves, Bridges and Other Places Council Policy

Legislative Compliance

Local Government Authorities are responsible for, and have control of, the numbering process.

Landgate's Geographic Names Committee is responsible for the official naming of Geographic features such as roads and localities.

Officer Comments

A request to Landgate (Location Intelligence) confirmed the limited options based on the current numbering arrangement.

The current numbering commences on the north portion of Trinity Rise. This numbering allocation does not allow for the addressing of any developed land on the south portion.

The renaming of Trinity Rise would allow for the addressing of the affected development and future development.

Analysis of Financial and Budget Implications

The street sign will be replaced and cost will be accommodated within the City's existing signage budget.

Community Consultation

The road name change will not directly affect any landowners as there are no rateable properties on this section of road.

Elected Member/Officer Consultation

The City of Bunbury Planning, Design and Projects and Asset Management Departments have been notified of the proposed renaming and had no objection to the recommendation.

Applicant Consultation

Not Applicable.

Timeline: Council Decision Implementation

Following Council endorsement the City will submit the road name to Landgate for approval.

Outcome of Meeting 23 April 2024

The recommendation (as written) was moved by Cr Steele and seconded by Cr Andrew.

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

Council Decision 063/24

That Council:

- 1. That Council endorse the name change of the road between Somerville Drive to University Close, formerly Trinity Rise, to Scholtzia Way;**
- 2. That College Grove residents and ratepayers are notified of the name change..**

CARRIED

7 votes “for” / 4 votes “against”

Mayor Miguel and Councillors Brown, Kozisek Quain, Ramesh, Steele and Turner voted for.

Councillors Andrew, Ghasseb, Smith and Steck voted against.

10.8 Rate Exemption Application – 4 Absolon Street & 1B Dixon Street, Carey Park (listed as 10.3.3 in the agenda)

File Ref:	COB/1130
Applicant/Proponent:	Housing Choices Australia
Responsible Officer:	Leonie Barwick, Team Leader Corporate Revenue
Responsible Manager:	David Ransom, Finance Manager
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Nil

Summary

An application for rate exemption has been received from Housing Choices Australia who currently lease 4 Absolon Street and 1B Dixon Street, Carey Park from the Department of Communities – Housing, totalling \$3,502 per annum (23/24 rates) under Section 6.26 (g) of the *Local Government Act 1995* – land used exclusively for charitable purposes.

Executive Recommendation

That Council grants a rate exemption to Housing Choices Australia under Section 6.26 (g) of the Local Government Act 1995 for 4 Absolon Street and 1B Dixon Street, Carey Park effective from 1 July 2024.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.3	Effectively manage the City's resources

Regional Impact Statement

Accepting the rate exemption application from Housing Choices Australia will reduce the City's rate revenue but will not have a regional impact.

Background

Housing Choices Australia have advised they are a not-for-profit organisation and that the properties are used to provide subsidised accommodation for the relief of poverty or distress for people in need.

Council Policy Compliance

Council does not have a policy for the exemption of rates as this is provided for under Section 6.26 of the *Local Government Act 1995*.

Legislative Compliance

The *Local Government Act 1995* – Section 6.26 (g) states:

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land -*
 - (g) *land used exclusively for charitable purposes.*

Officer Comments

Housing Choices Australia have provided the requested supporting documentation for their application and based on the internal assessment by officers, meets all criteria for a rate exemption. This assessment is based on the WALGA “Rate Exemptions Guidelines” which have been developed in consultation with the WA Rates Officer’s Association.

Should the application be declined, the organisation has the option to take this matter to the State Administrative Tribunal (SAT).

All rate exempt properties are reviewed on a 2 yearly basis. The City currently has 427 properties that are exempt which is a loss of rate income of \$1,550,973 per annum.

The City has made numerous representations to the Department of Local Government, Sport and Cultural Industries on the growth of the rate exemption applications and the impact this has on other ratepayers.

Analysis of Financial and Budget Implications

Approval of this exemption will result in a reduction of rates income of \$3,502 per annum.

As the proposed exemption is to be granted effective from 1 July 2024, this application, if approved will not have an effect on the forecast Closing Surplus Position to 30 June 2024.

Community Consultation

There is no requirement for community consultation on this application.

Councillor/Officer Consultation

Councillors were provided with a briefing on rate exemptions under the *Local Government Act 1995* on 10 September 2018.

Applicant Consultation

Not Applicable.

Timeline: Council Decision Implementation

The Applicant will be notified of Councils decision and that the exemption will apply from 1 July 2024.

Outcome of Meeting 23 April 2024

The recommendation (as written) was moved by Cr Turner and seconded by Cr Kozisek.

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

Council Decision 064/24

That Council grants a rate exemption to Housing Choices Australia under Section 6.26 (g) of the Local Government Act 1995 for 4 Absolon Street and 1B Dixon Street, Carey Park effective from 1 July 2024.

CARRIED UNANIMOUSLY
11 votes "for" / Nil votes "against"

10.9 Proposed Amendment to Original Approval 2022/112 – Fast Food Outlet and Associated Drive Through Facility at Lot335 #10 Broadway, Pelican Point (listed as 10.4.2 in the agenda)

File Ref:	DA/2022/112/2
Applicant/Proponent:	Tecon Australia
Responsible Officer:	Philip Diamond, Planning Officer
Responsible Manager:	Barbara Macaulay, Manager Planning & Building
Executive:	Sarah Upton, A/Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input checked="checked" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="checked" type="checkbox"/> Legislative
Attachments:	Appendix 10.4.2-A: Executive Recommendation Appendix 10.4.2-B: Location Plan Appendix 10.4.2-C: Original Approval Appendix 10.4.2-D: Planning Report Appendix 10.4.2-E: Development Plans Appendix 10.4.2-F: State Planning Policy 7.0 Assessment

Summary

Development Approval was granted by Council at the Ordinary Council Meeting held 6 September 2022 for a ‘Fast Food Outlet’ with an associated drive through facility at Lot 335(#10) Broadway, Pelican Point. The City has received an application to amend the approved plans to include a second storey addition to be used as an ‘Office’ for the business.

City Officers noted several concerns with the initial plans relating to the proposed design, parking manoeuvrability and landscaping provision, however the applicant has since addressed these concerns through modified plans. The proposal has been assessed against the relevant planning framework and is considered compatible with the development standards.

As the initial Development Approval was determined by Council, Officers do not have delegation to determine the amendment application. It is therefore referred to Council for determination with a recommendation of conditional approval.

Executive Recommendation

That Council, in accordance with clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Bunbury Local Planning Scheme No. 8 (LPS 8), resolves to approve the amendment application for a ‘Fast Food Outlet’ with associated drive through and ‘Office’ at Lot 335 (#10) Broadway, Pelican Point in accordance with conditions attached at Appendix 10.4.2-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well planned City
Outcome 7	A community with high quality urban design and housing diversity.
Objective 7.1	Promote responsible planning and development.

Regional Impact Statement

The proposal relates to an individual property and is not considered to have a regional impact.

Background

The subject site is included within the Local Centre Zone, with a residential density coding of R60. A location plan is attached at Appendix 10.4.2-B. A summary table of details relating to the subject site are as follows:

Property Address:	Lot 335 (#10) Broadway, Pelican Point
Zoning:	'Local Centre Zone' (R60)
Existing Land Use:	Vacant (Current) - 'Fast Food Outlet' Approved
Lot Area:	1605m ²
Heritage:	N/A

Development Approval was granted by Council at the Ordinary Council Meeting held 6 September 2022 (Appendix 10.4.2-C). This approval was for a single storey 'Fast Food Outlet' with an associated drive through facility.

The subject amendment application seeks to amend the approved plans, to include a number of modifications. These modifications can be summarised as follows:

- An addition of a second storey 'Office' with 126m² gross floor area;
- A building height increase from 3.1m to 6.5m;
- The alteration of the internal layout of the ground floor, including an increase to the gross floor area from 58.4m² to 72m² and the removal of the front patio/verandah;
- A reconfiguration of the patron seating area;
- A reduction to the front setback of the building from 16m to 13m;
- The addition of 4 parking bays;
- A reduction of the landscaping of the site (18.7% to 15.3% site coverage) to facilitate additional parking bays; and
- The addition of a storage shed.

While a number of modifications have been noted, the primary development remains the same as originally approved for the 'Fast Food Outlet' with associated drive through facility. As such, the assessment of the application considers the proposed amendments to the built form and their compliance with relevant legislation.

A copy of the planning report and development plans are attached at Appendix 10.4.2-D and 10.4.2-E.

Council Policy Compliance

Not applicable.

Legislative Compliance

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

Legislation

- *Planning and Development Act 2005*;
 - *Planning and Development (Local Planning Schemes) Regulations 2015*.
-

State Planning Framework

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7).
- State Planning Policy 7.0 – Design of the Built Environment (SPP7.0).

Local Planning Framework

- City of Bunbury Local Planning Strategy;
- City of Bunbury Local Planning Scheme No.8 (LPS8);
- Local Planning Policy 3.0 – Zone Development Requirements (LPP3.0);
- Local Planning Policy 3.1 - Access & Parking for Pedestrians, Bicycles and Vehicles (LPP3.1)
- Local Planning Policy 48 – Landscaping (LPP48)

Officer Comments

Land Use

The subject lot is zoned Local Centre under the City of Bunbury Local Planning Scheme No.8 (LPS8). The proposed predominant land use remains as 'Fast Food Outlet' while including an additional 'Office' area which is a 'D' use in the zone. This 'D' use means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

The 'Office' is proposed to be incidental to the 'Fast Food Outlet' (Full of Beanz). The 'Office' land use and associated development are considered to be minor amendments to the original development approval. The addition of a second storey is not considered to pose a negative impact on the surrounding residential area.

Parking

In accordance with the requirements of Local Planning Policy 3.1: Access & Parking for Pedestrians, Bicycles and Vehicles (LPP 3.1) and LPS8, the internal changes of the ground floor of the structure and the addition of the second storey office use has increased car parking requirements. Notwithstanding this, the proposal has provided sufficient spaces to cater to these additional requirements.

Car Parking Requirements		
	Required bays	Provided bays
Car Parking Bays	8	11
Service Vehicle Bays	1	1
Bike Parking Bays	1	2

While City Officers had concerns regarding manoeuvring ability for certain parking bays and loading vehicles, the applicant has addressed these concerns through amended plans and the provision of vehicle sweep paths.

Built Form

The proposed alterations to the main building and additional storage shed have been assessed against the relevant planning framework for the Local Centre Zone and are compliant, apart from the minimum floor to ceiling height for the second storey. The proposed second storey does not comply with the required minimum 3.5m storey height for development in the Local Centre Zone. The wall height requirements within the policy are intended to ensure that change of use developments in the future are able to utilise buildings in the Local Centre zone. While noting the proposed variation, the building is purpose built and specialised, it is unlikely to function for other

uses beyond 'Fast Food Outlet'. In addition, the height reduction and increased setback to the front elevation is considered to reduce the general bulk of the structure on the streetscape. As such, the reduced height in this circumstance is considered acceptable.

The proposed appearance of the structure, while double storey, is broadly consistent with that previously approved. Notwithstanding this, the applicant was requested to modify the building design in consideration to State Planning Policy 7.0: Design of the Built Environment as it was not considered to be consistent with Design Principle 7 – Legibility. The applicant provided an assessment against SPP 7.0 (Appendix 10.4.2-F) and amended screening proposal for the patron seating area which has facilitated a greater level of passive surveillance to the street and lessened the building bulk impact to the street frontage (Appendix 10.4.2-E). These amended plans have addressed Officers initial concerns regarding legibility and interactivity with the pedestrian environment.

The proposed storage shed will be obscured from the streetscape by the main building and is compliant with required setbacks. As such, no concern has been raised regarding this new structure.

Landscaping

The required landscaping for the Local Centre Zone is 1 shade tree per every 6 parking bays and therefore the site requires 2 shade trees. The proponent has provided more than the minimum required amount of landscaping, with 15.3% of the site being landscaped lot coverage, in addition to the shade tree requirement. This is considered to break up the proposed extensive hardstand areas and building form.

The proposed amendments have reduced the provided landscaping for the lot, however a sufficient level of landscaping is still proposed. In addition, the initial plans included a landscaping strip inconsistent with the requirements of the City's Local Planning Policy in terms of width (0.9m in lieu of the required 1m). The applicant has since amended this to comply with the 1m requirement and a detailed landscaping plans has been conditioned in the initial approval.

Traffic

The proposed additions and modifications do not increase the development's capacity for customers or intensify the land use of the 'Fast Food Outlet'. As such, the impact from traffic assessed within the original Traffic Impact Statement (TIS) is considered to be unchanged within this amended proposal.

Analysis of Financial and Budget Implications

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

No advertising was undertaken as part of the assessment of this application. While the 'Fast Food Outlet' is an 'A' use (requiring public advertising as part of an application), this land use has been approved as part of the original approval and advertising was undertaken within that assessment accordingly.

The proposed 'Office' is a 'D' use in the Local Centre Zone which does not require advertising unless a variation is proposed that would impact surrounding residents. As previously noted, the works

are generally compliant with policy requirements. As the overall building height was compliant, the variation to the second storey floor to ceiling height was not considered to impact surrounding residents and as such the amended application was not advertised.

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 applicant has been informed of the Officer recommendation and provided a copy of the recommended conditions with no objections.

Timeline: Council Decision Implementation

Should Council refuse the application, the applicant has the option to lodge an appeal within 28 days of the date of the decision to the State Administrative Tribunal.

Outcome of Meeting 23 April 2024

Councillor Quain left the chamber at 5:58pm as she declared a financial interest in this item.

Matthew Fink delivered a deputation to Council in relation to this item.

The recommendation (as written) was moved by Cr Kozisek and seconded by Cr Andrew.

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

Council Decision 065/24

That Council, in accordance with clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bunbury Local Planning Scheme No. 8 (LPS 8), resolves to approve the amendment application for a 'Fast Food Outlet' with associated drive through and 'Office' at Lot 335 (#10) Broadway, Pelican Point in accordance with conditions attached at Appendix 10.4.2-A.

CARRIED UNANIMOUSLY
10 votes "for" / Nil votes "against"

Cr Quain returned to the Chamber at 6:05pm

10.10 Prinsep Streetscape Concept Design (listed as 10.5.2 in the agenda)

File Ref:	DOC/1282976
Applicant/Proponent:	Internal report
Responsible Officer:	Carol Marter – Landscape Architect, Cameron Scott – Coordinator Engineering Design
Responsible Manager:	Stacey Meredith – A/Manager Projects and Asset Management
Executive:	Gavin Harris, Director Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.5.2-A Prinsep Streetscape Concept Plan Option A Appendix 10.5.2-B Prinsep Streetscape Concept Plan Option B Appendix 10.5.2-C Preliminary Concept Plan and Visualisations Appendix 10.5.2-D Submission Summary

Summary

Council officers have been developing a vibrant new streetscape design for Prinsep Street. This report presents two concept plans for Council consideration, named Option A (appendix 10.5.2-A) and Option B (Appendix 10.5.2-B). Both respond to the comments received from the recent stakeholder engagement round.

Executive Recommendation

That Council:

1. Adopt Option A, as presented at appendix 10.5.2-A, for the redevelopment of Prinsep Street and request officers to proceed to detailed design.
2. Consider allocating funding of \$1.15 million for detailed design and construction of Prinsep Street as part of the 2024-2025 and subsequent 2025-2026 budget deliberations.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant, and well - planned City.
Outcome 8	A Place with attractive and welcoming community spaces where people want to live.
Objective 8.1	Create a strong and vibrant City Centre.

Regional Impact Statement

City of Bunbury is continuing work to beautify its CBD streets as part of implementing the City Centre Action Plan. The City Centre Action Plan sets out a vision to achieve a network of thriving and attractive streets and laneways that are engaging, inclusive, easily accessible, integrated in design, and celebrate our identity.

The redesign of Prinsep Streetscape will increase the appeal, safety, and function of the street and will provide benefit for our community at a local and regional scale. This project has the potential

to set a template for other streets in our CBD, and to establish a precedent for high quality future works.

Background

The City's Roads Asset Management Plan identifies Prinsep Street as being in 'Poor Condition' and identifies that it is due for renewal. The road seal has deteriorated, and large structural cracks are present in the surface layer. These large cracks make the underlying pavement susceptible to water ingress and loss of strength and integrity. This loss of strength and integrity will likely see road degradation occur imminently.

Due to its poor condition, reconstruction of the carriageway and parking areas is required for this section of Prinsep Street, (between the intersection at Haley/Prinsep/Carmody and Victoria Street). Undertaking these works will result in disruption for local trade and businesses due to the extent of excavation and scale of the works. This presents an opportunity to upgrade the entire streetscape and undertake Council works in a strategic, integrated, and holistic manner.

Currently, Prinsep Street is dominated by parking, with no street trees and heavy building canopies that dominate the streetscape. Footpaths are narrow, and pedestrian movement is constrained by the placement of light poles, temporary signage boards, and permanent parking signage. The existing brick paving is dated and in need of renewal.

The current street configuration does not provide safe crossing points, with pedestrians required to traverse between parked cars when crossing the street. The existing kerbing and constrained footpath widths pose a barrier and hazard to those with physical and visual impairments.

Council officers have designed a new streetscape for Prinsep Street that continues the high-quality treatments from the Haley/Prinsep/Carmody intersection, terminating at Victoria Street. The key aim of the design is to elevate the appeal and function of the street and create a welcoming, attractive, and safe environment for local users and the wider community.

A Preliminary Concept Plan was developed to undertake a targeted engagement round with business owners and property owners in Prinsep Street, in March 2024. The Preliminary Concept Plan was presented to business owners and property owners for their comment. In general, the overall project is supported. However, concerns were raised around the loss of parking, as the Preliminary Concept Plan proposed a loss of 7 carparks from the existing parking format.

The Preliminary Concept Plan was updated to address comments received in the engagement round, presented as Option A. Option A added 2 parking spaces back into the design resulting in a loss of 5 carparks from the existing parking format. Further changes are also proposed that reflect comments received during the engagement round. The inclusion of the 2 parking spaces has had minimal impact on the key design objectives, such as footpath widths and greening.

Option B was also developed that provides for angled parking on the north side of the street, resulting in a loss of only 2 carparks from the existing parking format. However, Option B restricts the scope for implementing other beneficial and key aspects of the design, due to the depth and space required for angled parking bays.

Council Policy Compliance

N/A

Legislative Compliance

N/A

Officer Comments

The main intention of this project is to create a safe, functional, and well executed design outcome for Prinsep Street. Option A and B presented in this report both reflect the following key design elements. However, Option A presents the best outcome in translating these key elements into a workable streetscape design.

The key design elements are:

- Increased road safety by slowing vehicle movements through the street.
- Creating a designated mid-block crossing point aligned with the entrance to Central Arcade.
- Generous footpath widths with an increase of up to one metre in specific locations, to increase pedestrian comfort and allow for increased accessibility.
- The introduction of greening and shade through planting new street trees and associated amenity garden underplanting. This is in line with the City of Bunbury Greening Plan target to increase canopy cover in the City by 10 percent by 2030. The City's current canopy cover is 13.7 percent, well below the WA average of 20 percent.
- Opportunities for people to sit and stop in the streetscape in a relaxed environment, with a new central alfresco area to help attract more people into the street.
- Improved lighting for the safety and comfort of pedestrians.

The targeted stakeholder engagement round (outlined in detail below) has resulted in changes to the original Preliminary Concept Plan that was distributed to business owners and property owners for comment. Two design options, Prinsep Streetscape Concept Plan Option A and Prinsep Streetscape Concept Plan Option B have been developed for Council consideration.

Prinsep Streetscape Concept Plan Option A (Appendix 10.5.2-A)

This design presents an update to the Preliminary Concept Plan, with specific changes made to address feedback received through the engagement round. These changes are:

- 2 x additional 15-minute parking bays.
- 2 x additional parallel parking bays (total of 22 bays).
- Extension to the loading zone to better allow for truck movement.
- New arrangement of the south side alfresco zone.
- Red asphalt to delineate parking bays.

Outlined below are the pros and cons for Option A and have been developed in comparison to the existing conditions in the street.

Pros of Option A

Option A changes the existing parking format from angled bays to parallel bays to the north side of the Street. This ensures the following design outcomes can be achieved to the entire project area:

- **Designated pedestrian crossing** is provided at the mid-point of Prinsep Street, outside the Central Arcade, which provides a safer opportunity to cross the road than currently exists.
 - **Increased pedestrian safety** is generated through providing more space in the pedestrian realm and more space for users with limited mobility. This generates a comfortable pedestrian environment.
 - **Increased road safety.** The possibility of cars reversing into traffic is eliminated through the removal of all angled parking bays. MRWA Crash Map Data shows that 4 out of the 5 crashes in the last 5 years have resulted from Parking Vehicle Movements, so removal of
-

the angled bays would work to reduce this crash risk. The risk of drivers coming from the opposite direction doing a 225 degree turn to access angled bays is also eliminated.

- **Amenity.** The inclusion of parallel parking increases visibility to shop frontages and the streetscape. It also provides more footpath space to allow for street furniture.
- **Greening.** Available space is generated for tree and garden planting, that will reduce the urban heat island effect, provide shade for pedestrians, and help to achieve targets under the Greening Bunbury Plan. 16 street trees are proposed with this option.
- **Sustainable design for the future** whereby opportunities are created for future alfresco parklets and fluid use of space, as land use changes over time.

Cons of Option A

- **Parking reduction** of 5 x carparks from the existing parking format.
- **Removal of taxi bays** from the street, to maximise opportunities for parking.
- **Relocation of motorcycle parking** from Prinsep Street to Stephen Street where there is space to accommodate that. Please refer to **Table 1** below for a comparison of parking arrangements in Prinsep Street.

Prinsep Streetscape Concept Plan Option B (Appendix 10.5.2-B)

This design incorporates the same changes as Option A to address feedback received through the engagement round. Option B also retains some angled parking on the north side of the street. The pros and cons of Option B are described below and have been developed in comparison with Option A and the existing conditions in the Street.

Pros of Option B

There will only be a loss of 2 x carparks for the street. Please refer to **Table 1** below for a comparison of parking arrangements. Option B will still deliver on the original design intents described above, although at a reduced extent to what is proposed in Option A. This option also removes the taxi bays and motorcycle parking from the street.

- **Designated pedestrian crossing** is provided at the mid-point of Prinsep Street, outside the Central Arcade. Providing a safer opportunity to cross the road than currently exists.
- **Car parking opportunities.** Leaving some of the existing angled parking bays reduces the loss of car parking opportunities through the project.
- **Amenity.** The realignment of bays does provide for some amenity benefits compared with the existing streetscape. However, there is less available space for street furniture and garden planting, with a loss of 2 amenity garden beds and 1 seat from what is proposed in Option A.
- **Greening.** Available space is still generated for tree and garden planting, that will reduce the urban heat island effect, provide shade for pedestrians, and help to achieve targets under the Greening Bunbury Plan. 14 street trees are proposed with this option, as opposed to 16 street trees in Option A.

Cons of Option B

The depth and space required for angled parking results in a loss of key design elements. This forms a fragmented and inconsistent design outcome, particularly in regard to footpath widths and street tree/garden planting.

- **Parking reduction** of 2 x carparks from the existing parking format.
 - **Removal of taxi bays** from the street, to maximise opportunities for parking.
 - **Relocation of motorcycle parking** from Prinsep Street to Stephen Street where there is space to accommodate that. Please refer to **Table 1** below for a comparison of parking arrangements in Prinsep Street.
-

- **Pedestrian safety** is not prioritised with this design, as the existing footpath widths will need to be retained on the north side of the street to retain the angled parking. This will result in varying footpath widths across the streetscape.
- **Road safety.** Retaining angled parking bays does not eliminate the crash risk from Parking Vehicle Movements. MRWA Crash Map Data shows that 4 out of the 5 crashes in the last 5 years have resulted from Parking Vehicle Movements.

Table 1 – Comparison of parking arrangements in Prinsep Street

Bay Type	Existing Qty	Option A	Option B
Normal	23	16	19
15 Minute	3	5	5
Loading	1	1	1
Total Car Bays	27	22	25
Taxi	3	0	0
Motorcycle	4	0	0

The preferred option is Option A. The pros of this design align with the original key design intent of prioritising pedestrian safety, increasing greening and increasing road safety, to the maximum extent possible in the Street. Option A is in line with the aims of the City Centre Action Plan and aligns with the City of Bunbury Corporate Business Plan “Place” outcomes and objectives. Option B will still deliver on the original design intents described above, although at a reduced extent to what is proposed in Option A.

Analysis of Financial and Budget Implications

The Corporate Business Plan, under *Implement CBD Roadworks*, has \$400,000.00 allocated to the 2024/2025 financial year and \$750,000.00 for 2025/2026 year. The intention is for this project to be delivered across two financial years to minimise adverse construction impacts on traders.

Community Consultation

An engagement process was undertaken for the Haley/Prinsep/Carmody intersection upgrade project in 2021. A set of concept design drawings for the intersection, including Prinsep Street, was made available to the wider community to have their say on the overall design. Pop up community meetings in the street were held in September 2021 and the plans were made available on the City’s community connect page. The comments received from the first round of engagement were taken into consideration and used to develop the design for Prinsep Street further.

In March 2024, a targeted stakeholder engagement round was undertaken, where feedback from business owners and property owners in Prinsep Street was sought. This targeted approach was undertaken to ensure that specific and meaningful feedback was received from those directly impacted by the design proposals.

A letter has been sent to the Taxi company who currently have the exclusive right to use 3 x existing parking bays in the street, for their feedback on the proposed change. Further information on the outcome of that engagement will be provided.

The Preliminary Concept Design and visualisations that were used for this engagement round and formed part of the engagement package are included in Appendix 10.5.2-C. The engagement package also included a cover letter, feedback form, and images of the existing works at the roundabout.

The engagement package was distributed in person to 23 business owners. 11 engagement packages were delivered by mail to property owners. Business and property owners received 2 engagement packs. A two-week turnaround time was provided to receive comments.

On site meetings and phone conversations were also conducted with business owners to assist in alleviating any concerns of the submitters.

Engagement results:

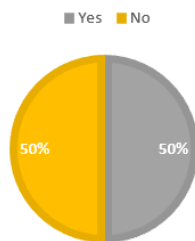
Six (6) forms were received from business owners (26% response rate), 2 forms were received from property owners (18% response rate) and 3 forms were received from stakeholders who are both business and property owners (27% response rate). Eleven (11) forms were received in total.

The following questions were posed to the stakeholders via the feedback form. The responses to those questions are outlined below. Appendix 10.5.2-D includes a summary of all the engagement comments as well as proposed changes to the designs based on feedback received. These changes are reflected in both Options A and B.

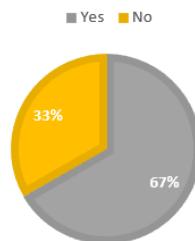
Question 1 – to see an improved, attractive, and safe streetscape environment for Prinsep Street including high quality brick paving, wide footpaths, new street furniture and street trees, do you agree with reducing the number of the parks in the street by 7?

Business owners - 50% Yes, 50% No.
Property owners - 67% Yes, 33% No.
Business and property owners - 100% No.

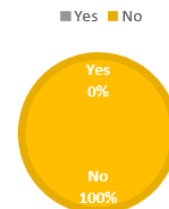
BUSINESS OWNERS - Q.1



PROPERTY OWNERS - Q.1



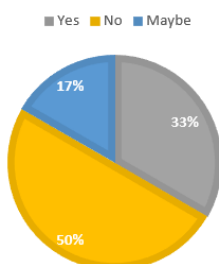
BUSINESS AND PROPERTY OWNERS - Q.1



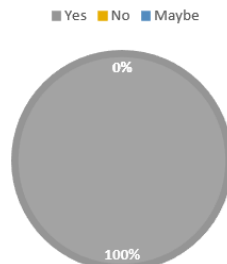
Question 2 – Should the project and detailed design be approved by Council; construction is proposed between July and November 2024. Do you support this proposed timing of works?

Business owners - 33% Yes, 50% No, 17% Maybe.
Property owners - 100% Yes.
Business and property owners - 50% Maybe, 50% No.

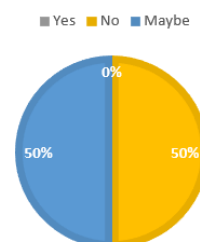
BUSINESS OWNERS - Q.2



PROPERTY OWNERS - Q.2



BUSINESS AND PROPERTY OWNERS - Q.2



Should this project progress into construction phase, we will be engaging further with stakeholders around timing and access to businesses during construction.

Co-Design Access Panel (CoDAP)

A meeting was held with CoDAP on the 27th March 2023. Overall, the design is supported by CoDAP, and the existing works at the Haley/Prinsep/Carmody intersection was praised. Several items were raised that will be considered at detailed design phase. These were mainly centred around tactile pavers, and discussion was had for utilising existing bays for disability pick up and drop off. This applies to both Option A and Option B. Council Officers are investigating the possibility of shared use arrangements for parking bays proposed in the street, including the loading zone. If this project is endorsed, Council Officers will be engaging further with CoDAP at detailed design phase.

Councillor/Officer Consultation

Consultation has been undertaken with the Senior Strategic Planner – Planning and Building Department. This consultation process highlighted the need for peer review of the City’s design projects. Mackay UrbanDesign has therefore undertaken a peer review of the Preliminary Concept Plan, under the 10 Principles of Good Design, State Planning Policy 7.0 – Design of the Built Environment.

The report concluded that while the project was at an early phase of the design process, the improvements show promise of presenting a good design outcome and will be a significant improvement to the public realm in the CBD. The report stated there were no fundamental concerns about the design and it seeks to do all the right things from an urban design perspective. The report was supportive of the parallel parking format and the benefits that brings from an urban design perspective.

Some minor improvements were put forward which will be included at the detailed design stage of the project, where budget allows. This review is relevant for the Preliminary Concept Plan only.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

If endorsed by Council, Officers will proceed to detailed design for construction to commence in the 2024/2025 financial year and be completed in the 2025/26 financial year.

Outcome of Meeting 23 April 2024

The recommendation (as written) was moved by Cr Andrew and seconded by Cr Turner.

During debate, Cr Steele moved, and Cr Kozisek seconded, a motion pursuant to part 17.1 of the *City of Bunbury Standing Orders Local law* that Standing Order 10.5 *Order of call in debate* be suspended. The Mayor put the motion to the vote and it was carried unanimously.

With the agreement of the mover and seconder of the motion, an amendment to the motion was included as follows:

That Council:

1. *Adopt Option A, as presented at appendix 10.5.2-A, for the redevelopment of Prinsep Street and request officers to proceed to detailed design, which will be presented to Council for final endorsement.*
2. *Consider allocating funding of \$1.15 million for detailed design and construction of Prinsep Street as part of the 2024-2025 and subsequent 2025-2026 budget deliberations.*

The Mayor put the substantive motion to the vote and it was LOST 5 votes 'for' 6 votes 'against' Mayor Miguel and Councillors Andrew, Ramesh, Smith and Turner voted for. Councillors Brown, Ghasseb, Kozisek, Quain, Steck and Steele voted against.

Cr Steck moved, and Councillor Ghasseb seconded an alternate motion as follows:

That Council

1. *Undertake remedial action along Prinsep Street including a new crosswalk.*
2. *Consider allocating funds in the 2024/25 Annual Budget for this project.*
3. *Consider this project as part of the CBD revitalisation project.*

The Mayor put the motion to the vote and it was LOST 2 votes 'for' 9 votes 'against'. Councillors Ghasseb and Steele voted for.

Mayor Miguel and Councillors Andrew, Brown, Kozisek, Quain, Ramesh, Smith, Steele and Turner voted against.

Cr Kozisek moved, and Councillor Steele seconded a further alternate motion as follows:

That Council:

1. *Adopt Option B, as presented at appendix 10.5.2-B, for the redevelopment of Prinsep Street and request officers to proceed to detailed design, which will be presented to Council for final endorsement.*
2. *Consider allocating funding of \$1.15 million for detailed design and construction of Prinsep Street as part of the 2024-2025 and subsequent 2025-2026 budget deliberations.*

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

Council Decision 066/24

That Council:

- 1. Adopt Option B, as presented at appendix 10.5.2-B, for the redevelopment of Prinsep Street and request officers to proceed to detailed design, which will be presented to Council for final endorsement.**
- 2. Consider allocating funding of \$1.15 million for detailed design and construction of Prinsep Street as part of the 2024-2025 and subsequent 2025-2026 budget deliberations.**

CARRIED UNANIMOUSLY
11 votes "for" / Nil votes "against"

11. Applications for Leave of Absence

Nil

12. Motions on Notice

Nil

13. Questions from Members

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

Nil

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 Mayor declared the meeting closed at 7:01pm.

Confirmed this day, 14 May 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 23 April 2024.

Jaysen de San Miguel
Mayor
