

City of Bunbury Council Notice of Agenda Briefing

The next Agenda Briefing of the City of Bunbury Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday 3 December 2024 at 5.30pm.

Members of the public are advised that no public question time is included in the Agenda Briefing, however, should you wish to deputise to any of the Officer reports on the Agenda, you are welcome to complete a Request for Deputation form (<http://www.bunbury.wa.gov.au>).

ORDER OF BUSINESS

1. Attendance and apologies
2. Announcements by the Chair/Presiding Member
3. Disclosures of Interest
4. Review of items listed under sections 10 - 15 of the Draft Agenda for the Ordinary Council Meeting of 10 December 2024 (***attached***)
 - 4.1 Questions from Elected Members
5. Closure of Agenda Briefing



CITY OF BUNBURY
4 Stephen Street
Bunbury WA 6230
Western Australia

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City of Bunbury Council

Notice of Meeting and Agenda 10 December 2024



CITY OF BUNBURY

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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 community and their culture; 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’).

DRAFT
For review at the Council
Briefing Session
3 December 2024

City of Bunbury Council Notice of Meeting

The next Ordinary Meeting of the City of Bunbury Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Monday, 26 November 2024 at 5.30pm.



Alan Ferris
Chief Executive Officer
(Date of Issue: 5 December 2024)

Agenda

10 December 2024

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

Council Members:

Mayor Jaysen de San Miguel
Deputy Mayor Tresslyn Smith
Councillor Ben Andrew
Councillor Gabi Ghaseb
Councillor Parthasarathy Ramesh
Councillor Michelle Steck
Councillor Cheryl Kozisek
Councillor Marina Quain
Councillor Karen Steele
Councillor Karen Turner
Councillor Todd Brown

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

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

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

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

Copyright

Any plans or documents contained within this Agenda and any associated Appendices are Copyright of the City of Bunbury. The content is protected by Australian and International copyright trademark. Content must not be modified or reproduced without written authorisation of the City of Bunbury.

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

4. Attendance

4.1 Apologies

4.2 Approved Leave of Absence

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For review at the Council
Briefing Session
3 December 2024

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.”

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For review at the Council
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3 December 2024



Declaration of Interest Form

Sections 5.65, 5.66, 5.67 & 5.68 Local Government Act 1995

This form is for use at meetings of the City of Bunbury Council its Advisory Committees and Working Groups.

Directions:

1. Complete this form and give it to the Presiding Member or an officer at the meeting before the meeting commences.
2. If required, leave the meeting when the agenda item in which you have an interest is discussed
3. The Presiding Member will call you back into the meeting at the conclusion of the discussion, debate and vote on the item.

Discloser's Name:				
Discloser's Title:	<input type="checkbox"/> Mayor <input type="checkbox"/> Councillor <input type="checkbox"/> Committee Member (where not an elected councillor or City employee) <input type="checkbox"/> City of Bunbury Employee - <i>please state your position title below:</i>				
Name & Date of Meeting:	Type of Meeting (tick one) <input type="checkbox"/> Council Meeting (this will also apply to any corresponding agenda briefing session) <input type="checkbox"/> Committee of Council: (insert name of Committee below)	Date of Ordinary Council Meeting:/...../..... Date of Committee Meeting:/...../.....			
Insert the heading (or title) of the agenda report in which you wish to disclose an interest AND state the type of Interest (please tick one of the boxes in Part A or Part B)	Part A (Financial Interest/Proximity Interest) If you consider your interest (Part A) to be trivial you can request to stay and participate in the discussion and vote on the matter. For your request to be considered, you must complete Part C of this form and disclose the full extent of your interest. You will be required to leave the room while your request is put to the vote, and if the meeting agrees with your request you will be called back in.				
	Part B – Impartiality Interest Disclosing an Impartiality Interest (Part B) does not prevent you from participating in the discussion and voting on the matter. Your interest will be recorded in the minutes of the meeting. (Clause 22 Local Government (Model Code of Conduct) Regulations 2021 refers)				
	Item No.	Agenda Title	Part A Fin	Part A Prox	Part B Imp
State the Nature of Your Interest – if you have ticked Part C above outline why you consider your interest to be trivial/insignificant	Item No.	Nature of Interest/Reason for Interest to be Trivial			
				
				
				
Signature:				

6. Public Question Time

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

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

6.1 Public Question Time

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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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 26 November 2024 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 26 November 2024 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

7.1.2 Minutes – Council Advisory Committees

Nil

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For review at the Council
Briefing Session
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8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

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

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

8.2 Presentations

8.3 Deputations

8.4 Council Delegates' Reports

8.5 Conference Delegates' Reports

9. Method of Dealing with Agenda Business

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For review at the Council
Briefing Session
3 December 2024

10. Reports

10.1 Recommendations from Advisory Committees

Nil

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For review at the Council
Briefing Session
3 December 2024

10.2 Chief Executive Officer Reports

10.2.1 Request for Quote - CEO Performance Review and KPI Setting 2025 - 2027

File Ref:	COB/515
Applicant/Proponent:	Internal
Responsible Officer:	Maureen Keegan, Senior Governance Officer
Responsible Manager:	Greg Golinski, Manager Governance and Integrated Planning
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 Evaluation

Summary

Quotes for the Chief Executive Officer (CEO) Performance Review 2025-2027 have been received and Council is requested to appoint the recommended respondent as the consultant to undertake the CEO Performance Review and KPI Setting for the period of March 2025 to November 2027

Executive Recommendation

That Council

1. Endorse recommended respondent E as the consultant to provide services to undertake the CEO Performance Review and Key Performance Criteria Setting for 2025 – 2027 as detailed in Confidential Appendix 10.2.1-A, and
2. Authorise the CEO to enter into a contract with the recommended consultant for the CEO Performance Review and Key Performance Criteria Setting for 2025 - 2027.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.1	Effectively manage the City's resources

Regional Impact Statement

Not applicable

Background

The City undertook a Request for Quote via Vendor Panel to seek the services of an experienced consultant to facilitate the annual CEO Performance Review and KPI Setting for the period March 2025 to August 2027.

5 submissions were received and assessed by the CEO Performance Committee members at an informal meeting on Tuesday 26 November 2024. Two submissions were received from the same respondent with an alternative scope of works and quote.

The quotes were evaluated using the following criteria:

Qualitative Criteria weighting

- | | | |
|----|----------------------------|---------------|
| 1. | Relevant Experience | 50% weighting |
| 2. | Demonstrated Understanding | 20% weighting |
| 3. | Respondents Resources | 10% weighting |
| 4. | Price | 20% weighting |

Evaluation of the quoted prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in Confidential Appendix 10.2.1-A that has been circulated to members **under separate cover.**

Council Policy Compliance

Quoting for goods and services is conducted in accordance with:

- Council Policy Purchasing
- Council Policy Access and Inclusion

The Council Policy 'CEO Performance and Salary Review' authorises the CEO Performance Review Panel to undertake the CEO Performance Review and report findings and recommendations to Council. Section 2 (Independent Consultant) of the Council Policy provides that the Panel, through the administration support provided, may engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement.

Legislative Compliance

Schedule 2 of the *Local Government (Administration) Regulations 1996* provides the Model Standards for CEO Recruitment, performance, and termination.

Officer Comments

Section 2, Council Policy CEO Performance and Salary Review provides:

2 Independent consultant

2.1 If the Panel does not have the resources and expertise to meet the expected standard of performance review, the Panel, through the administration support provided via point 1.7 may engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement.

2.2 A consultant must have experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives.

2.3 A consultant must not have any interest in, or relationship with, the Council or the CEO. In this policy, interest

(a) 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.

2.4 A consultant may be required to facilitate:

- *Setting performance criteria;*
- *Preparing the performance agreement;*
- *Collecting performance evidence;*
- *Writing the performance appraisal report;*
- *Facilitating meetings between the performance review panel;*
- *Assisting with the provision of feedback to the CEO;*
- *Formulating plans to support improvement (if necessary); and*
- *Providing an objective view regarding any performance management-related matters between the concerned parties.*

2.5 Consultant services must be secured in accordance with the City's Purchasing Policy.

The option to engage an external facilitator/consultant to assist with the process of performance appraisal and the development of the performance agreement/criteria was exercised with the scope of work defined as:

Conducting an annual review and key performance setting process to be undertaken in line with the adopted "Council Policy CEO Performance and Salary Review", including the key components detailed below:

- Meet with CEO Performance Review Panel to discuss performance criteria;
- Design and conduct individual interviews/feedback from Elected Members;
- Design and conduct 360 degree feedback from stakeholders (stakeholders identified by CEO Review Panel);
- Design and conduct 360 degree feedback from staff;
- Collecting performance evidence;
- Write Final Performance Appraisal Report;
- Facilitate salary review and incorporate in Performance Appraisal Report;
- Facilitation of setting new key performance criteria in conjunction with a nominated City of Bunbury representative, including two workshops with Elected Members;
- Final key performance indicators and metrics report to be provided to CEO Performance Review Panel;

Five quotations were received from four respondents with one respondent providing an alternative scope of works and quote for consideration.

The CEO Performance Review Committee were provided with all submissions and an evaluation workbook to assist with undertaking the assessment of all respondents.

The shortlisted consultant provided examples of considerable experience in undertaking performance reviews of CEO's, experience with local governments and development of performance criteria.

Analysis of Financial and Budget Implications

An allocation of \$20,000 per year for the next 3 years has been budgeted for the provision of service by an external consultant to undertake facilitation of the CEO Performance Review and setting of the Key Performance Criteria.

Community Consultation

Not applicable

Councillor/Officer Consultation

This report and assessments are provided to Council to facilitate the engagement of a consultant to assist with the process of the CEO performance review and setting of the Key Performance Criteria for the period 2025 – 2027.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

The recommendation of Council will be implemented immediately.

DRAFT
For review at the Council
Briefing Session
3 December 2024

10.3 Director Corporate and Community

10.3.1 Rate Exemption Application – Unit 1, 82 Blair Steet, Bunbury

File Ref:	COB/1130
Applicant/Proponent:	Waratah Support Centre
Responsible Officer:	Leonie Barwick, Team Leader Corporate Revenue
Responsible Manager:	David Ransom, Finance Manager
Executive:	Karin Strachan, Director Strategy and Organisational Performance
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 Waratah Support Centre, for Unit 1, 82 Blair Street, Bunbury, totalling \$6,776 per annum under Section 6.26 (2) (g) of the *Local Government Act 1995* – land used exclusively for charitable purposes. Waratah Support Centre currently have 1 exempt property within the City of Bunbury.

Executive Recommendation

That Council grants a rate exemption to Waratah Support Centre under Section 6.26 (2) (g) of the *Local Government Act 1995* for Unit 1, 82 Blair Street, Bunbury, 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 Waratah Support Centre will reduce the City's rate revenue but will not have a regional impact.

Background

Waratah Support Centre have advised they are a not-for-profit organisation, and that the property is used for the delivery of confidential counselling and support services to women who have experienced sexual assault and/or domestic violence. It is recommended that the exemption be applied from 1 July 2024 as Waratah Support Centre commenced leasing the property in February 2023.

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 (2) (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

Waratah Support Centre 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, with a review currently being undertaken. The City currently has 439 properties that are exempt which is a loss of rate income of \$1,651,029 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 \$6,776 per annum.

As the proposed exemption is to be granted effective from 1 July 2024, this application, if approved will reduce the forecast Closing Surplus Position to 30 June 2025 by \$6,776.

Community Consultation

There is no requirement for community consultation on this application.

Councillor/Officer Consultation

Councillors have previously been briefed on rate exemptions under the *Local Government Act 1995*.

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.

10.4 Director Sustainable Development

10.4.1 Proposed Amendment to Development Approval 2018/228 For Retail Use Incidental to a Home Business (Fish Processing and Freezing)

File Ref:	DA/2018/228/2
Applicant/Proponent:	Brian Gregory Scimone
Responsible Officer:	Philip Diamond, Planning Officer
Responsible Manager:	Barbara Macaulay, Manager Planning & Building
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input checked="" 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 – Executive Recommendation Appendix 10.4.1-B – Location Plan Appendix 10.4.1-C – Site Plan and Future Subdivision Plan Appendix 10.4.1-D – Application Documents Appendix 10.4.1-E – Development Approval 2015/82/1 Appendix 10.4.1-F - Development Approval 2018/228/1

Summary

Southwestern Fresh Fish have been operating as an approved ‘Home Business’ at Lot 32 (#32) Jubilee Road, Glen Iris since 2015. The original application was determined at Ordinary Council Meeting in 2015 for fish processing and freezing. A subsequent amendment to the original approval was determined by Council in 2019, in which Council granted temporary development approval for an incidental retail component to the existing fish processing and freezing ‘Home Business’ approval.

The City has since received an application to remove two conditions from the 2019 approval. The conditions requested to be removed related to a time limitation placed upon the ‘Home Business’ approval and a condition that required the retail aspect of the ‘Home Business’ to cease at the point of rezoning, subdivision, or any further development of the lot.

City officers have reviewed the proposal against the relevant planning framework and consider that the development without the subject conditions will be consistent with the planning framework. 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 an incidental retail use to a ‘Home Business’ (Fish Processing and Freezing) at Lot 32 (#32) Jubilee Road, Glen Iris, in accordance with conditions attached at Appendix 10.4.1-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 zoned Urban Development Zone. The Glen Iris Structure Plan and Glen Iris District Structure Plan Stage 1 apply to the lot which identify the site as having a future zoning of Residential R20. A location plan is attached at Appendix 10.4.1-B. A summary table of details relating to the subject site are as follows:

Property Address:	Lot 32 (#32) Jubilee Road, Glen Iris
Zoning:	'Urban Development'
Existing Land Use:	'Single House' and 'Home Business'
Lot Area:	2.0233 ha
Heritage:	N/A

The site was originally issued development approval for a 'Home Business' (Fish Processing and Freezing) at the Ordinary Council Meeting held 1 September 2015 (Appendix 10.4.1-E). An amendment to this development approval which included a subsequent 'incidental retail use' to the existing 'Home Business' was considered and approved at the Ordinary Council Meeting held 19 March 2019 (Appendix 10.4.1-F).

The subject application requests removal of Conditions 1.2 and 1.3 of the 2019 approval. Condition 1.2 had sought to limit the development to a period of five years, or a further period as authorised by the City. Condition 1.3 required the cessation of the retail operations (not the fish processing and freezing) at the point that the lot is rezoned to 'Residential', the lot is subdivided or when further significant development occurred on the lot.

The amendment application has been made as the landowner is seeking to subdivide the subject lot into two lots. This proposal includes one lot with the existing 'Single House' and 'Home Business', and a second lot which could then be further subdivided, subject to the relevant approval process. A copy of the provided site plan is attached at Appendix 10.4.1-C.

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.*

Local Planning Framework

- City of Bunbury Local Planning Strategy;

- City of Bunbury Local Planning Scheme No.8 (LPS8);
- Glen Iris Structure Plan August 2010;
- Glen Iris District Structure Plan December 2023.

Officer Comments

Removal of Condition 1.2

The 2019 approval for a retail component is incidental to the 'Home Business' approval from 2015. Condition 1.2's time limited restriction on the business is not necessary as this is suitably covered by Condition 1.1. which restricts the retail component as 'incidental' to the 'Home Business'. The retail component will naturally fall away when the home business ceases to operate.

Removal of Condition 1.3

The subject lot is zoned 'Urban Development Zone' under the City of Bunbury Local Planning Scheme No.8 (LPS8). While no land uses are identified as permissible in this zone, the City can consider a Development Application for uses with reference to any applicable structure plans or local development plans. The Glen Iris Structure Plan and Glen Iris District Structure Plan Stage 1 apply to the lot which identify the lot for future rezoning to Residential R20. As such a 'Home Business' was able to be considered on the lot despite its 'Urban Development' zoning as the subject lot is indicated to be rezoned to Residential.

The original intent of Condition 1.3 is to protect the amenity of any new residential development to the west of the lot that could be impacted by the retail use and to ensure that the 'Home Business' would be consistent with the intent of the 'Residential Zone'. In the five years since the approval for the incidental retail component was approved, the City has received no complaints or objections from nearby residents regarding any amenity impact from either the 'Home Business' component or the associated incidental retail element component.

When considering the intent to subdivide the subject lot as indicated by the landowner, it is considered that the impact of the proposal on the amenity of future residential land uses would be consistent with the current established impact to the residential properties to the east. As no complaints have been received in relation to the operation of the business to date, it can be reasonably ascertained that the 'Home Business' will continue to operate cohesively with any new residential development to the west of the lot. Additionally, as a 'Home Business' can be approved in the 'Residential Zone', the use is considered to be consistent with future intentions of the land and to not prejudice the future residential development of the lot.

To further ensure no impact on any new residential development, the City will recommend a minimum 3m buffer be provided on the south and west of the 'Home Business' development site. This will provide an additional level of separation to the new residential properties to further ensure any potential land use conflict is appropriately mitigated. It is considered that this will be addressed at a formal subdivision application stage, where other details such as road access, retention of native vegetation and bushfire requirements will also be appropriately considered and assessed.

In considering the above, Condition 1.3 restricting the use from operating when subdivision occurs or when significant development occurs is not considered to be necessary and any amenity impact to new residences from the existing 'Home Business' can be appropriately addressed at the time of subdivision.

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

This application was advertised for public comment from 10 October 2024 to 25 October 2024. Public consultation measures included letters sent to adjoining and surrounding landowners. No submissions were received during the advertising period.

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 provided with a copy of the Officer recommendation and has no objection to the recommendation.

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.

For review at the Council
Briefing Session
3 December 2024

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 an incidental retail use to a Home Business (Fish Processing and Freezing) at Lot 32 (#32) Jubilee Road, Glen Iris, subject to the following conditions:

Conditions

- 1) At all times, the use and development the subject of this development approval must comply with the definition of an 'incidental use' for the retail sale of fresh and frozen seafood that is consequent on, naturally attaching, appertaining and relating to the predominant use of the subject lot for a 'single house' in conjunction with a 'home business', as contained in Part 6 of the City of Bunbury Local Planning Scheme No. 8.
- 2) All development and land use activity on the subject lot shall be in accordance with the approved development plans which form part of this development approval (DA/2018/228/1).
- 3) The 'incidental fresh and frozen seafood retailing' activity shall only be carried out as an 'incidental use' in conjunction with the 'home business' use on the subject lot within the designated areas identified on the approved development plans (DA/2018/228/1).
- 4) The 'incidental fresh and frozen seafood retailing' activity as an 'incidental use' in conjunction with the 'home business' use shall not employ any additional staff to those permitted to operate the existing home business approval (DA/2015/82/1), noting the following condition number 1.6 from the existing home business approval:

'the home business shall not employ more than two (2) people not members of the occupier's household.'
- 5) The approved 'incidental use' must only operate between 8 am and 5 pm, Monday to Saturday inclusive, excluding Sundays and public holidays.
- 6) Within 30 days of this development approval being granted, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads guidelines, and City of Bunbury requirements, for all vehicle access, visitor and delivery vehicle parking and pedestrian movement requirements, to the satisfaction of the City of Bunbury. Once development plans are approved by the local government, construction is to be in accordance with the approved plans and must be completed within 90 days to the satisfaction of the City of Bunbury.
- 7) Within 90 days of this development approval being granted, a maximum of four (4) employee and visitor car parking bays must be provided for the 'home business' / 'incidental use' on the land that is the subject of this development approval, to the specifications and satisfaction of the City of Bunbury.
- 8) A minimum of 1m³ of stormwater storage for each 65m² of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.

Within 30 days of this development approval being granted, detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan within 90 days to the satisfaction of the City of Bunbury.

- 9) Within 30 days of this development approval being granted, a waste management plan is to be submitted for the approval of the Manager Environmental Health services. The waste management plan is to detail how and where the waste produced during the operation of the predominate and incident uses approved will be stored, handled and removed to the specifications and satisfaction of the local government. Once approved, the waste management plan shall be implemented to the satisfaction of the City of Bunbury.
- 10) Within 60 days of this development approval being granted, a 3.0m wide landscaped buffer as demarcated in green on the approved development plans must be installed and maintained thereon after for the life of the 'incidental use' to the satisfaction of the City of Bunbury.

The landscaping buffer shall not be used for storage, access, parking, display or any other business related activity. Details of the landscape buffer are required to be submitted for approval by the City of Bunbury to the specifications and satisfaction of the local government.

- 11) There shall be no storage of materials permitted within the designated vehicle parking, access driveways, or landscaped areas.
- 12) The approved sign as shown in the approved development plans, shall be professionally made and kept clean and maintained free of dilapidation at all times to the satisfaction of the City of Bunbury.
- 13) The 'incidental use' is not to interfere with the character and amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, dust, waste water, water products or grit, oil or otherwise to the satisfaction of the City of Bunbury.

Advice Notes:

- a) In relation to condition number 1.1, it should be noted that the predominant use of the premises is approved as a 'single house', with the 'incidental use' of 'incidental fresh and frozen seafood retailing' activity being a use class not listed operating in conjunction with an approved 'home business' use. 'Predominant use' and 'incidental use' have the following definitions under the City of Bunbury Local Planning Scheme No. 8:

Predominant use:

'means the primary use of premises to which all other uses carried out on the premises is incidental.'

Incidental use:

'means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.'

- b) Failure to comply with planning conditions of this development approval (DA/2018/228/1) or the existing home business approval (DA/2015/82/1) at any time may result in the withdrawal of both the home business licence and this development approval.
- c) The development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the following associated regulations:
 - (i) *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions; and

- (ii) *Environmental Protection (Unauthorised Discharge) Regulations 2004* in relation to discharges into the environment.

Further information can be obtained by contacting the City of Bunbury's Environmental Health services on (08) 9792 7100 or (08) 9792 7000.

- d) The development is defined as a 'food business' under the Food Act 2008. The development must comply with the Food Act 2008 and Food Regulations 2009. Further information can be obtained from the City of Bunbury's Environmental Health services on (08) 9792 7100 or (08) 9792 7000.
- e) The premises and equipment the subject of this development approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards.

Regardless of whether a building permit is required, application must be made to the City of Bunbury's Environmental Health services for assessment and approval prior to commencing or continuing with any development and/or land use activity.

Two sets of scaled plans (minimum 1:100 scale) and specifications detailing the design and fit out shall be submitted to Environmental Health services and shall include the following information:

- (i) the use of each room/area;
- (ii) the structural finishes of walls, floors, ceilings, benches, shelves and other surfaces;
- (iii) the position and type of all fixtures, fittings and equipment;
- (iv) all sanitary conveniences, floor wastes / bucket traps / cleaner's sinks, grease traps, etc.;
- (v) waste storage and disposal areas;
- (vi) plans and specifications of the mechanical exhaust system if cooking is to take place in the food business;
- (vii) specifications of all cooking equipment (stoves, ovens, fryers, etc.);
- (viii) elevations of food handling and storage areas; and
- (ix) details of the types of food being prepared or sold.

Please refer to the City of Bunbury's Requirements for the Establishment, Construction and Fit Out of Food Premises available on the website at www.bunbury.wa.gov.au.

A final inspection of the premises will be required to be carried out by an Environmental Health Officer prior to commencing or continuing with the operation.

Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.



City of Bunbury does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that COB shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

Location Plan
 Lot 32 (#32) Jubilee Road
 GLEN IRIS



29/10/2024

1: 3000

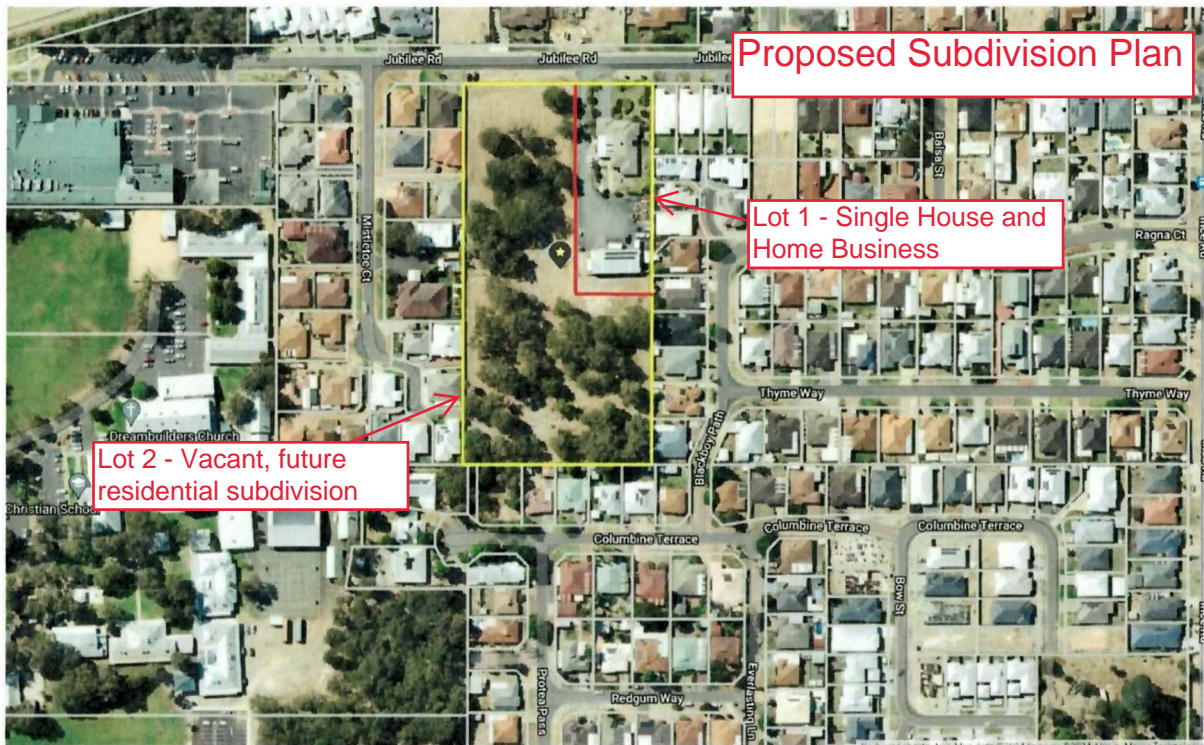


Appendix 10.4.1-C



	<p>The City of Bunbury does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the City of Bunbury shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.</p>	12/09/2024	
		1:1000	

RECEIVED: 20/09/2024



LOT 32 #32 JUBILEE ROAD, GLEN IRIS

PROPOSAL:

Plan to subdivide the property into two lots for future subdivision and to keep the main residence and shed as one, and still operate for the fish processing/retailing operations at the subject lot. We are seeking an amendment to Development Approval 5.2024.43.1. and for item 1.2 & 1.3 to be removed, to allow this subdivision to proceed.

- 1.2 This is a time-limited temporary development approval for a maximum period of five (5) years from the date of the granting of development approval, or for a specified extension

Page 2/6

of time period as approved in writing by the local government, subject to annual renewal of the existing 'home business' approval (DA/2015/82/1).

Should the existing 'home business' approval (DA/2015/82/1) not be renewed, the 'incidental fresh and frozen seafood retailing' activity as an 'incidental use' must cease to operate immediately.

- 1.3 Upon the rezoning of the land to 'Residential Zone' and/or approval of an application for subdivision and/or any further development on the subject lot (excluding development that is incidental and ancillary to the 'single house' use), this temporary development approval will expire pursuant to clause 72 dealing with temporary development approval under Part 9 - Procedure for dealing with applications for development approval of Schedule 2 - Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



LOT 32 #32 JUBILEE ROAD, GLEN IRIS

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Page 2/6

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Should the existing 'home business' approval (DA/2015/82/1) not be renewed, the 'incidental fresh and frozen seafood retailing' activity as an 'incidental use' must cease to operate immediately.

- 1.3 Upon the rezoning of the land to 'Residential Zone' and/or approval of an application for subdivision and/or any further development on the subject lot (excluding development that is incidental and ancillary to the 'single house' use), this temporary development approval will expire pursuant to clause 72 dealing with temporary development approval under Part 9 - Procedure for dealing with applications for development approval of Schedule 2 - Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The business has been operating has been operating within Bunbury for many years, with no complaints. We are looking to create buffer zones of a minimum of 3 metres from the back side and development side of the shed.

LOT 32 #32 JUBILEE ROAD, GLEN IRIS

PROPOSED SUBDIVISION

To City of Bunbury Planning,

I am writing this letter in regards to a proposal to subdivide Lot #32 Jubilee Road, Glen Iris. Myself (Brian) and my wife (Leanne) Scimone, will retain the house and home occupation registered business where it is currently situated – approximately 1 acre of land. The current business of fish freezing, processing and the retail shop was originally approved in 2019 by the City of Bunbury using correct planning procedures, since 2019 nothing has been changed.

Since starting the business, we have remained level in our operations. The building, staff and traffic levels have remained the same since 2019, when we originally approved to operate. We have been offering a family friendly service, and fresh fish off our boat. We are the only business to offer fresh fish sales to the South West.

In the many years of operating, we have never received one report of any incidents, smell, traffic, dust or noise. The original building site plan will have no changes when re-submitted. The access and parking layout has remained unchanged. We have 3 family employees, with my wife and myself being the 2 living at the dwelling. There are no intentions to expand our business further.

At the implementation of the approval there was a clause in regards to any subdivision proposals of the lot to be not approved. Now that time has progressed, there is a shortage of housing and land, therefor we have decided to sell the remaining 4 acres of our land. In order for us to do this, we request the City Planning to reconsider and remove item 1.2 & 1.3 on Development Approval 5.2024.43.1 to allow this subdivision to proceed.

- 1.2 This is a time-limited temporary development approval for a maximum period of five (5) years from the date of the granting of development approval, or for a specified extension

Page 2/6

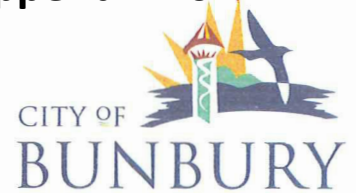
of time period as approved in writing by the local government, subject to annual renewal of the existing 'home business' approval (DA/2015/82/1).

Should the existing 'home business' approval (DA/2015/82/1) not be renewed, the 'incidental fresh and frozen seafood retailing' activity as an 'incidental use' must cease to operate immediately.

- 1.3 Upon the rezoning of the land to 'Residential Zone' and/or approval of an application for subdivision and/or any further development on the subject lot (excluding development that is incidental and ancillary to the 'single house' use), this temporary development approval will expire pursuant to clause 72 dealing with temporary development approval under Part 9 - Procedure for dealing with applications for development approval of Schedule 2 - Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

As part of this sale of our land to proceed, we are proposing a buffer from the South Side of the shed to be 3m, the West Side to be 8m from main Shed Line and the Western Boundary from the side of the main dwelling to the boundary fence of the proposed to be 12 metres.

Our Ref: P05147 (5.2015.82.1)
Enquiries : Laura Sabitzer, ☎ (08) 9792 7064
E-Mail: records@bunbury.wa.gov.au



7 September 2015

Brian Gregory Scimone



Dear Brian

**PROPOSED HOME BUSINESS (FISH FREEZING & PROCESSING)
LOT: 32 #32 JUBILEE ROAD GLEN IRIS**

I refer to the development application received by the City of Bunbury on 8 April 2015 for the proposed Home Business (Fish Freezing & Processing).

As you are aware Council considered this application at the Ordinary Council meeting on 1 September 2015. I am pleased to advise that Planning Approval has been granted subject to the conditions itemised on the Planning Approval notice (Appendix 1).

Please be advised that it is essential to read the enclosed Planning Approval including all associated conditions. We provide you with this advice as some conditions may be required to be addressed to the satisfaction of Council prior to the commencement of works.

You are advised that appeal rights are available through the State Administrative Tribunal (SAT). An appeal must be lodged within twenty eight (28) days of the decision of Council. Appeal forms are available via the internet on www.sat.justice.wa.gov.au or by phoning SAT on (08) 9219 3111 (Free call – 1300 306 017).

If you have any further queries please do not hesitate to contact Laura Sabitzer, Senior Planning Officer on ☎ (08) 9792 7064.

Yours sincerely

Ann-Kristin Jank
TEAM LEADER DEVELOPMENT ASSESSMENT AND COMPLIANCE

Enc. Determination Notice
Approved Plans

Development Application: 2015.82.1
Assessment No: 4525

7 September 2015

PLANNING AND DEVELOPMENT ACT 2005

CITY OF BUNBURY

DECISION ON APPLICATION FOR PLANNING APPROVAL

The Council having considered the application

Submitted by: *Brian Gregory Scimone*
Date Received: *08/04/2015*
On behalf of: *Brian Gregory Scimone & Le-Anne Sandra Scimone*
Type of Development: *Home Business (Fish Freezing & Processing)*
Use Class: *Home Business*
Location: *LOT: 32 #32 Jubilee Road GLEN IRIS*

hereby advise that it has decided to

GRANT PLANNING APPROVAL

subject to all conditions of Planning Approval being completed prior to occupancy, unless as otherwise, indicated below.

Use and Development

- 1.1 This planning approval for a home business use applies to the applicant, Mr Brian Scimone and shall not be transferred or assigned to any other person.
- 1.2 The home business use must be registered annually with the City of Bunbury (refer to Advice Note 1).
- 1.3 The home business use shall not occupy an area greater than 50 square metres and the business activity shall only occur within the prescribed outbuilding. Prior to commencement of any fish processing, a floor plan drawn to scale showing the total floor space area of the home business use (up to a maximum of 50 square metres in gross floor area of the outbuilding), shall be submitted and approved by the City of Bunbury to the specifications and satisfaction of the local government.
- 1.4 The home business use shall not employ more than two (2) people not members of the occupier's household.
- 1.5 The home business use shall not involve the retail sale, display or hire of goods of any nature.
- 1.6 The home business use shall not involve the use of an essential service of greater capacity than normally required in the 'Residential Zone'. The supply of electricity to service the home business use is to be maintained constantly without fail, and the development is to have a backup generator available at all times, which is to be employed in the event of a power failure.

- 1.7 Hours of operation of the home business use shall be limited to Monday to Saturday from 7 am to 7 pm, with no operation on Sunday and/or public holidays.

Car Parking Requirements

- 1.8 In relation to vehicles and parking, the home business use shall not cause any traffic impacts as a result of the inadequacy of vehicle parking or an increase in traffic volumes in the neighbourhood, and shall not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.

Health Requirements

- 1.9 Before the activity of fish processing commences, the property must be connected to the Water Corporation reticulated sewerage system.
- 1.10 Before the activity of fish processing commences, a waste management plan is to be submitted for the approval of the Manager Environmental Health Services. The plan is to detail how and where waste produced during the operation the subject of this approval will be stored, handled and removed to the specifications and satisfaction of the local government.
- 1.11 Under the Health Act 1911 and the City of Bunbury Health Local Laws, the home business use is to be registered as an 'offensive trade'. In accordance with Part 9 of the City of Bunbury Health Local Laws, consent to establish an 'offensive trade' is required prior to commencement of the fish processing activity.

Advice Notes:

1. This approval is only valid until 31 December 2016. Should you wish to continue operating this home business, you will be required to complete a Renewal Form and pay the Annual Renewal Fee.
2. If and when you no longer wish to continue your home business, please advise the City of Bunbury in writing.
3. Failure to comply with planning conditions at any time may result in the withdrawal of the home business licence.
4. Prior to the commencement of the fish processing activity, the Department of Fisheries advises that a fish processor's licence is required.
5. The development the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
6. The development the subject of this planning approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.
7. The premises and equipment the subject of this planning approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards. An application is to be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to commencing development.

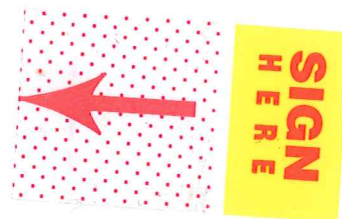
8. Two sets of scaled plans (minimum 1:100) and specifications detailing the design and fit out is to be submitted to the City of Bunbury's Environmental Health Services, and is to include the following information:
 - the use of each room/area;
 - the structural finishes of walls, floors, ceilings, benches, shelves and other surfaces;
 - the position and type of all fixtures, fittings and equipment;
 - all sanitary conveniences, floor wastes/bucket traps/cleaner's sinks, grease traps, etc.;
 - waste storage and disposal areas;
 - plans and specifications of the mechanical exhaust system if cooking is to take place in the food business;
 - specifications of all cooking equipment (stoves, ovens, fryers, etc.); and
 - elevations of food handling and storage areas; and details of the types of food being prepared or sold.
9. Please refer to the City of Bunbury's Requirements for the Establishment, Construction and Fit-out of Food Premises available on the website at www.bunbury.wa.gov.au. A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation. Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.
10. The home business use is defined as a 'Food Business' under the Food Act 2008, and hence, the development must comply with the Food Act 2008 and Food Regulations 2009. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
11. The home business use is required to comply with the Health Act 1911 and the City of Bunbury Health Local Laws 2001.



Laura Sabitzer
ISSUING OFFICER



Ann-Kristin Jank
TEAM LEADER DEVELOPMENT ASSESSMENT AND COMPLIANCE

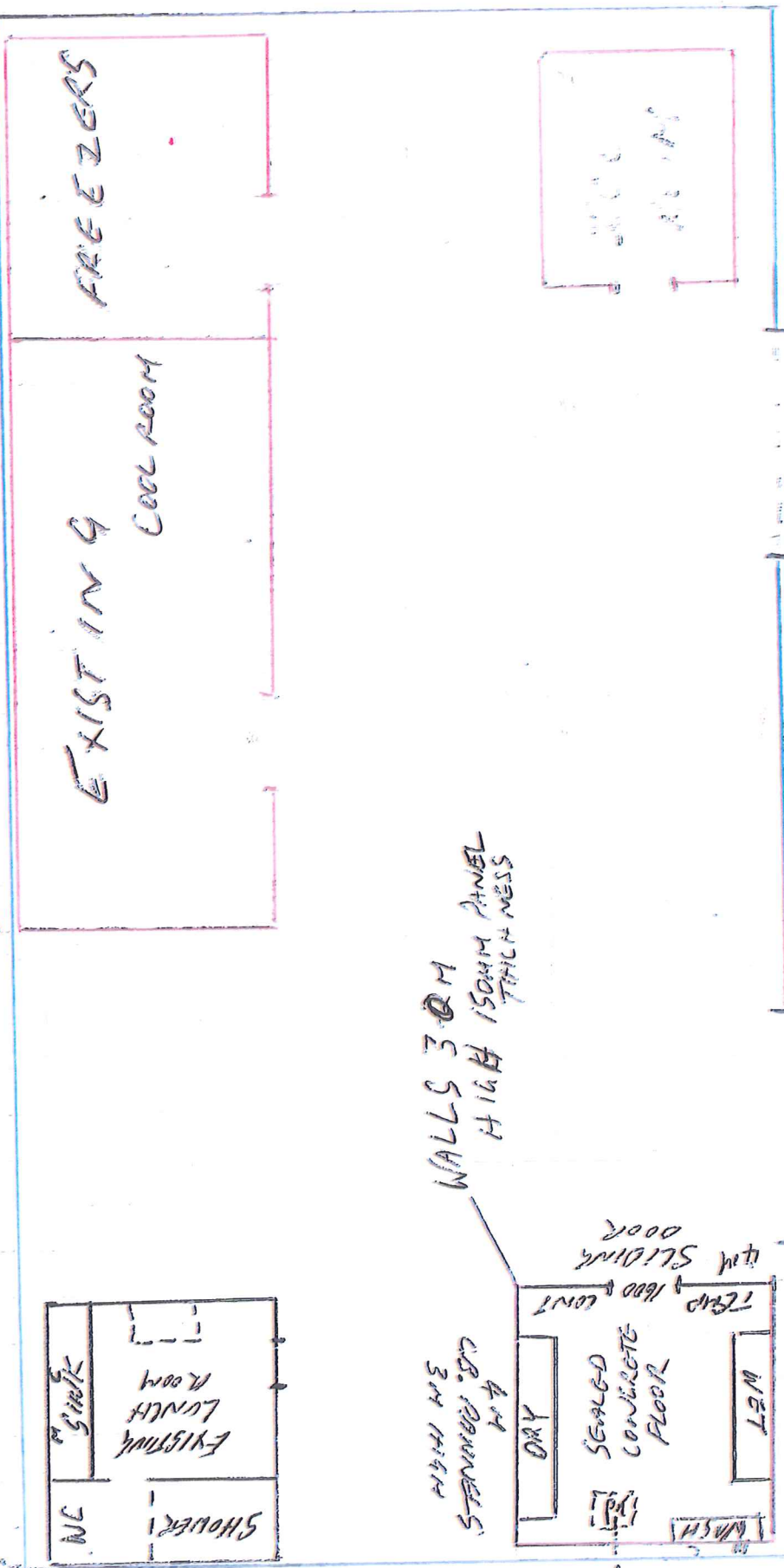


7 September 2015

REGISTERED - HOME OCCUPATION - FISH FREEZING - CURRENT

EXISTING SHED

PLAN



CITY OF BUNBURY
PLANNING DEPARTMENT
Planning Approval Granted

Date 7/9/2015

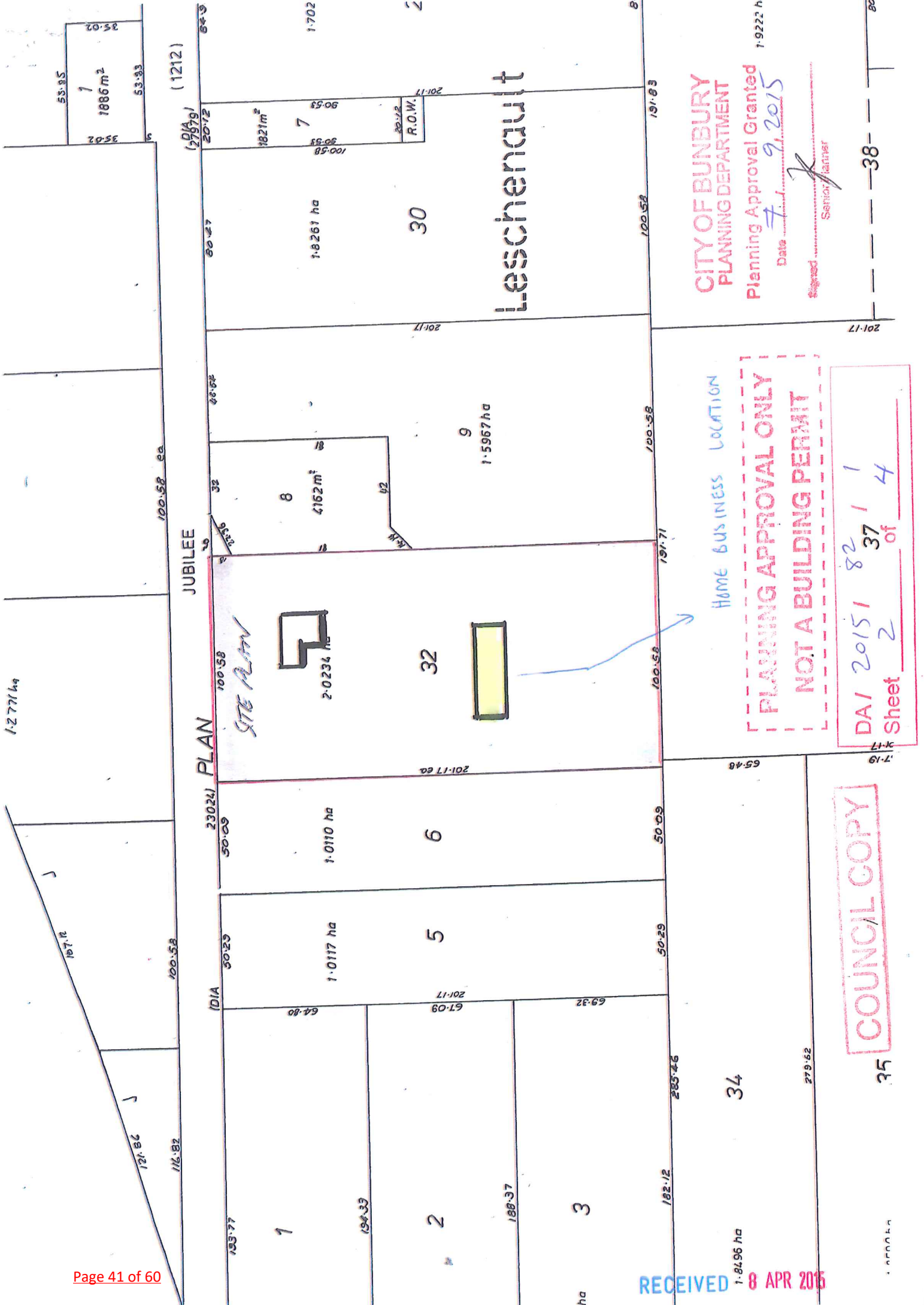
Signed: [Signature]
Solicitor

COUNCIL COPY

PLANNING APPROVAL ONLY
NOT A BUILDING PERMIT

DAI 2015/ 82 / 1
Sheet 1 of 4

PROPOSED
FILLING
ROOM



CITY OF BUNBURY
PLANNING DEPARTMENT
 Planning Approval Granted
 Date: 9/9/2015
 Signed: [Signature]
 Senior Planner



HOME BUSINESS LOCATION
PLANNING APPROVAL ONLY
NOT A BUILDING PERMIT

DAI 2015/ 82 / 1 / 1
 37 / 4
 Sheet 2 of 4

COUNCIL COPY

RECEIVED 8 APR 2015



	Digital Mapping Solutions does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that DMS shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.	Proposed Home Business - Addition of Fish Processing to an Existing Home Occupation at Lot 32 (#32) Jubilee Road, Glen Iris	Wednesday, 19 August 2015
	Planning Approval Granted Date 7/9/2015	Scale: 1:2000	

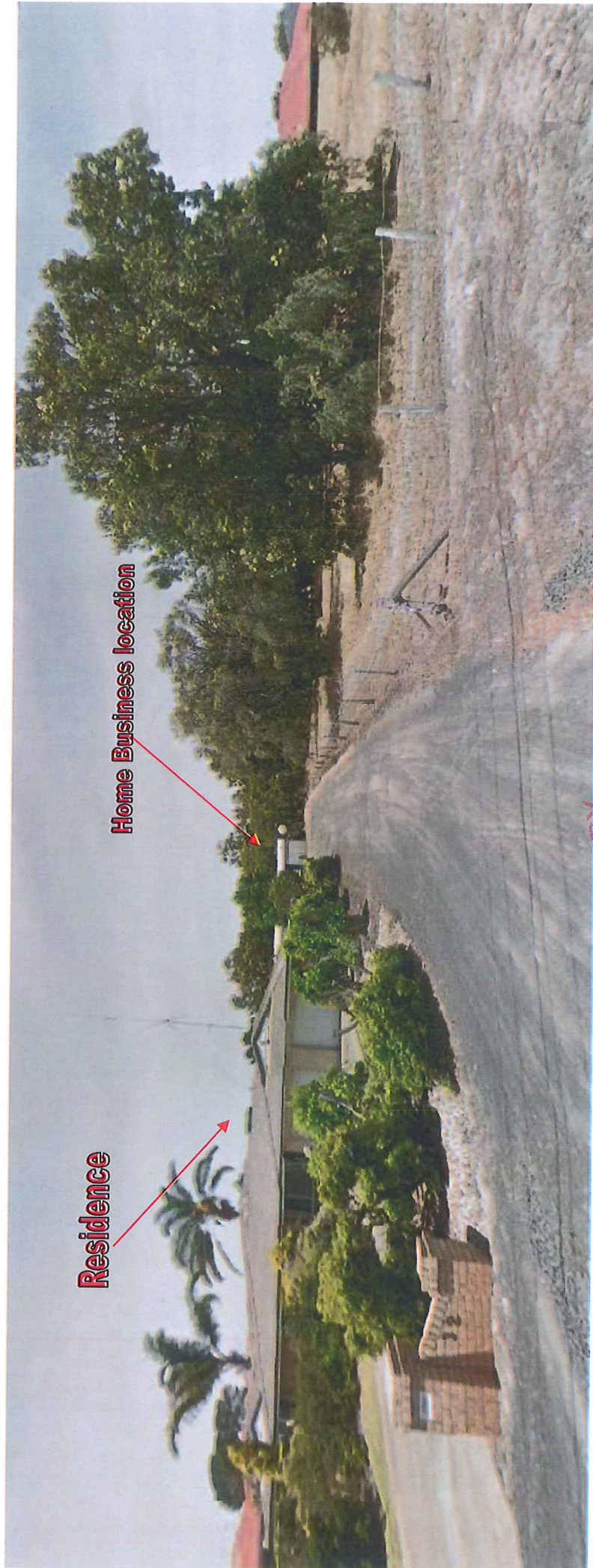
PLANNING APPROVAL ONLY
 NOT A BUILDING PERMIT

DA/ 2015 / 82 / 1 / 1
 Sheet 3 of 4

PLANNING DEPARTMENT
 Planning Approval Granted
 Date 7/9/2015
 Signed: _____ Senior Planner

COUNCIL COPY

Lot 32 #32 Jubilee Road, Glen Iris – street view of property



DAI 2015 / 82 / 1 / 1
Sheet 4 of 4

**PLANNING APPROVAL ONLY
NOT A BUILDING PERMIT**

**CITY OF BUNBURY
PLANNING DEPARTMENT**
Planning Approval Granted
Date 7 / 9 / 2015
Signed [Signature] Senior Planner

COUNCIL COPY

Our Ref: 5.2018.228.1
File Ref: P05147
Enquiries: Kaysanne Knuckey, 08 9792 7061
E-Mail: records@bunbury.wa.gov.au

21 March 2019

Brian Gregory Scimone


Dear Mr Scimone

RETROSPECTIVE TEMPORARY DEVELOPMENT APPROVAL FOR INCIDENTAL FRESH AND FROZEN SEAFOOD RETAILING USE TO EXISTING HOME BUSINESS FOR FISH PROCESSING AND FREEZING LOT 32 (#32) JUBILEE ROAD, GLEN IRIS

I refer to the development application received by the City of Bunbury on 12 October 2018 for the proposed Fish Processing / Freezing & Signage.

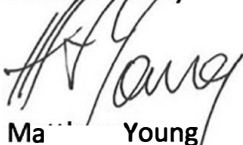
As you are aware Council considered this application at the Ordinary Council meeting on Tuesday 19 March 2019. I am pleased to advise that development approval has been granted subject to the conditions itemised on the development approval notice (Appendix 1).

Please be advised that it is essential to read the enclosed development approval including all associated conditions. We provide you with this advice as some conditions may be required to be addressed to the satisfaction of the City of Bunbury prior to the commencement of works.

You are advised that you can apply to have this decision reconsidered by Council under the Planning and Development (Local Planning Scheme) Regulations 2015. A reconsideration of development approval can be made on an Application for Development Approval Form available on the City's website www.bunbury.wa.gov.au or by phoning (08) 9792 7000. Appeal rights are available through the State Administrative Tribunal (SAT). An appeal must be lodged within twenty eight (28) days of the decision by the City of Bunbury. Appeal forms are available via the internet on www.sat.justice.wa.gov.au or by phoning SAT on (08) 9219 3111 (Free call – 1300 306 017).

If you have any further queries please do not hesitate to contact, Kaysanne Knuckey, Planning Officer on 08 9792 7061.

Yours sincerely



Ma... Young

TEAM LEADER DEVELOPMENT ASSESSMENT AND COMPLIANCE

Enc. Determination notice
Approved plans

Development Application: 2018.228.1
Ordinary Council Meeting: Tuesday 19 March 2019
Assessment No: 4525

PLANNING AND DEVELOPMENT ACT 2005

CITY OF BUNBURY

Notice of determination on application for development approval

The Council having considered the application

Submitted by: Brian Gregory Scimone
On behalf of: Brian Gregory Scimone & Le-Anne Sandra Scimone
Location: #32 Jubilee Road GLEN IRIS
Lot & Plan/Diagram: LOT: 32
Received on: 12/10/2018
Use Class: Retail Use Incidental to Existing Home Business Approval for Fish Processing
and Freezing

Description of proposed development: Retailing of Fresh and Frozen Fish

hereby advise that the application for development approval is

APPROVED

subject to the following conditions, which must be completed prior to occupancy, unless as otherwise, indicated below.

1. Grant temporary development approval (DA/2018/228/1) in accordance with clause 72 of Part 9 - Procedure for Dealing with Applications for Development Approval under Schedule 2 - Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to permit 'incidental fresh and frozen seafood retailing' as an 'incidental use' to a 'home business' use approval (DA/2015/82/1) for the sale of seafood at Lot 32 (#32) Jubilee Road, Glen Iris, subject to the following conditions:
 - 1.1 At all times, the use and development the subject of this temporary development approval must comply with the definition of an 'incidental use' for the retail sale of fresh and frozen seafood that is consequent on, naturally attaching, appertaining and relating to the predominant use of the subject lot for a 'single house' in conjunction with a 'home business', as contained in Part 6 of the City of Bunbury Local Planning Scheme No. 8.
 - 1.2 This is a time-limited temporary development approval for a maximum period of five (5) years from the date of the granting of development approval, or for a specified extension

of time period as approved in writing by the local government, subject to annual renewal of the existing 'home business' approval (DA/2015/82/1).

Should the existing 'home business' approval (DA/2015/82/1) not be renewed, the 'incidental fresh and frozen seafood retailing' activity as an 'incidental use' must cease to operate immediately.

- 1.3 Upon the rezoning of the land to 'Residential Zone' and/or approval of an application for subdivision and/or any further development on the subject lot (excluding development that is incidental and ancillary to the 'single house' use), this temporary development approval will expire pursuant to clause 72 dealing with temporary development approval under Part 9 - Procedure for dealing with applications for development approval of Schedule 2 - Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 1.4 All development and land use activity on the subject lot shall be in accordance with the approved development plans which form part of this temporary development approval (DA/2018/228/1).
- 1.5 The 'incidental fresh and frozen seafood retailing' activity shall only be carried out as an 'incidental use' in conjunction with the 'home business' use on the subject lot within the designated areas identified on the approved development plans (DA/2018/228/1).
- 1.6 The 'incidental fresh and frozen seafood retailing' activity as an 'incidental use' in conjunction with the 'home business' use shall not employ any additional staff to those permitted to operate the existing home business approval (DA/2015/82/1), noting the following condition number 1.6 from the existing home business approval:

'the home business shall not employ more than two (2) people not members of the occupier's household.'
- 1.7 The approved temporary 'incidental use' must only operate between 8 am and 5 pm, Monday to Saturday inclusive, excluding Sundays and public holidays.
- 1.8 Within 30 days of this temporary development approval being granted, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads guidelines, and City of Bunbury requirements, for all vehicle access, visitor and delivery vehicle parking and pedestrian movement requirements, to the satisfaction of the City of Bunbury. Once development plans are approved by the local government, construction is to be in accordance with the approved plans and must be completed within 90 days to the satisfaction of the City of Bunbury.
- 1.9 Within 90 days of this temporary development approval being granted, a maximum of four (4) employee and visitor car parking bays must be provided for the 'home business' / 'incidental use' on the land that is the subject of this temporary development approval, to the specifications and satisfaction of the City of Bunbury.
- 1.10 A minimum of 1m³ of stormwater storage for each 65m² of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.

Within 30 days of this temporary development approval being granted, detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan within 90 days to the satisfaction of the City of Bunbury.

1.11 Within 30 days of this temporary development approval being granted, a waste management plan is to be submitted for the approval of the Manager Environmental Health services. The waste management plan is to detail how and where the waste produced during the operation of the predominate and incident uses approved will be stored, handled and removed to the specifications and satisfaction of the local government. Once approved, the waste management plan shall be implemented to the satisfaction of the City of Bunbury.

1.12 Within 60 days of this temporary development approval being granted, a 3.0m wide landscaped buffer as demarcated in green on the approved development plans must be installed and maintained thereon after for the life of the 'incidental use' to the satisfaction of the City of Bunbury.

The landscaping buffer shall not be used for storage, access, parking, display or any other business related activity. Details of the landscape buffer are required to be submitted for approval by the City of Bunbury to the specifications and satisfaction of the local government.

1.13 There shall be no storage of materials permitted within the designated vehicle parking, access driveways, or landscaped areas.

1.14 The approved sign as shown in the approved development plans, shall be professionally made and kept clean and maintained free of dilapidation at all times to the satisfaction of the City of Bunbury.

1.15 The 'incidental use' is not to interfere with the character and amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, dust, waste water, water products or grit, oil or otherwise to the satisfaction of the City of Bunbury.

Advice Notes:

(a) This retrospective temporary development approval is only valid for a maximum time period of five (5) years from the date the temporary development approval is granted and/or as long as the existing home business approval (DA/2015/82/1) is permitted to operate, subject to its annual renewal.

The applicant may seek in writing an extension to the time period of the temporary development approval for a specified date, by lodging an application to modify/amend condition number 1.2 of the temporary development approval.

(b) In relation to condition number 1.1, it should be noted that the predominant use of the premises is approved as a 'single house', with the 'incidental use' of 'incidental fresh and frozen seafood retailing' activity being a use class not listed operating in conjunction with an approved 'home business' use. 'Predominant use' and 'incidental use' have the following definitions under the City of Bunbury Local Planning Scheme No. 8:

Predominant use:

'means the primary use of premises to which all other uses carried out on the premises is incidental.'

Incidental use:

'means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.'

(c) Failure to comply with planning conditions of this temporary development approval (DA/2018/228/1) or the existing home business approval (DA/2015/82/1) at any time

may result in the withdrawal of both the home business licence and this temporary development approval.

- (d) The development the subject of this temporary development approval must comply with the *Environmental Protection Act 1986* and the following associated regulations:
- (i) *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions; and
 - (ii) *Environmental Protection (Unauthorised Discharge) Regulations 2004* in relation to discharges into the environment.

Further information can be obtained by contacting the City of Bunbury's Environmental Health services on (08) 9792 7100 or (08) 9792 7000.

- (e) The development is defined as a 'food business' under the Food Act 2008. The development must comply with the Food Act 2008 and Food Regulations 2009.

Further information can be obtained from the City of Bunbury's Environmental Health services on (08) 9792 7100 or (08) 9792 7000.

- (f) The premises and equipment the subject of this retrospective temporary development approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards.

Regardless of whether a building permit is required, application must be made to the City of Bunbury's Environmental Health services for assessment and approval prior to commencing or continuing with any development and/or land use activity.

Two sets of scaled plans (minimum 1:100 scale) and specifications detailing the design and fit out shall be submitted to Environmental Health services and shall include the following information:

- (i) the use of each room/area;
- (ii) the structural finishes of walls, floors, ceilings, benches, shelves and other surfaces;
- (iii) the position and type of all fixtures, fittings and equipment;
- (iv) all sanitary conveniences, floor wastes / bucket traps / cleaner's sinks, grease traps, etc.;
- (v) waste storage and disposal areas;
- (vi) plans and specifications of the mechanical exhaust system if cooking is to take place in the food business;
- (vii) specifications of all cooking equipment (stoves, ovens, fryers, etc.);
- (viii) elevations of food handling and storage areas; and
- (ix) details of the types of food being prepared or sold.

Please refer to the City of Bunbury's Requirements for the Establishment, Construction and Fit Out of Food Premises available on the website at www.bunbury.wa.gov.au.

A final inspection of the premises will be required to be carried out by an Environmental Health Officer prior to commencing or continuing with the operation.

Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

Signed:

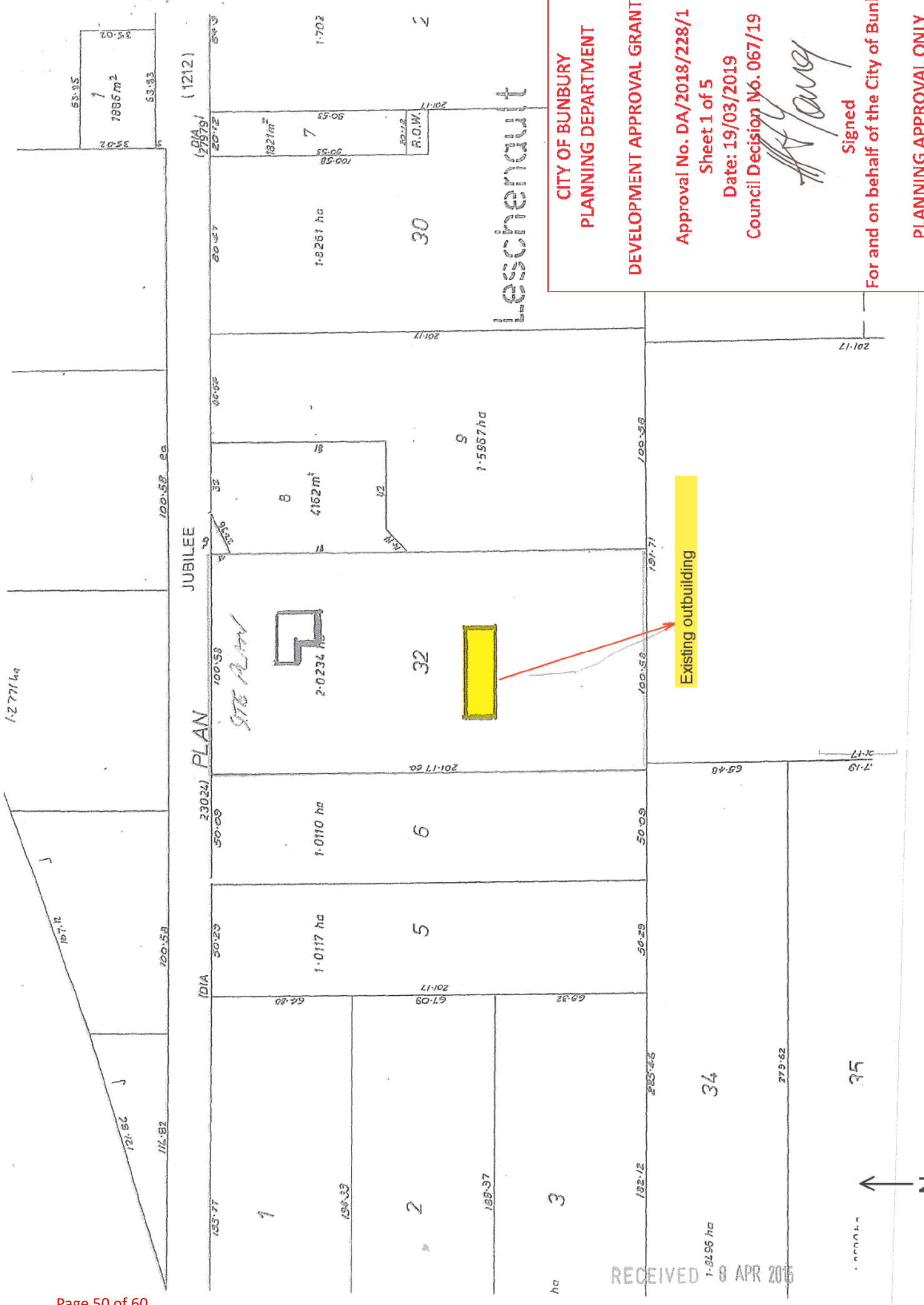
Dated: 21 March 2019

A handwritten signature in black ink, appearing to read 'M Young', written in a cursive style.

Matthew Young

TEAM LEADER DEVELOPMENT ASSESSMENT AND COMPLIANCE

For and on behalf of the City of Bunbury




**CITY OF BUNBURY
PLANNING DEPARTMENT
DEVELOPMENT APPROVAL GRANTED**

Approval No. DA/2018/228/1
Sheet 1 of 5
Date: 19/03/2019
Council Decision No. 067/19

[Signature]
Signed
For and on behalf of the City of Bunbury

**PLANNING APPROVAL ONLY
NOT A BUILDING PERMIT**

RECEIVED 8 APR 2019

CITY OF BUNBURY
PLANNING DEPARTMENT
DEVELOPMENT APPROVAL GRANTED
 Approval No. DA/2018/228/1
 Sheet 2 of 5
 Date: 19/03/2019
 Council Decision No. 067/19

 Signed
 For and on behalf of the City of Bunbury
PLANNING APPROVAL ONLY
NOT A BUILDING PERMIT



As per Condition 1.12, a 3.0m wide landscaped buffer as demarcated in green must be installed and maintained thereon after for the life of the 'home business' / 'incidental use'.

Approximate location for four (4) car parking bays required. As per Condition 1.9, detailed design plans shall be prepared in accordance with relevant standards and City of Bunbury requirements, for all access, carparking and pedestrian movements.



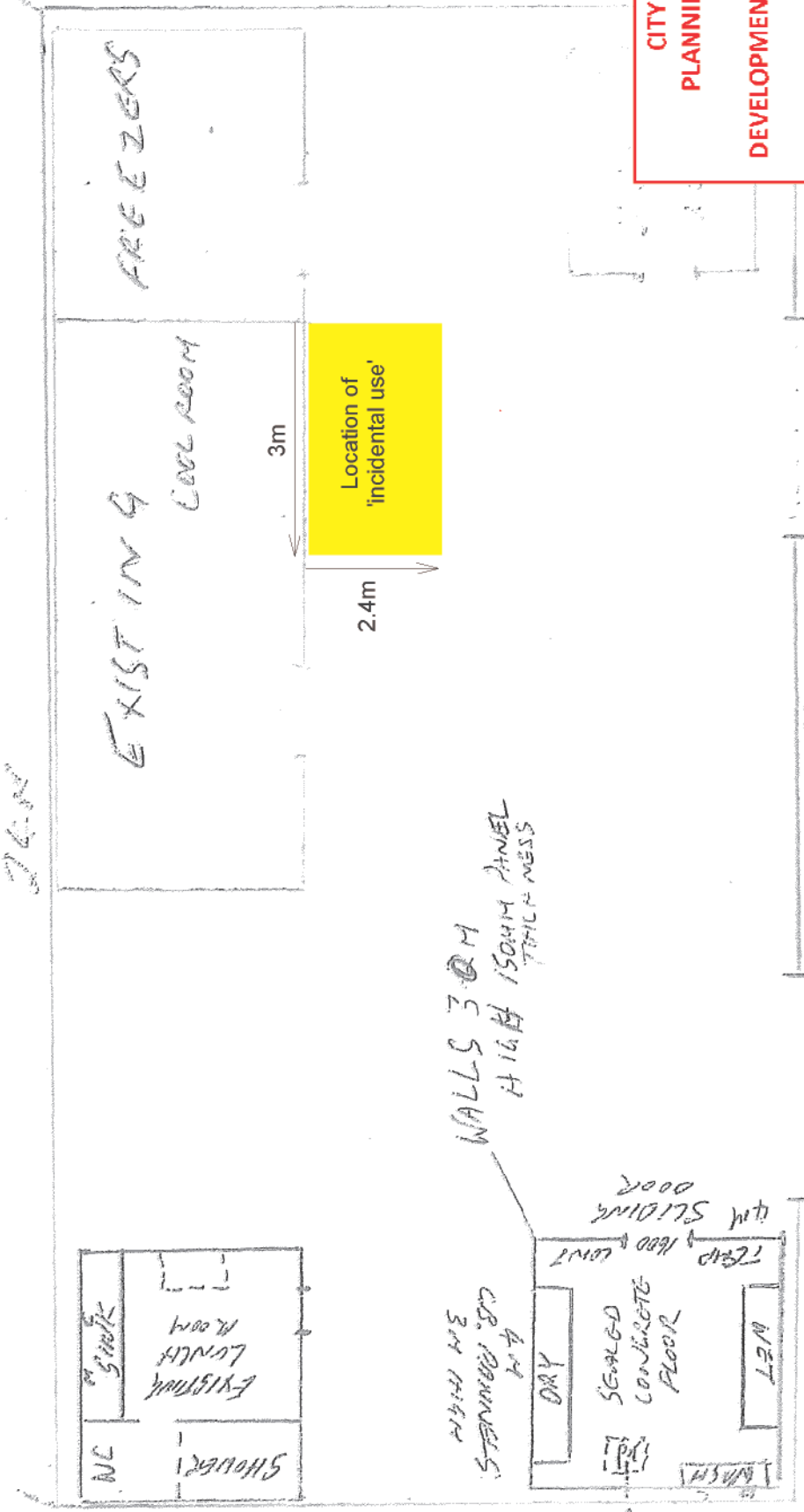
City of Bunbury does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that COB shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

25/02/2019
 1:600



EXISTING SHED

REGISTERED - HOME OCCUPATION - FIS



CITY OF BUNBURY
 PLANNING DEPARTMENT
 DEVELOPMENT APPROVAL GRANTED

Approval No. DA/2018/228/1
 Sheet 3 of 5
 Date: 19/03/2019
 Council Decision No. 067/19

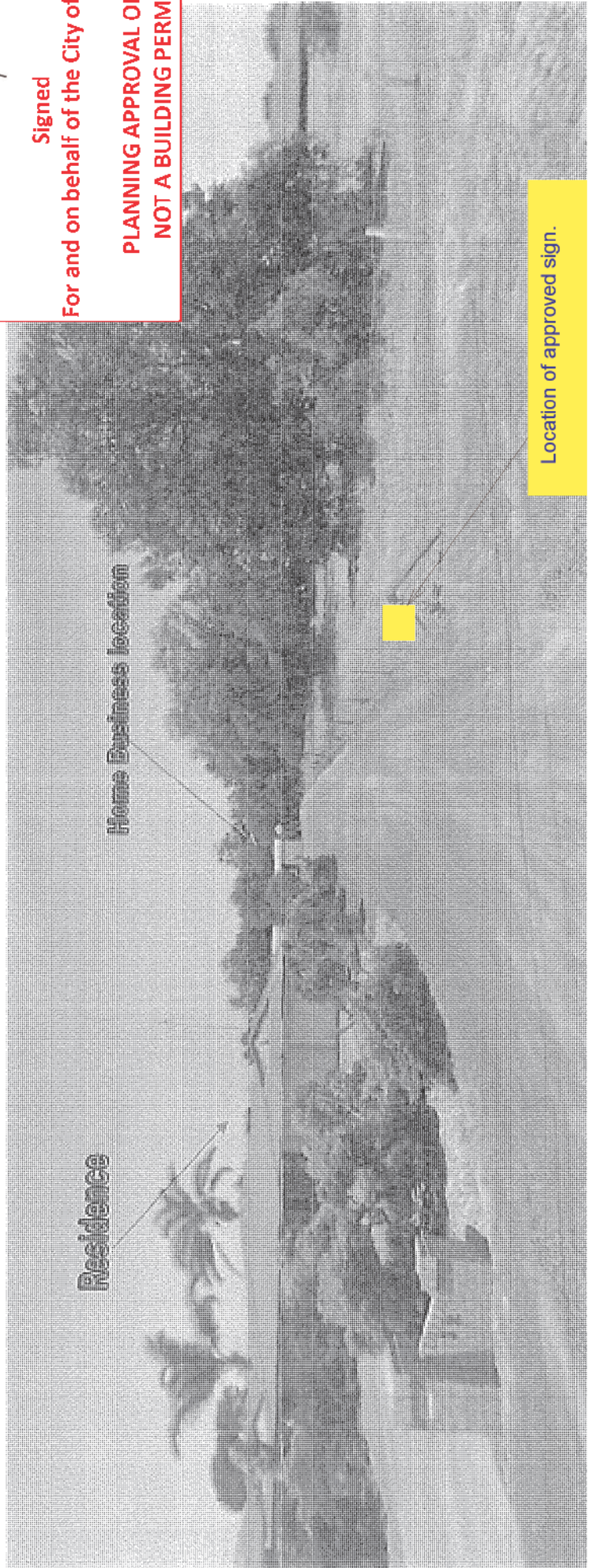
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[Signature]
Signed
For and on behalf of the City of Bunbury
PLANNING APPROVAL ONLY
NOT A BUILDING PERMIT

Lot 32 #32 Jubilee Road, Glen Iris – street view of property





**CITY OF BUNBURY
PLANNING DEPARTMENT**

DEVELOPMENT APPROVAL GRANTED

Approval No. DA/2018/228/1

Sheet 5 of 5

Date: 19/03/2019

Council Decision No. 067/19

Signed

For and on behalf of the City of Bunbury

**PLANNING APPROVAL ONLY
NOT A BUILDING PERMIT**

10.5 Director Infrastructure

Nil

DRAFT
For review at the Council
Briefing Session
3 December 2024

11. Applications for Leave of Absence

Nil

12. Motions on Notice

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

13.2 Questions from Members

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

DRAFT
For review at the Council
Briefing Session
3 December 2024

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

15.1.1 Deed of Variation of Lease – 62 Thirty Café & Bar

File Ref:	COB/5139
Applicant/Proponent:	62 Thirty Café & Bar
Responsible Officer:	Gemma Stewart, Senior Property Officer
Responsible Manager:	Felicity Anderson, Manager Economic Growth
Executive:	Andrew McRobert, 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:	Confidential Report CRUSC-1 Deed of Variation of Lease – 62 Thirty Café & Bar

This report is confidential in accordance with section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

A confidential report and recommendation will be circulated to members **under separate cover** (Confidential Report CRUSC-1). The report is not for circulation.

For review at the Council
Briefing Session
3 December 2024

15.1.2 Proposed Deed of Licence – WA Country Health Services South West over multiple car parking areas at Hay Park

File Ref:	COB/6870
Applicant/Proponent:	WA Country Health Services South West
Responsible Officer:	Gemma Stewart, Senior Property and Lands Officer
Responsible Manager:	Felicity Anderson, Manager Economic Growth
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Confidential Report CRUSC-2 Proposed Deed of Licence – WA Country Health Services South West over multiple car parking areas at Hay Park

This report is confidential in accordance with section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

A confidential report and recommendation will be circulated to members **under separate cover** (Confidential Report CRUSC-2). The report is not for circulation.

For review at the Council
Briefing Session
3 December 2024

15.1.3 Lot 3001 Marrabank Loop – Bunbury Power Boat Club and City Leases

File Ref:	COB/3853
Applicant/Proponent:	Internal
Responsible Officer:	Andrew McRobert, Director Sustainable Development
Responsible Manager:	Alan Ferris, Chief Executive Officer
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 checked="" type="checkbox"/> Legislative
Attachments:	Confidential Report CRUSC-3 RFQ2324/022 - Lot 3001 Marrabank Loop – Bunbury Power Boat Club and City Leases

This report is confidential in accordance with section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (b) the personal affairs of any person; and*
- (e)(ii) information that has a commercial value to a person; and*
- (f)(ii) endanger the security of the local government's property*

A confidential report and recommendation will be circulated to members **under separate cover** (Confidential Report CRUSC-3). The report is not for circulation.

DRAFT
For review at the Council
Briefing Session
3 December 2024

15.2 Public Reading of Resolutions that may be made Public

16. Closure

DRAFT
For review at the Council
Briefing Session
3 December 2024