



City of Bunbury Council

Minutes

31 January 2023



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
Post Office Box 21
Bunbury WA 6231

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Acknowledgement of Country

We acknowledge the Traditional Custodians of this land, the Wardandi Noongar people, and pay our respects to Elders past, present and future.

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 Custodians of this land, the Wardandi Noongar People, and paid his respects to Elders past, present and emerging.

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 7273.

3. Announcements from the Presiding Member

The Mayor announced that Cr Kris Plumb has resigned as a City of Bunbury Councillor. The Mayor thanked former Cr Plumb for his service to the Council.

4. Attendance

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor B Andrew
	Councillor B McCleary
	Councillor C Kozisek
	Councillor K Giles
	Councillor A Yip
	Councillor K Turner
	Councillor M Steck
	Councillor K Steele
Executive Leadership Team (Non-Voting)	
Director Infrastructure	Mr G Harris
Director Strategy and Organisational Performance	Ms K Strachan
Director Sustainable Communities	Mr G Barbour
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
A/Manager Finance	Ms D Bruton
Senior Corporate Communications Officer	Ms K Fielding
Governance Officer	Mr L Murphy
Strategic Planning Officer (Heritage)	Ms L Brown
Others (Non-Voting)	
Members of the Public	15

4.1 Apologies

Councillors Quain and Ghasseb were apologies for the meeting.

4.2 Approved Leave of Absence

Nil

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 Andrew declared a financial interest in item 10.1.1 *Amendments to Local Heritage Survey and Heritage List - Adoption* as he has a contract in place with William Barrett and Sons with their Spencer Street premises being listed.

Cr Andrew declared a financial interest in item 10.1.2 *Investigation of Tree Street Heritage Area* as he has a contract in place with William Barrett and Sons who own property listed on Stockley Road.

Cr Yip declared a financial interest in item 10.1.2 *Investigation of Tree Street Heritage Area* as her principal address is in the area.



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"/> Briefing Session <input type="checkbox"/> Council Meeting <input type="checkbox"/> Committee of Council: <i>(insert name of Committee below)</i>	Date of Agenda Briefing Meeting:/...../..... 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 <i>(please tick one of the boxes in Part A or Part B)</i>	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. <i>(Clause 22 Local Government (Model Code of Conduct) Regulations 2021 refers)</i>																																
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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

Nil

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held 20 December 2022 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 20 December 2022 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 31 January 2023

The recommendation (as printed) was moved by Cr Andrew and seconded by Cr Giles.

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

Council Decision 001/23

The minutes of the Ordinary meeting of the City of Bunbury Council held 20 December 2022 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Mal Osborne, 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: International Relations Committee Minutes 5 December 2022 Appendix 7.1.2-B Heritage Advisory Committee Minutes 14 December 2022

Summary

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

1. Title: International Relations Committee
Author: Qing Ye, Economic Development Officer
Appendix: 7.1.2-A
2. Title: Heritage Advisory Committee
Author: Lacey Brown, Strategic Planning Officer (Heritage)
Appendix: 7.1.2-B

Council Committee Recommendation

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

1. International Relations Committee 5 December 2022
2. Heritage Advisory Committee 14 December 2022

Voting Requirement: Simple Majority

Outcome of Meeting 31 January 2023

The recommendation (as printed) was moved by Cr Smith and seconded by Cr Yip.

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

Council Decision 002/23

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

- 1. International Relations Committee 5 December 2022***
- 2. Heritage Advisory Committee 14 December 2022***

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

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

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 items 10.3.1, 10.3.2, 10.3.3, 10.3.4 and 10.4.1

Items 10.1.1, 10.1.2 and 10.2.1 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 Kozisek and seconded by Cr McCleary.

10. Reports

10.1 Amendment to Council Meeting Schedule for 2023 (listed as 10.3.1 in the agenda)

File Ref:	COB/3667
Applicant/Proponent:	Internal
Responsible Officer:	Liam Murphy, Governance Officer
Responsible Manager:	Greg Golinski, Manger Governance
Executive:	Mal Osborne, Chief Executive Officer 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 type="checkbox"/> Legislative
Attachments:	Appendix 10.3.1-A – Revised 2023 OCM Calendar

Summary

The purpose of this report is for Council to consider an amendment to the 2023 Council Meeting Schedule to change the date of the last Ordinary Council Meeting of the 2023 calendar year from 19 December 2023 to 12 December 2023.

The revised 2023 Council Meeting Schedule is attached at appendix 10.3.1-A.

Executive Recommendation

That Council:

1. Adopt the revised Council Meeting Schedule for 2023 as presented at Appendix 10.3.2-A noting that all meetings will take place in the Council Chambers, 4 Stephen Street Bunbury commencing at 5.30pm.
2. Request that the Chief Executive Officer undertake all statutory advertising in this regard.

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

Nil

Background

Council adopted its 2023 meeting schedule on 8 November 2022. Council currently operates on a three-weekly meeting schedule, incorporating Elected Member Strategic Briefings (week 1), Council Agenda Briefing Sessions (week 2) and Ordinary Meetings (week 3). The current schedule also includes a two-week mid-year recess, which aligns with the mid-year school holidays.

Council has historically gone into recess over the Christmas / New Year period, with the last Ordinary Meeting of Council typically being held in mid-December, reconvening in mid-January. With the inclusion of the mid-year recess, the last meeting in the 2022 meeting schedule occurred in the week leading up to the Christmas shutdown period.

Council Policy Compliance

Nil

Legislative Compliance

Part 5 of the Act sets out the framework whereby elected members meet as the governing body for the purpose of decision-making on behalf of the local government. It is an intention of the Act that Councils conduct business and make decisions:

- openly and transparently;
- with a high level of accountability to their community;
- efficiently and effectively;
- with due probity and integrity;
- acknowledging relevant community input;
- with all available information and professional advice; and
- with the fullest possible participation of elected members.

It is a statutory requirement for Council to give Local Public Notice at least once each year of when Council plans to hold Council and Committee meetings that are open to public attendance.

Local Government Act 1995, s.5.25(1)(g) and as prescribed by the Local Government (administration) Regulations 1996, Regulation 12:

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*

Officer Comments

The final Ordinary Council Meeting of 2023 as previously adopted is currently scheduled for 19 December 2023, which is in the week leading up to the City's Christmas shutdown period. A similar scenario transpired in 2022 and proved to be somewhat problematic, particularly in relation to Elected Member and Officer availability, as well as administrative timeframes to ensure legislative compliance with things such as compilation of minutes and associated governance-related processes.

It is recommended that Council consider changing the previously adopted 2023 meeting schedule by removing the final Strategic Briefing Session for 2023 and bringing the Agenda Briefing and Ordinary Council Meeting forward by 1 week. The proposed changes are represented at Appendix 10.3.1-A. A summary of the proposed dates is reflected below:

	<u>Current Date</u>	<u>Proposed Date</u>
Strategic Briefing	5 Dec 2023	N/A
Agenda Briefing	12 Dec 2023	5 Dec 2023
Ordinary Council Meeting	19 Dec 2023	12 Dec 2023

Analysis of Financial and Budget Implications

All advertising costs can be accommodated within the 2022/23 budget.

Community Consultation

Not Applicable

Councillor/Officer Consultation

This matter is presented to Council for consideration.

Applicant Consultation

Not Applicable

Timeline: Council Decision Implementation

All relevant statutory advertising will be made as soon as possible following Council's decision in this regard.

Outcome of Meeting 31 January 2023

The recommendation (as printed) was moved by Cr Kozisek and seconded by Cr McCleary.

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 003/23

That Council:

- 1. Adopt the revised Council Meeting Schedule for 2023 as presented at Appendix 10.3.2-A noting that all meetings will take place in the Council Chambers, 4 Stephen Street Bunbury commencing at 5.30pm.***
- 2. Request that the Chief Executive Officer undertake all statutory advertising in this regard.***

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

10.2 Schedule of Accounts Paid for the period 1 December 2022 to 31 December 2022 (listed as 10.3.2 in the agenda)

File Ref:	COB/4736	
Applicant/Proponent:	Internal Report	
Responsible Officer:	Donelle Bruton, Acting Manager Finance	
Responsible Manager:	Donelle Bruton, Acting Manager Finance	
Executive:	Karin Strachan, Director Strategy & Organisational Performance	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
Attachments:	Appendix 10.3.2-A: Schedule of Accounts Paid	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 December 2022 to 31 December 2022 is attached at Appendix 10.3.2-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$9,199,731.35
2. Trust Account – payments totalling \$36,290.52
3. Visitor Information Centre Trust Account – payments totalling \$9,130.00

Executive Recommendation

The Schedule of Accounts Paid for the period 1 December 2022 to 31 December 2022 be received.

Voting Requirement: Simple Majority

Outcome of Meeting 31 January 2023

The recommendation (as printed) was moved by Cr Kozisek and seconded by Cr McCleary.

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 004/23

The Schedule of Accounts Paid for the period 1 December 2022 to 31 December 2022 be received.

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

10.3 Financial Management Report for the Period Ending 30 November 2022 (listed as 10.3.3 in the agenda)

File Ref:	COB/4736
Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
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 checked="" type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.3.3-A: Statement of Comprehensive Income Appendix 10.3.3-B: Statement of Financial Activity Appendix 10.3.3-C: Statement of Net Current Assets Appendix 10.3.3-D: Statement of Financial Position Appendix 10.3.3-E: Capital Projects Expenditure Summary Appendix 10.3.3-F: Operating Projects Expenditure Summary Appendix 10.3.3-G: Monthly Community Financial Report

Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix 10.3.3-A)
Actual Financial Performance to 30 November 2022 (refer explanations within the report)
 - Actual operating income of \$55.54M is \$60K more than the year-to-date budgeted income of \$55.48K
 - Actual operating expenditure of \$29.04M is \$200K less than the year-to-date budgeted expenditure of \$29.24M
 - Actual operating surplus of \$26.50M is \$259K more than the year-to-date budgeted operating surplus of \$26.24M

2. Statement of Financial Activity (**attached** at Appendix 10.3.3-B)

Closing funding surplus to 30 June 2023 is forecast at \$240K, which is on target with the current budget.

3. Statement of Financial Position (**attached** at Appendix 10.3.3-D)

The City’s year-to-date actuals and end of financial year (F/Y) forecast balances are as follows:

	Year-to-date	Forecast
* Current Assets of \$75.48M includes:		
- Cash and Investments	\$57.89M	\$25.19M
- Rates Receivable	\$15.63M	\$5.19M
- Other Current Assets	\$1.96M	\$0.14M
* Current Liabilities of \$18.55M includes:		
- Trade and Other Payables	\$10.78M	\$9.17M
- Annual Leave and LSL Provisions	\$5.02M	\$5.37M
* Working Capital (Current Assets less Current Liabilities)	\$56.93M	\$12.83M

- * Equity
(Total Assets less Total Liabilities) \$516.47M \$488.25M
4. Capital Works (**attached** at Appendix 10.3.3-E)
- Actual capital works of \$3.22M is \$65K less than the year-to-date budgeted capital works of \$3.29M, (refer explanation within report).
 - The progress of capital works is monitored on a monthly basis.
 - Capital works include a combination of funding sources including municipal, reserve and grant funds.
5. Operating Project Expenditure (**attached** at Appendix 10.3.3-F)
- Actual operating project expenditure of \$3.18M is \$180K less than the year-to-date budgeted operating project expenditure of \$3.36M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

The Financial Management Report for the period ending 30 November 2022 be received.

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

Background

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.3-A)
- Statement of Financial Activity (**attached** at Appendix 10.3.3-B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.3-C)
- Statement of Financial Position (**attached** at Appendix 10.3.3-D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.3-E)
- Operating Projects Summary (**attached** at Appendix 10.3.3-F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.3-G)

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

Council Policy Compliance

Not applicable.

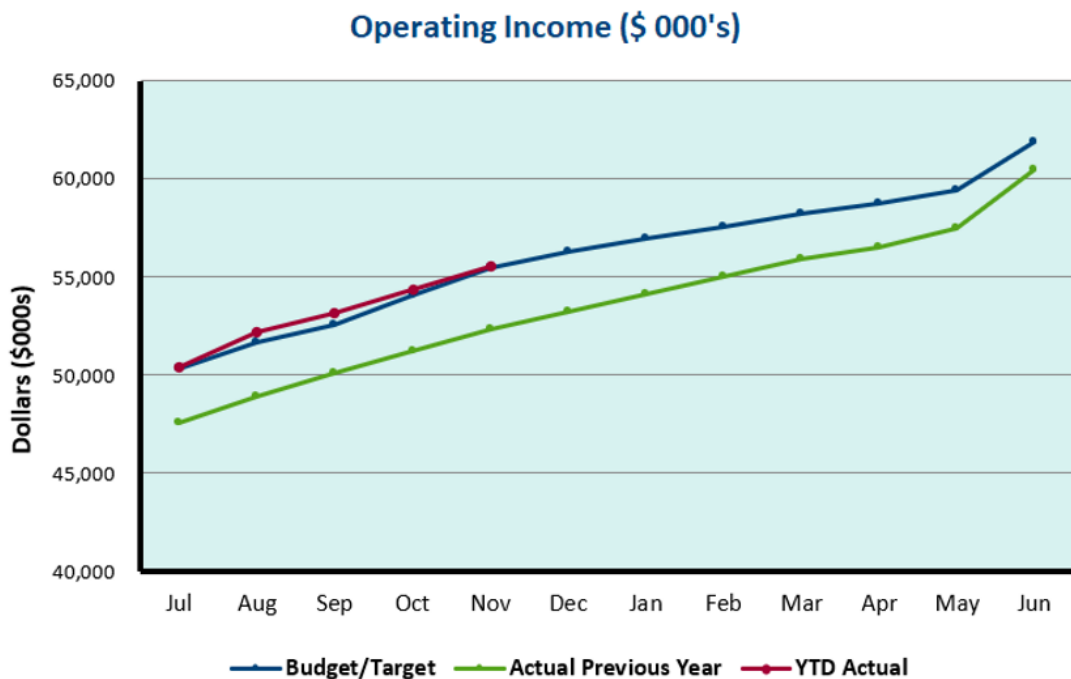
Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix 10.3.3-B) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

At the Special Council Meeting 26 July 2022, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/23.

Officer Comments

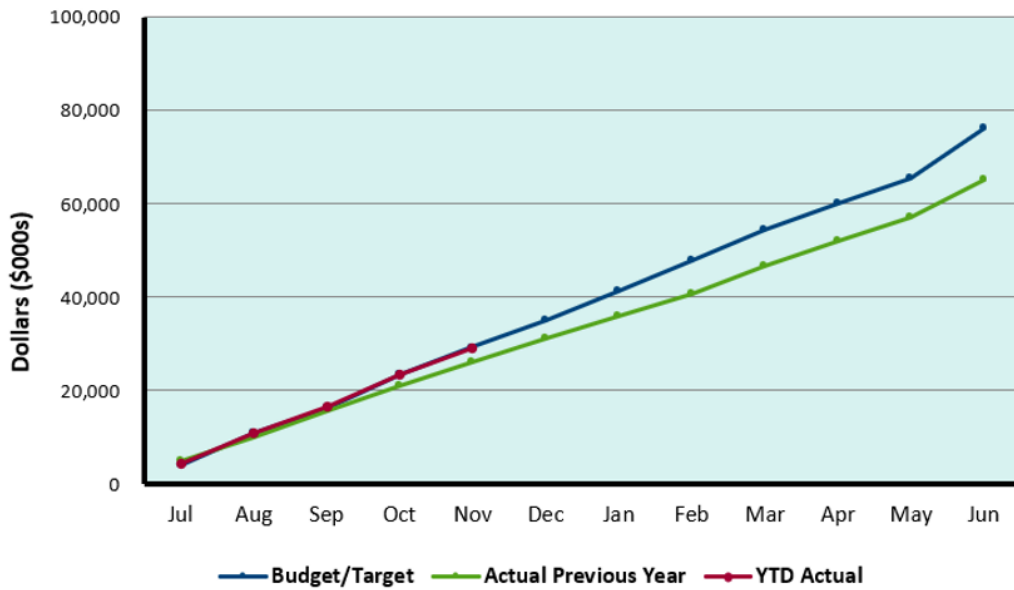
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions, reimbursements and donations, interest and other revenue.

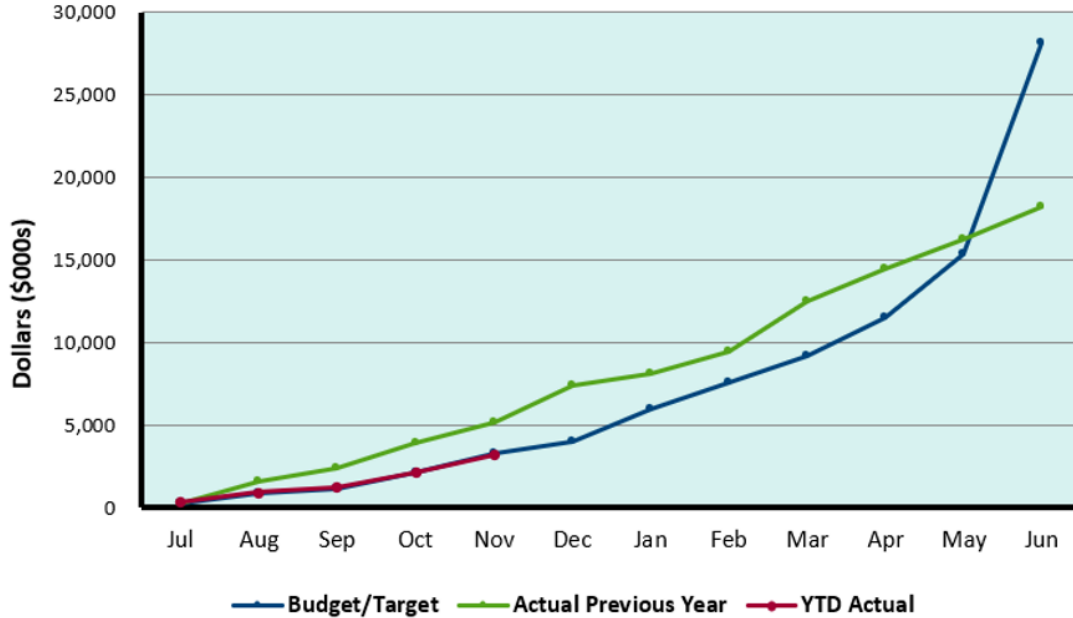
Actual Income of \$55.54M is \$60K above the year-to-date budgeted income of \$55.48M.

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is \$200K less than the year-to-date budget.

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of November 2022 is less than the year-to-date budget by \$65K. The monthly Capital Works Expenditure Summary Report provides more detail on all capital projects.

There was no significant variances identified in the Statement of Financial Activity.

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2022/23 financial year.

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.3-G) has been prepared to give the community an easy to understand summary of the City's financial performance. Once received by Council, this report will be made available on the City's website for community information.

Councillor/Officer Consultation

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

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

Outcome of Meeting 31 January 2023

The recommendation (as printed) was moved by Cr Kozisek and seconded by Cr McCleary.

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 005/23

The Financial Management Report for the period ending 30 November 2022 be received.

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

- * Equity
(Total Assets less Total Liabilities) \$511.89M \$488.25M
- 4. Capital Works (**attached** at Appendix 10.3.4-E)
 - Actual capital works of \$3.76M is \$190K less than the year-to-date budgeted capital works of \$3.95M, (refer explanation within report).
 - The progress of capital works is monitored on a monthly basis.
 - Capital works include a combination of funding sources including municipal, reserve and grant funds.
- 5. Operating Project Expenditure (**attached** at Appendix 10.3.4-F)
 - Actual operating project expenditure of \$3.71M is \$280K less than the year-to-date budgeted operating project expenditure of \$3.99M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

The Financial Management Report for the period ending 31 December 2022 be received.

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

Background

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.4-A)
- Statement of Financial Activity (**attached** at Appendix 10.3.4-B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.4-C)
- Statement of Financial Position (**attached** at Appendix 10.3.4-D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.4-E)
- Operating Projects Summary (**attached** at Appendix 10.3.4-F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.4-G)

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

Council Policy Compliance

Not applicable.

Legislative Compliance

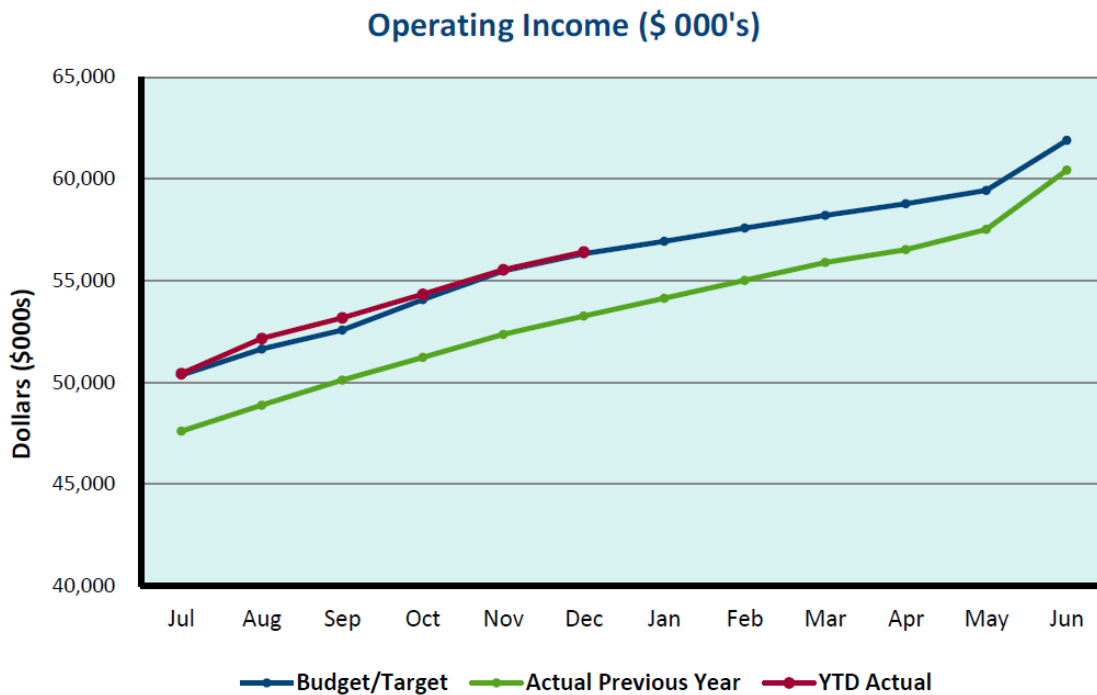
In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix 10.3.4-B) reporting

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

At the Special Council Meeting 26 July 2022, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/23.

Officer Comments

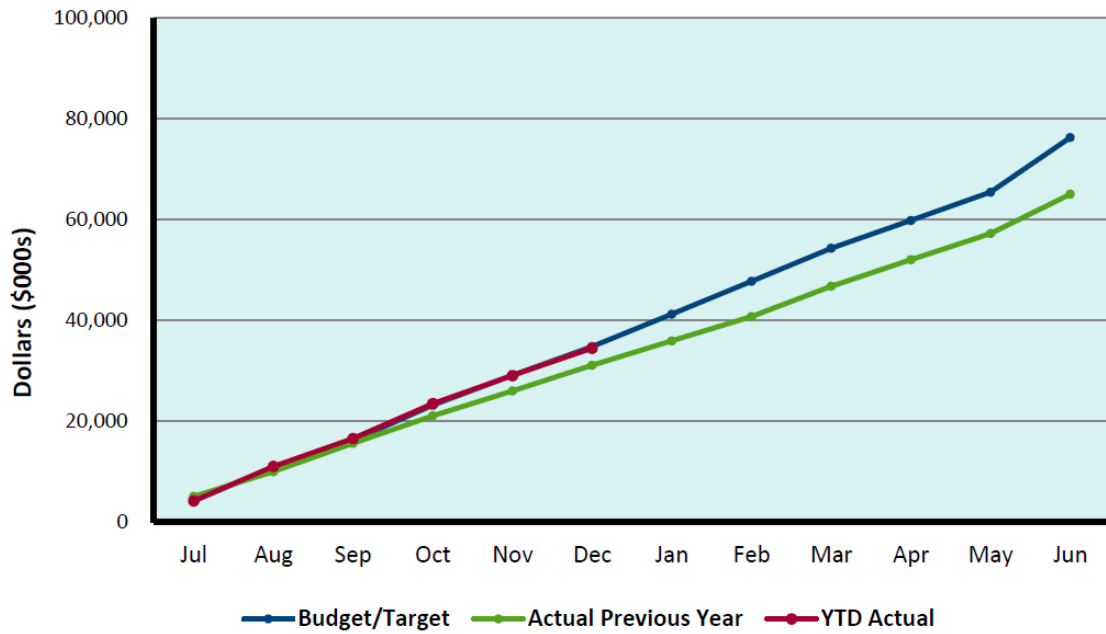
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions, reimbursements and donations, interest and other revenue.

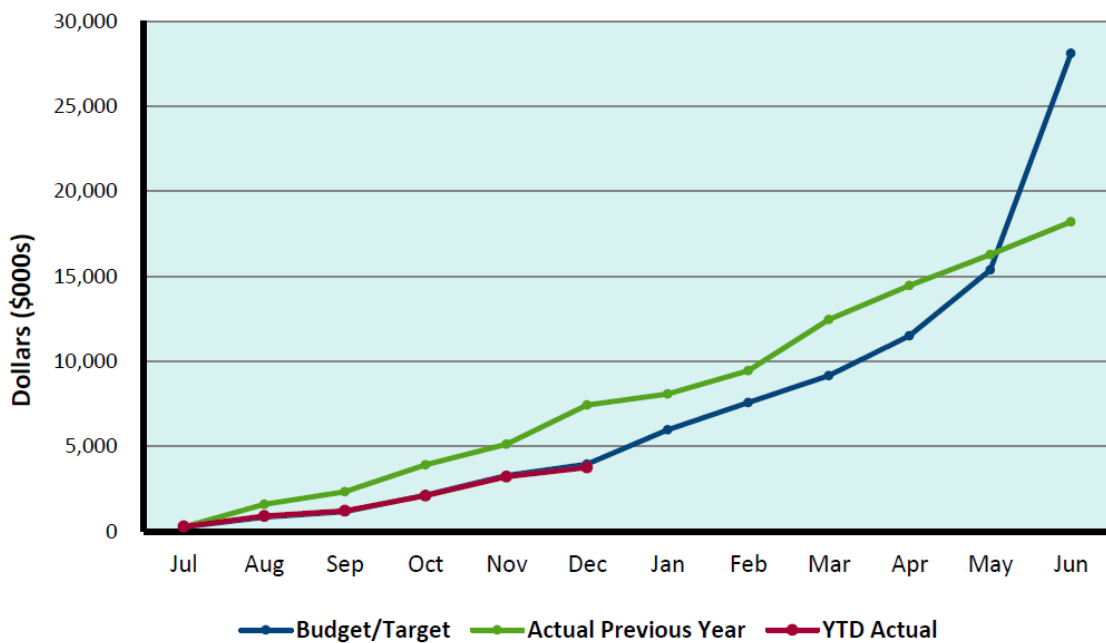
Actual Income of \$56.41M is \$95K above the year-to-date budgeted income of \$56.32M

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is \$314K less than the year-to-date budget.

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of December 2022 is less than the year-to-date budget by \$190K. The monthly Capital Works Expenditure Summary Report provides more detail on all capital projects.

There was no significant variances identified in the statement of Financial Activity.

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2022/23 financial year.

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.4-G) has been prepared to give the community an easy to understand summary of the City's financial performance. Once received by Council, this report will be made available on the City's website for community information.

Councillor/Officer Consultation

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

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

Outcome of Meeting 31 January 2023

The recommendation (as printed) was moved by Cr Cr Kozisek and seconded by Cr McCleary.

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 006/23

The Financial Management Report for the period ending 31 December 2022 be received.

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

10.5 Proposed Dedication of Land as Road Reserve (listed as 10.4.1 in the agenda)

File Ref:	DD016.2019.00000001.001
Applicant/Proponent:	City of Bunbury
Responsible Officer:	Gemma Stewart, Property Officer
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
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: Location Plan – Reserve 39152 Appendix 10.4.1-B: Location Plan – Reserve 35848 Appendix 10.4.1-C: Hudson Road to Jacaranda Crescent Road Appendix 10.4.1-D: One Lane Connector Roads

Summary

The City of Bunbury (the “City”) requires portion of Reserve 39152, Lot 662 on Deposited Plan 186675 (“Reserve 39152”) as shown on the location plan as **attached** Appendix 10.4.1-A and portion of Reserve 35848, Lot 622 on Deposited Plan 12592 (“Reserve 35848”) as shown on the location plan as **attached** at Appendix 10.4.1-B to be dedicated as road. This will enable connecting roads to be constructed as part of the Central Withers Structure Plan.

Executive Recommendation

That Council agrees to make request to the Department of Planning, Lands and Heritage for portion of Reserve 39152, Lot 662 on Deposited Plan 186675 as **attached** at per Appendix 10.4.1-A and portion of Reserve 35848, Lot 622 on Deposited Plan 12592 as **attached** at Appendix 10.4.1-B, to be dedicated as road pursuant to Section 56 of the *Local Government Act 1997*.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome 1	A safe community
Objective 1.1	Improve safety and crime preventions services

Regional Impact Statement

Dedicating portion of Reserve 39152 and Reserve 35848 as road enables for new connector roads to be developed to support the objective of improved external connectivity in Withers that will also improve local amenity and liveability.

Background

The State Government’s 2021-22 State Budget committed funding to support social housing revitalisation within the suburbs of Geraldton, Bunbury, and Albany.

As part of this initiative, the Withers Regional Renewal project was funded to construct four new connector roads in Withers. These connector roads were identified in the Central Withers Structure

Plan, endorsed at the Ordinary Council Meeting held 1 September 2020 (200/20) to improve community safety, access, and connectivity.

The first stage of the Central Withers Structure Plan which consisted of constructing a connector road between Minnipup Road and Jacaranda Crescent, is now complete.

This request is to progress the second stage.

Hudson Road to Jacaranda Crescent Road

It is proposed for a road to be constructed between Hudson Road, Jacaranda Crescent and connecting Whitley Crescent as **attached** Appendix 10.4.1-C. The road will be constructed through portion of Reserve 39152 and multiple Department of Communities freehold land.

Connecting Jacaranda Crescent, Hudson Road and Whitley Crescent will reduce travel times for local residents, improving passive surveillance and enhancing the streetscaping and landscaping. The associated footpaths will also improve the walkability of the neighbourhood, making it easier for local residents to walk to recreation areas and the Minnipup Road shopping centre.

One Lane Connector Roads

It is proposed for three one lane connector roads between Davenport Way and Rand Court, Hooper Place and Stallard Place, and Mawson Place and Reynolds Way as **attached** Appendix 10.4.1-D.

This will reduce travel times for local residents, improve passive surveillance and improve the access for emergency and delivery services. Streetlighting and landscaping will also enhance the streetscape and improve safety.

In 2020 Cardno estimated that by implementing these road improvements and reducing travel distances it would save the community around \$21,000 annually.

Council Policy Compliance

Not applicable

Legislative Compliance

Section 56 of the *Land Administration Act 1997*

Officer Comments

The Department of Planning, Lands and Heritage have confirmed the required information and process regarding how to proceed with the road dedication.

Analysis of Financial and Budget Implications

As per the grant agreement, the City will receive \$2,272,728 of the project funds to complete the construction of these roads which includes lighting and landscaping of the new roads to enhance the urban environment and improve public amenity.

Community Consultation

Considerable community consultation on the community connectors was undertaken through the structure planning process.

To facilitate the implementation of the Structure Plan the Withers Renewal Project Working Group was established and is comprised of: the Department of Communities; the South West Development Commission; and the City who attended regular meetings during the preparation of the Structure Plan and provided any feedback.

Councillor/Officer Consultation

The proposed portions of Reserve 39152 and Reserve 35848 to be dedicated as road are in accordance with the Central Withers Structure Plan as per Council Decision 200/20 dated 1 September 2020.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

The City will be in contact with Department of Planning, Lands and Heritage immediately to request excision from portion of Reserve 39152 and Reserve 35848 to be dedicated as road pursuant to Section 56 of the *Land Administration Act 1997*.

Outcome of Meeting 31 January 2023

The recommendation (as printed) was moved by Cr Kozisek and seconded by Cr McCleary.

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 007/23

That Council agrees to make request to the Department of Planning, Lands and Heritage for portion of Reserve 39152, Lot 662 on Deposited Plan 186675 as attached at per Appendix 10.4.1-A and portion of Reserve 35848, Lot 622 on Deposited Plan 12592 as attached at Appendix 10.4.1-B, to be dedicated as road pursuant to Section 56 of the Local Government Act 1997.

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

10.6 Amendments to Local Heritage Survey and Heritage List - Adoption (listed as 10.1.1 in the agenda)

File Ref:	COB/4960
Applicant/Proponent:	Internal
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
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 10.1.1-A: Schedule of Submissions Appendix 10.1.1-B: Amendments to Local Heritage Survey and Heritage List Appendix 10.1.1-C: Place Records

Summary

The *Heritage Act 2018* requires the preparation and review of a Local Heritage Survey (LHS) (previously referred to as the Municipal Inventory or Local Government Inventory). The City's 2001 LHS was reviewed in 2012 but no new places were assessed. The Local Planning Strategy commits to a comprehensive review of the LHS and this was budgeted for accordingly. The proposed amendments to the LHS and Heritage List were advertised for community feedback as per *Planning and Development (Local Planning Schemes) Regulations 2015*. The submissions are being presented to Council for consideration. The purpose of this report is to seek adoption of the amendments.

Executive and Heritage Advisory Committee Recommendation

That Council:

1. Note the table of submissions as **attached** at Appendix 10.1.1-A;
2. Pursuant of Part 8, Section 103 of the *Heritage Act 2018* and Schedule 2, Part 3, cl.8 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposed amendments to the Local Heritage Survey and Heritage List (as **attached** at Appendix 10.1.1-B) be adopted;
3. Adopt the place records (as **attached** at Appendix 10.1.1-C), with changes as detailed in the Schedule of Submissions;
4. Give notice of the amendments to the Local Heritage Survey and Heritage List to:
 - a. the Heritage Council of Western Australia; and
 - b. each owner and occupier of the place;
5. Update City of Bunbury databases and administrative systems to incorporate amendments to the Local Heritage Survey and City of Bunbury Heritage List accordingly.

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
Objective 7.2	Grow recognition and respect for local history and heritage

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

Heritage is important in understanding the history of the City of Bunbury and the State as a whole. Heritage places can be buildings, structures, gardens, cemeteries, landscapes and archaeological sites. 'Cultural heritage significance' is the aesthetic, historic, scientific or social significance a place has for present and future generations. The City of Bunbury wants to help protect places of cultural heritage significance for future generations so they too will be able to enjoy a rich and diverse cultural environment and understand what came before them.

The *Heritage Act 2018* (the Act) requires the preparation and review of an LHS and that it be conducted with regard to the Guidelines for Local Heritage Surveys, Heritage Council WA (the Guidelines) prepared under Section 105 of the Act.

In 2001, the City adopted its first LHS (previously referred to as the Municipal Heritage Inventory or Local Government Inventory). This was based on nominations by the community and officers, rather than a street-by-street survey and resulted in ad hoc listings. The last review was conducted in 2012 and this was of existing places on the LHS. The consultants were not required to identify or assess new places for inclusion. Since 2001 and 2012, there have been a number of demolitions of places that have cultural heritage significance. The City is now reviewing on a priority precinct basis only, starting with sections of the CBD or as requested by nomination (HAC recommendation August 2021).

The Council resolved (Decision 188/22) in September 2022 to proceed with consultation on the proposed amendments.

Council Policy Compliance

Not applicable.

Legislative Compliance

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

Legislation

- *Heritage Act 2018*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- The Burra Charter

State Planning Framework

- Guidelines for Local Heritage Surveys 2019
- Guidelines for Establishing a Heritage List 2021
- Statement of Planning Policy 3.5 Historic Heritage Conservation

Local Planning Framework

- City of Bunbury Local Planning Strategy
- City of Bunbury Local Planning Scheme No.8 (LPS8)
- Local Planning Policy 6.1 – Heritage Conservation and Development
- Local Planning Policy 6.2 – Heritage Listing, Assessment and Concessions

Officer Comments

In December 2021, the City engaged heritage professionals, Stephen Carrick Architects, to undertake heritage assessments and compile draft place record forms for the central business area. The project team included a heritage architect and historian. Street surveys and desktop research were conducted to inform place records with management categories that informed inclusion on LHS and/or the Heritage List as **attached** at Appendix 10.1.1-B. Place records are included at Appendix 10.1.1-C.

On completion of public consultation, 14 properly made submissions were received and are detailed in the Schedule of Submissions as **attached** at Appendix 10.1.1-A. In summary, the changes proposed are based on the matters raised in the submissions and are as detailed below:

Place #	Address	Management Category	Add to Local Heritage Survey	Add to Heritage List
7	45 Stephen Street	3	Yes	Yes (now proposed No)
20	50 Wellington Street Additional detail in place record	3	Yes	Yes
23	15 Forster Street Additional detail in place record	2	Yes	Yes
24	Ocean Drive, Back Beach Ocean Bath	4 (now proposed as 2)	Yes	No
25	Ocean Drive, Bright Spot Bathing Pavilion	4 (now proposed as 2)	Yes	No

Restriction to development

The places listed on the Heritage List (properties with management categories 1-3) are afforded protection through City of Bunbury Local Planning Scheme 8. Should a proposal want to change the built form of the place or subdivide, it may need a heritage impact assessment and/or a structural engineer report demonstrating how heritage values will be retained and outlining the impact of any works through the development application process.

Redevelopment of a property included on the heritage list can occur if responsive to the heritage values of a site. There was one submission in which it was assessed that a listing may be too restrictive given the width of the site, the lack of significance of developments on the adjoining lots and the cultural heritage significance of the place being marginal. The Heritage Advisor recommended not including this place on the Heritage List.

Modifications to buildings

Most heritage buildings have had some degree of modification, however a building can still retain a level of significance that warrants statutory protection. A heritage architect has made an assessment on the level of significance based on “Guidelines for Local Heritage Surveys”, Heritage Council, 2019 for each place.

Incentives

Some owners requested a 50% rate concession and 50% subsidy towards renovations. The City currently provides:

- 30% (capped at \$1000/yr) rate concession for eligible conservation works over a 5yr period;
- a free heritage advisory service to owners or proponents to assist with preliminary information on proposals or works schedules;
- waiving of development application fees for proposals that provide positive heritage outcomes;
- assistance with funding applications if required;
- Awards Program to recognise outstanding heritage works and promotion.

At this point, no further incentives are proposed.

Heritage listing will impact on property values

As stated by Heritage Council of WA, various studies in Australia and internationally suggest general positive effects on property values due to heritage listing. Like any property, value will be affected by a range of factors including size, location, trends in the real estate market cycle and the quality and maintenance of the property.

Skills of Committee members

A submitter questioned the expertise and knowledge of members of the Heritage Advisory Committee on making decisions regarding heritage listings and its implications on owners. The Heritage Advisory Committee does not have delegation so therefore can only provide a recommendation to the Ordinary Council Committee.

The initial assessment in determining the cultural heritage significance of places was conducted by a heritage architect and historian. This assessment was in accordance with criteria developed by the Heritage Council of WA. The members of the Heritage Advisory Committee are selected on their skills and expertise that contribute to the terms of reference of the Heritage Advisory Committee. The current membership includes heritage architects, structural engineer, land valuer, historians, town planner, local businessowners and three Councillors.

What if the owner does not support their property being included on the Local Heritage Survey or Heritage List?

The owner and occupiers of all proposed places were invited to participate in the consultation process, and their views were considered. This information is presented to the Heritage Advisory Committee to make a recommendation to Council, who is the decision maker. While property owners and occupiers are required to be consulted and should be advised of the assessment process, the assessment of a place should not be conditional on owner or occupier support.

Analysis of Financial and Budget Implications

Additional places included on the Heritage List could result in an increase of rate concession applications and further development application fees being waived. This could have future budget implications.

Community Consultation

Consultation on the amendments were advertised in the local newspaper, the City's website and Facebook page. Owners and occupiers of places proposed to be included on the LHS and Heritage List were informed of the nomination via mail and invited to make a submission. Datasheets on properties and a Frequently Asked Questions Factsheet was provided for each property. There were 14 submissions received which have been reported back to the Heritage Advisory Committee to make a recommendation to Council.

Councillor/Officer Consultation

The schedule of submissions was provided to the Heritage Advisory Committee (HAC) held on 14 December 2022 for consideration.

Applicant Consultation

Not applicable.

Timeline

Following the HAC recommendation, the item is presented to the Council meeting of 31 January 2023 for final determination.

Outcome of Meeting 31 January 2023

Councillor Andrew left the chamber at 5:32pm as he had declared a financial interest in this item. The recommendation (as printed) was moved by Cr McCleary and seconded by Cr Smith.

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

Council Decision 008/23

That Council:

- 1. Note the table of submissions as attached at Appendix 10.1.1-A;**
- 2. Pursuant of Part 8, Section 103 of the Heritage Act 2018 and Schedule 2, Part 3, cl.8 of the Planning and Development (Local Planning Schemes) Regulations 2015 the proposed amendments to the Local Heritage Survey and Heritage List (as attached at Appendix 10.1.1-B) be adopted;**
- 3. Adopt the place records (as attached at Appendix 10.1.1-C), with changes as detailed in the Schedule of Submissions;**
- 4. Give notice of the amendments to the Local Heritage Survey and Heritage List to:**
 - a. the Heritage Council of Western Australia; and**
 - b. each owner and occupier of the place;**
- 5. Update City of Bunbury databases and administrative systems to incorporate amendments to the Local Heritage Survey and City of Bunbury Heritage List accordingly.**

CARRIED UNANIMOUSLY
9 votes "for" / nil votes "against"

10.7 Investigation of Tree Street Heritage Area (listed as 10.1.2 in the agenda)

File Ref:	COB/100		
Applicant/Proponent:	Internal		
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)		
Responsible Manager:	Felicity Anderson, Manager City Growth		
Executive:	Gary Barbour, Director Sustainable Communities		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input checked="" type="checkbox"/> Information Purposes	
	<input checked="" type="checkbox"/> Legislative		
Attachments:	Appendix 10.1.2 –A: Tree Street Heritage Area Assessment		

Summary

The *Heritage Act 2018* requires the preparation and review of a Local Heritage Survey (LHS) (previously referred to as the Municipal Inventory or Local Government Inventory). The City’s 2001 LHS was reviewed in 2012 but no new places were assessed. The Local Planning Strategy commits to a comprehensive review of the LHS and this was budgeted for accordingly. A targeted approach was workshopped with the Heritage Advisory Committee. One of the priority locations raised to be assessed was that known as the “Tree Streets”.

A detailed assessment of the Tree Streets has been completed. It is recommended that Council note the report and propose that a local planning policy be presented back to Council detailing design guidelines that would support a heritage area prior to more detailed consultation.

Executive and Heritage Advisory Committee Recommendation

That Council:

1. Note the Tree Street Heritage Area Assessment Report (as **attached** at Appendix 10.1.2-A) and support the proposal of a designated heritage area;
2. To prepare a local planning policy for the proposed ‘Tree Street Heritage Area’ that sets out the following –
 - a) a map showing the boundaries of the heritage area;
 - b) a statement about the heritage significance of the area;
 - c) a record of places of heritage significance in the heritage area;
 - d) design guidelines;
3. Present the draft local planning policy to Council for review prior to endorsement to proceed with public consultation;
4. Present an engagement plan proposal for conducting public consultation.

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
Objective 7.2	Grow recognition and respect for local history and heritage

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

“Heritage supports urban and rural amenity by providing familiarity and the presence of landmarks, by underpinning our ‘sense of place’, and by enhancing the quality of our built environment generally.” (State Planning Policy 3.5 Historic Heritage Conservation (SPP 3.5)).

Local governments, in close engagement with their communities, perform an important role in the identification and protection of local places of cultural heritage significance. This starts with the creation and adoption of a local heritage survey (LHS). Having identified individual places, groups and precincts in the LHS, consideration should be given as to whether any significant areas warrant further investigation for their potential as a heritage area.

The deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the deemed provisions) identify that a heritage area should be designated ‘if, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area...’.

A separate local planning policy (LPP) is required for each heritage area designated under the local planning scheme. The requirements of such an LPP are detailed in clause 9(2), Schedule 2 of the deemed provisions.

In 2004, the City of Bunbury commissioned an investigation into the cultural heritage significance of the Tree Street Area. The initial investigation was undertaken by Considine and Griffiths Architects with Historian Robin Chinnery. During the 2004 analysis of the Tree Street Heritage Area, the study area included Karri Street, Jarrah Street, Banksia Street, Stockley Road, Beach Road and included a section of Tuart Street from Sampson Road to Beach Road. There were opposing views from the community and extensive consultation. The finalisation of a heritage area did not proceed at that point. This work has been given consideration through the review process.

Council Policy Compliance

Not applicable.

Legislative Compliance

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

Legislation

- *Heritage Act 2018*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- The Burra Charter

State Planning Framework

- Guidelines for Local Heritage Surveys 2019

- Guidelines for Heritage Areas (draft)
- Statement of Planning Policy 3.5 Historic Heritage Conservation

Local Planning Framework

- City of Bunbury Local Planning Strategy
- City of Bunbury Local Planning Scheme No.8 (LPS8)
- Local Planning Policy 6.1 – Heritage Conservation and Development
- Local Planning Policy 6.2 – Heritage Listing, Assessment and Concessions

Officer Comments

In December 2021, the City engaged heritage professionals, Stephen Carrick Architects, to undertake heritage assessments of priority locations across the City. The HAC and members of the public had previously identified the CBD and the 'Tree Streets' (HAC recommendation August 2021). The project team included a heritage architect and historian. Street surveys and desktop research were conducted to inform the assessment as per Attachment 2. The assessment is based on the Guidelines for Heritage Areas (draft), DPLH, 2022.

What does it mean to be in a heritage area?

The objective of a heritage area is to protect significant elements of an area that contribute to the streetscape and to sensitively accommodate change – not prevent it. Buildings that do not contribute to the significance of the area can be demolished, on approval, and new development should reinforce the significance of the area. Works that are not considered maintenance/repair will require a development application, but the development application fees are waived. The City's free heritage advisory service is also available to owners in a heritage area.

Designation of Heritage Area

Heritage areas are select areas with special qualities, and will generally be quite rare within a locality. They typically exist on a much larger scale than individual places and contain a number of built elements that demonstrate a unified or cohesive physical form with an identifiable aesthetic, historic or social theme associated with a particular period or periods of development.

A potential heritage area is often indicated at the conclusion of a heritage survey, through a study of the mapping of heritage places. This would be identified by a particularly high concentration of heritage places within an area.

The process for formally designating an area as a heritage area is outlined at Schedule 2, Part 3, Clause 9 of the Regulations. The process can be summarised follows:



Guidelines for Inclusion

A heritage area should have an overall theme or connecting heritage value that demonstrates a strong unifying character. It should always be established on the basis of a clear statement of significance, which explains what is significant about an area and why, and describe its key features and elements. The individual components of a heritage area will collectively form a streetscape, townscape or cultural environment with significant heritage characteristics, which may include architectural style, town planning or urban design excellence, landscape qualities, or strong historic associations.

In some cases, the development of a heritage area may span an extended period and include a variety of building types. In such cases it may be worthwhile to analyse the different phases of growth as part of the assessment, while also demonstrating the ‘unifying thread’ that holds the area together as a meaningful whole.

The assessment of a heritage area requires a slightly different approach to a general assessment of heritage places. A heritage area will be of significance for the local district if it meets one or more of the criteria of Aesthetic, Historic, Scientific, Social or Spiritual significance. However, it will also need to satisfy the following additional criteria:

- *it demonstrates a unified or cohesive physical form in the public realm with an identifiable aesthetic, historic or social theme associated with a particular period or periods of development.*

Defining the boundaries

The outer boundaries of a heritage area commonly follow road alignment or other readily defined limits. If defined as part of an urban block, using the lot boundaries of contributing properties would generally be appropriate.

A heritage area should include all properties within a regular boundary, whether or not they are identified as contributing to the area. When considering what elements to include, it is important to consider where the special planning controls need to be applied in order to conserve the heritage significance of the area. In some cases, this will mean including non-heritage places that are on the edge of the area, but where additional planning controls would assist in reducing intrusive elements or other adverse impacts on heritage values.

Contributory and non-contributory elements

The deemed provisions require that the LPP for a heritage area includes ‘a record of places of heritage significance within the area’. It is recommended that this is extended to include a list of all individual elements within the area. There is generally no need to assign a level of significance to a heritage area as a whole, however, each place within the area should be graded according to the level of contribution that it makes to the overall significance of the area. Categories are only relevant where there is an associated planning policy, or other reason for differentiating between them. For many heritage areas, there may only be a requirement to identify whether an individual element is contributory or not. In such instances, these may be assigned categories and planning outcomes similar to Table 1.

Table 1 – Level of significance

Level of significance	Description	Desired Outcome
Considerable contribution	Very important to the significance of the Heritage Area; recommended for entry in the Heritage List.	Conservation of the place is highly desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.
Some/Moderate contribution	Contributes to the significance of the Heritage Area	Conservation of the place is desirable. Any external alterations or extensions should reinforce the significance of the area, in accordance with the Design Guidelines.

Level of significance	Description	Desired Outcome
No contribution	Does not contribute to the significance of the Heritage Area.	Existing fabric does not need to be retained. Any new (replacement) development on the site should reinforce the significance of the area, in accordance with the Design Guidelines.
Intrusive	Intrusive /negative	Policies may support removal/replacement consistent with the Design Guidelines.

Analysis of Financial and Budget Implications

Additional places included on the Heritage List and/or within a heritage area could result in an increase of rate concession applications. The area proposed includes 302 properties of varying significance. The take up of rate concessions is generally quite low, but this could have future budget implications.

Community Consultation

The proposed heritage area will be consulted with the property owners as per legislative requirements. The Heritage Advisory Committee, which includes community members, has raised concerns previously about the ad hoc nature of listings and the need to review and assess priority areas on a street-by-street basis. Should Council resolve to proceed with the next actions, an engagement plan will be presented along with the draft LPP for further consideration.

Councillor/Officer Consultation

City Growth officers and the three Councillors that are members of the Heritage Advisory Committee have been advised of the targeted approach of priority areas undertaken as part of the Local Heritage Survey review. This report was presented to the Heritage Advisory Committee held on 14 December 2022 for consideration.

Applicant Consultation

Not applicable.

Timeline

On completion of the design guidelines, the local planning policy will be presented to the Heritage Advisory Committee and Council for consideration in the first quarter of 2023.

Outcome of Meeting 31 January 2023

Councillor Yip left the chamber at 5:33pm as she had declared a financial interest in this item.

The recommendation (as printed) was moved by Cr Smith and seconded by Cr Giles.

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

Council Decision 009/23

That Council:

- 1. Note the Tree Street Heritage Area Assessment Report (as attached at Appendix 10.1.2-A) and support the proposal of a designated heritage area;**
- 2. To prepare a local planning policy for the proposed 'Tree Street Heritage Area' that sets out the following –**
 - a) a map showing the boundaries of the heritage area;**
 - b) a statement about the heritage significance of the area;**
 - c) a record of places of heritage significance in the heritage area;**
 - d) design guidelines;**
- 3. Present the draft local planning policy to Council for review prior to endorsement to proceed with public consultation;**
- 4. Present an engagement plan proposal for conducting public consultation.**

CARRIED UNANIMOUSLY
8 votes "for" / nil votes "against"

Councillors Andrew and Yip returned to the chamber at 5:35pm.

10.8 Councillor Vacancy (listed as 10.2.2 in the agenda)

File Ref:	COB/5243
Applicant/Proponent:	Internal Report
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Strategy and Organisational Performance Mal Osborne, 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:	Nil

Summary

Councillor Kris Plumb has provided written notice of his resignation as a City of Bunbury Councillor to the Chief Executive Officer effective as of 17 January 2023.

The *Local Government Act 1995* (the Act) requires Council to determine within 1 month how it wishes to deal with the extraordinary vacancy created by former Cr Plumb's resignation. Options in this regard are detailed within the Officer Comment.

Executive Recommendation

That Council:

1. Pursuant to section 4.17(3) of the *Local Government Act 1995*, request the WA Electoral Commissioner to permit the vacancy created by the resignation of Councillor Kris Plumb to remain unfilled until the next ordinary election in October 2023.
2. Appoint Councillor _____ as a member of the Audit Committee.
3. Appoint Councillor _____ as a member of the CEO Performance Review Panel.

Voting Requirement: Absolute Majority required

Strategic Relevance

Pillar: Performance
Aspiration: Leading with purpose and robust governance
Outcome 13: A leading local government

Regional Impact Statement

N/A

Background

Councillor Kris Plumb has provided written notice of his resignation as a City of Bunbury Councillor to the Chief Executive Officer effective as of 17 January 2023. This creates an extraordinary vacancy under section 2.32(b) of the Act.

Council Policy Compliance

Nil

Legislative Compliance

Division 6 of Part 2 of the Act deals with vacation of office.

Division 4 of Part 4 of the Act deals with extraordinary elections.

Section 4.17 of the Act details criteria for cases in which vacant offices can remain unfilled.

The specifics of each of these provisions are further explained within the options listed under “Officer Comment”.

Officer Comments

The following options are available to Council in this regard:

Option 1 (Executive Recommendation)

Defer filling the vacancy until the next ordinary election on 21 October 2023.

Option 2

Hold an extraordinary postal election (conducted by the WA Electoral Commission) to fill the vacancy until 21 October 2023.

Option 3

Hold an extraordinary in-person election to fill the vacancy until 21 October 2023.

Comment – Option 1

Section 4.17 of the *Local Government Act 1995* gives Council the option of holding a Councillor vacancy with the approval of the WA Electoral Commissioner, where that vacancy is created more than 92 days from the next ordinary election.

The resignation of former Councillor Plumb effectively leaves Council with 92% of its operational capacity until the October 2023 ordinary election.

The Council's current rate of representation is one Councillor per 1,194 electors, which would change to one Councillor per 2,154 electors (based on electoral roll statistical data from October 2021) factoring in former Cr Plumb's departure, well in line with the representation ratios of several similar-size local governments in Western Australia (see table below).

	Area (sq.kms)	Population	No. of Electors	Councillors	Crs : Electors
Capel	554	15,549	9,351	9	1:1039

Harvey	1,766	24,667	14,549	13	1:1119
Kalgoorlie	95,228.5	32,620	15,380	12	1:1281
Geraldton	9,928.9	39,311	23,495	12	1:1958
Albany	4,312	33,651	23,572	12	1:1964
Bunbury (currently)	65.6	34,148	23,694	12	1:1974
Mundaring	644	36,530	25,729	12	1:2144
Bunbury (11 Crs)	65.6	34,148	23,694	11	1:2154
Belmont	40	38,597	21,386	9	1:2376
Victoria Park	18	36,082	19,761	8	1:2470
Vincent	11	31,549	21,113	7	1:3016
Busselton	1,454	41,041	29,852	9	1:3317
Mandurah	173.5	76,539	47,958	12	1:3996
Joondalup	96	164,737	107,847	12	1:8987
Stirling	109	208,399	127,015	14	1:9027

* Table listed in order of highest to lowest representation, and excludes a popularly elected Mayor

By way of precedent, Council has previously held over Councillor vacancies on a number of occasions, including for 15 months in 2012/13 following former Cr Bridges resignation, for 19 months in 2018/19 following former Cr McGuinness's resignation, and for 7 months in 2021 following former Cr Hayward's election to state Parliament.

There is no cost implication in leaving the vacancy unfilled, other than a saving in the current and future 2023/24 budgets of approximately \$24,350 being forgone Councillor allowances.

Another factor for consideration is the current reform agenda for local government, which will likely see Councillor numbers reduced at the City of Bunbury by two in 2023, and another two in 2025 (consistent with Council's previous decision in this regard). The reform agenda would add further weight to holding over the vacancy until the October 2023 election.

Following discussion with the WA Electoral Commission in this regard, the Electoral Commissioner has confirmed his consent in accordance with section 4.17(3) of the Act to defer filling the vacancy until the next ordinary election, pending Council's formal decision to go down that path (Option 1 as presented).

Wording for motion to enact Option 1

That Council:

1. Pursuant to section 4.17(3) of the *Local Government Act 1995*, request the WA Electoral Commissioner to permit the vacancy created by the resignation of Councillor Kris Plumb to remain unfilled until the next ordinary election in October 2023.
2. Appoint Councillor _____ as a member of the Audit Committee.
3. Appoint Councillor _____ as a member of the CEO Performance Review Panel.

Voting Requirement: Absolute Majority required

** Note that points 2 and 3 have been suggested to fill vacancies created on Council committees as a result of former Councillor Plumb's departure.*

Comment – Option 2

Should an extraordinary postal election be considered by Council, the Act requires that a date for that election be set within 4 months of the resignation being provided to the Chief Executive Officer, unless otherwise approved by the WA Electoral Commissioner.

Cognisant of the timing of this Ordinary Council meeting, Officers have spoken with the WA Electoral Commission who have suggested Friday 21 April 2023 as a suitable date as Election Day, which ensures that all statutory obligations can be met.

The WA Electoral Commission has also advised that the cost of holding an extraordinary postal election for the City of Bunbury would be circa \$70,000. There is no provision within the 2022/23 budget to hold an extraordinary election in this financial year.

Postal elections have historically attracted voter turnout rates of around 35%, translating to approximately 8,000 votes given Bunbury's total elector population being 23,694 (approximately \$8 per vote received).

Postal voting has been used in Bunbury for ordinary elections since 1997, with little evidence of complaint from members of the public, as well as a significantly higher voter participation rates.

Postal voting is more user-friendly than in-person elections, where electors receive their ballot papers well in advance of Election Day, and can return them via post, which is of great benefit to those who work away and those who are otherwise unable to attend in person.

Postal voting also ensures complete impartiality in the process, with the local government (City of Bunbury) having a limited role and also not handling ballot papers prior to election day, with the WA Electoral Commission appointing a Returning Officer and managing the election itself.

Wording for motion to enact Option 2

That Council, pending the approval of the WA Electoral Commissioner:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 extraordinary election resulting from the resignation of Councillor Kris Plumb.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.
3. Set the date of the extraordinary election, pursuant to section 4.9 of the *Local Government Act 1995*, as being Friday, 21 April 2023.
4. Make appropriate provision within the 2022/23 budget to conduct the extraordinary election at the next formal budget review.

Voting Requirement: Absolute Majority required

Comment – Option 3

Should an extraordinary in-person election be considered by Council, the Act requires that a date for that election be set within 4 months of the resignation being provided to the Chief Executive Officer, unless otherwise approved by the WA Electoral Commissioner.

As with option 1, and for simplicity as well as reduced cost, it is suggested that Friday 21 April 2023 could be a suitable date to hold an extraordinary election, which will ensure that all statutory obligations can be met.

An in-person election would be managed internally by City of Bunbury officers. The estimated cost of holding an in-person extraordinary election is between \$40,000-\$50,000, which would cover staff time, printing costs, and statutory advertising. There is no provision within the 2022/23 budget to hold an election in this financial year.

The last time extraordinary in-person elections were held in the City of Bunbury was in 2006 and 2008, where the voter turnout was 1.8% and 2.3% respectively, which translated to 375 and 480 votes respectively (approximately \$100 per vote received).

Wording for motion to enact Option 3

That Council:

1. Pursuant to section 4.9 of the *Local Government Act 1995*, set the date of the extraordinary election resulting from the vacancy created by the resignation of Councillor Kris Plumb as being Friday, 21 April 2023.
2. Decide, in accordance with section 4.61(1) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a voting in-person election.
3. Make appropriate provision within the 2022/23 budget to conduct the extraordinary election at the next formal budget review.

Voting Requirement: Absolute Majority required

Electoral Provisions – Options 2 and 3

Council must be mindful of the statutory provisions regarding the holding of an extraordinary election when setting a date, should either option 2 or 3 be chosen. The wording provided within these options already takes these provisions into consideration.

With option 2, the Electoral Commissioner must agree to conduct a postal election at least 80 days from Election Day. Following discussion with the WA Electoral Commission in relation to this matter, the Electoral Commissioner has pre-empted his agreement in this regard should Council wish to resolve as per option 2.

With option 3, statewide public notice must be given advising the date and time for close of enrolments between 56 and 70 days from Election Day. Further, rolls close at 5pm, 50 days from Election Day. Fourteen days notice is advisable for statutory advertising in this regard, so in effect the absolute earliest date that an election could be held is Saturday 15 April 2023.

With both options 2 and 3, the latest possible date to hold the extraordinary election is Wednesday 17 May 2023.

Conclusion

Based on all the comment above, Option 1 is the Executive Recommendation.

Should Council be of the view that the extraordinary vacancy should be filled, the Executive recommend that this be done via a postal vote as per Option 2, to ensure an increased voter turnout as well as impartiality of process. Either a postal or in-person election would be required to be held by 17 May 2023.

Analysis of Financial and Budget Implications

The cost implications for each of the options available to Council are provided within the “Officer Comment”.

Community Consultation

Nil

Councillor/Officer Consultation

This matter is presented to Council for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Council’s decision in relation to this matter will be enacted as soon as practicable following the decision being made.

Outcome of Meeting 31 January 2023

The Mayor called for nominations to fill the vacancy on the Audit Committee. Councillor McCleary nominated for the Audit Committee position.

The Mayor called for nominations to fill the vacancy on the CEO Performance Review Panel. Councillors McCleary and Steck nominated for the position. The Mayor called a ballot, the result of which was tied with equal votes to both Councillors McCleary and Steck. Councillor McCleary withdrew her nomination, leaving Cr Steck as the sole nominee for the CEO Performance Review Panel position.

The recommendation (including Committee nominees) was moved by Cr Kozisek and seconded by Cr Giles.

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

Council Decision 010/23

That Council:

- 1. Pursuant to section 4.17(3) of the Local Government Act 1995, request the WA Electoral Commissioner to permit the vacancy created by the resignation of Councillor Kris Plumb to remain unfilled until the next ordinary election in October 2023.**
- 2. Appoint Councillor McCleary as a member of the Audit Committee.**
- 3. Appoint Councillor Steck as a member of the CEO Performance Review Panel.**

CARRIED UNANIMOUSLY
10 votes “for” / nil votes “against”

11. Applications for Leave of Absence

11.1 Cr Steck

Cr Steck requests a leave of absence from all Council-related business from 17 February 2023 to 01 March 2023 inclusive.

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

Executive Recommendation

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Steck is granted leave of absence from all Council-related business from 17 February 2023 to 01 March 2023 inclusive.

Outcome of Meeting 31 January 2023

The recommendation (as printed) was moved by Cr Andrew and seconded by Cr Smith.

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

Council Decision 011/23

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Steck is granted leave of absence from all Council-related business from 17 February 2023 to 01 March 2023 inclusive.

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

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

A procedural motion pursuant to Standing Order 11.1(h) that the meeting be closed to the public was moved by Cr Andrew and seconded by Cr Yip.

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

Council Decision 012/23

That Council pursuant to Standing Order 11.1(h) close the meeting to the public to deal with the following item on the agenda:

15.1.1 Request for Quotation – Supply of Bowser Fuel

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

The meeting was closed to the public at 5:38pm.

15.1.1 Request for Quotation – Supply of Bowser Fuel

File Ref:	RFT2223/001
Applicant/Proponent:	Internal Report
Responsible Officer:	Karen Urkko, Contracts and Procurement Officer
Responsible Manager:	Donelle Bruton, A/Manager Finance
Executive:	Karin Strahan, Director Strategy and Organisational Performance
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 CRUSC-1: Request for Quotation – Supply of Bowser Fuel

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

(e), (ii) a matter that if disclosed, would reveal information that has commercial value to a person

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

Outcome of Meeting 31 January 2023

The recommendation (as printed) was moved by Cr Steck 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 013/23

That the Council:

a. Pursuant to RFQ2223/015 Supply of Bowser Fuel CUAUFUE2013, accept the Tenders from BP Australia Pty Ltd (ABN 53 004 085 616) and Caltex Australia Petroleum Pty Ltd (Ampol) (ABN 17 000 032 128) for the estimated price of \$2.4M over a five (5) year period subject to minor variations to be negotiated in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996 (FG Regulations);

b. Delegates power and authority to the Chief Executive Officer to negotiate and agree with BP Australia Pty Ltd (ABN 53 004 085 616) and Caltex Australia Petroleum Pty Ltd (Ampol) (ABN 17 000 032 128) minor variations in accordance with Regulation 20 of the FG Regulations, subject to there being sufficient funds available within the approved expenditure budget;

c. Subject to resolutions 1 and 2, authorise the Chief Executive Officer to enter into a Contract with BP Australia Pty Ltd (ABN 53 004 085 616) and Caltex Australia Petroleum Pty Ltd (Ampol) (ABN 17 000 032 128) to provide the Supply of Bowser Fuel.

d. Following entry into the Contract, negotiate variations with BP Australia Pty Ltd (ABN 53 004 085 616) and Caltex Australia Petroleum Pty Ltd (Ampol) (ABN 17 000 032 128) to the respective Contracts, subject to there being sufficient funds available within the approved budget expenditure.

CARRIED UNANIMOUSLY
10 votes “for” / nil votes “against”

A motion to reopen the meeting to the public was moved by Cr Andrew and seconded by Cr Giles.

The Mayor put the motion to the vote, and it was carried unanimously.

Council Decision 014/23

That the meeting be reopened to the public.

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

The meeting was reopened to the public at 5:41pm.

15.2 Public Reading of Resolutions that may be made Public

The Mayor read aloud the decisions for item 15.1.1 as follows:

15.1.1 Request for Quotation – Supply of Bowser Fuel

That the Council:

- a. Pursuant to RFQ2223/015 Supply of Bowser Fuel CUAUFUE2013, accept the Tenders from BP Australia Pty Ltd (ABN 53 004 085 616) and Caltex Australia Petroleum Pty Ltd (Ampol) (ABN 17 000 032 128) for the estimated price of \$2.4M over a five (5) year period subject to minor variations to be negotiated in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996 (FG Regulations);
- b. Delegates power and authority to the Chief Executive Officer to negotiate and agree with BP Australia Pty Ltd (ABN 53 004 085 616) and Caltex Australia Petroleum Pty Ltd (Ampol) (ABN 17 000 032 128) minor variations in accordance with Regulation 20 of the FG Regulations, subject to there being sufficient funds available within the approved expenditure budget;
- c. Subject to resolutions 1 and 2, authorise the Chief Executive Officer to enter into a Contract with BP Australia Pty Ltd (ABN 53 004 085 616) and Caltex Australia Petroleum Pty Ltd (Ampol) (ABN 17 000 032 128) to provide the Supply of Bowser Fuel.
- d. Following entry into the Contract, negotiate variations with BP Australia Pty Ltd (ABN 53 004 085 616) and Caltex Australia Petroleum Pty Ltd (Ampol) (ABN 17 000 032 128) to the respective Contracts, subject to there being sufficient funds available within the approved budget expenditure.

16. Closure

The Mayor declared the meeting closed at 5:42pm.

Confirmed this day, 21 February 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 31 January 2023.

Jaysen de San Miguel
Mayor