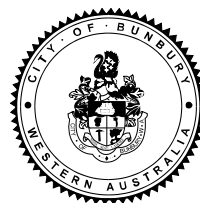




City of Bunbury Council

Minutes 25 July 2023



CITY OF BUNBURY

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Bunbury WA 6230
Western Australia

Correspondence to:
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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:	<p>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.</p> <p>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.</p>
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

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Recording and Webstreaming of Meetings

- All Ordinary and Special Council Meetings are electronically recorded except when Council resolves to go behind closed doors
- All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office
- The live stream can be accessed at <http://www.bunbury.wa.gov.au/Pages/Live-Stream.aspx>
- Recordings can be accessed at <http://www.bunbury.wa.gov.au/Pages/Council-Meeting-Videos-2022.aspx>
- Images of the public gallery are not included in the streaming, however the voices of people in attendance may be captured and streamed.
- If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance Officer on 9792 7273.

3. Announcements from the Presiding Member

The Mayor advised that the City will be holding a public forum on Tuesday 8 August 2023 regarding the tree street heritage area, which will follow the scheduled Agenda Briefing. Public advertising will commence in the coming week.

4. Attendance

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor M Steck
	Councillor B Andrew
	Councillor B McCleary
	Councillor C Kozisek
	Councillor K Turner
	Councillor G Ghasseb
	Councillor K Steele
	Councillor A Yip
	Councillor M Quain
	Councillor W Giles
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr M Osborne
Director Sustainable Communities	Mr G Barbour
Director Strategy and Organisational Performance	Mrs K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Team Leader Marketing and Communications	Ms K Fielding
Governance Officer	Mr L Murphy
Others (Non-Voting)	
Members of the Public	50 (approx.)

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

4.3 Attendance at Previous Meetings

Legend			
✓	Present	LOA	Approved Leave of Absence
×	Absent	Deputy	Attended committee meeting as a deputy member
Apology	Apology received prior to the meeting	Workshop	Formalised Strategic Workshops for Elected Members/Executive
N/A	Not a member of the committee		

Date	Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Ghasseb	Cr Giles	Cr Kozisek	Cr McCleary	Cr Quain	Cr Steck	Cr Steele	Cr Turner	Cr Yip
January 2023													
25/01/23	Disability Access & Inclusion Committee	N/A	N/A	✓	×	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
31/01/23	Ordinary Council Meeting	✓	✓	✓	Apology	✓	✓	✓	Apology	✓	✓	✓	✓
February 2023													
07/02/23	Workshop	Apology	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	✓
14/02/23	Workshop	✓	✓	✓	Apology	✓	✓	Apology	✓	✓	✓	✓	Apology
14/02/23	Agenda Briefing	✓	✓	✓	Apology	✓	✓	Apology	✓	✓	✓	✓	Apology
21/02/23	Ordinary Council Meeting	✓	✓	✓	✓	✓	✓	✓	✓	LOA	✓	✓	✓
22/02/23	Policy Review & Development Committee	N/A	✓	N/A	N/A	✓	✓	N/A	✓	N/A	✓	N/A	N/A
23/02/23	Workshop	✓	Apology	✓	Apology	✓	✓	Apology	✓	LOA	Apology	Apology	Apology
28/02/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	LOA	Apology	✓	✓
March 2023													
03/03/2023	Audit Committee Meeting	✓	N/A	✓	N/A	N/A	✓	✓	N/A	N/A	N/A	N/A	N/A
07/03/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	✓
07/03/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	✓
08/03/2023	Disability Access and Inclusion Committee	N/A	N/A	✓	Absent	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
13/03/2023	International Relations Committee	N/A	✓	N/A	×	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
14/03/2023	Ordinary Council Meeting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Apology
23/03/2023	Workshop	✓	✓	✓	Apology	✓	✓	Apology	✓	Apology	Apology	Apology	✓
23/03/2023	CEO Recruitment Project Control Group	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
27/03/2023	CEO Recruitment Project Control	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A

25 July 2023
Minutes – Council Meeting

Date	Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Ghasseb	Cr Giles	Cr Kozisek	Cr McCleary	Cr Quain	Cr Steck	Cr Steele	Cr Turner	Cr Yip
	Group												
28/03/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
28/03/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
April 2023													
04/04/2023	CEO Recruitment Project Control Group	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
04/04/2023	Ordinary Council Meeting	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	✓
13/04/2023	CEO Performance Review Committee	Apology	Deputy	Deputy	x	N/A	✓	N/A	LOA	x	✓	Deputy	N/A
18/04/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	LOA	✓	Apology	✓	✓
18/04/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	LOA	✓	Apology	✓	✓
26/04/2023	Policy Review and Development Committee	N/A	✓	Deputy	N/A	LOA	✓	N/A	LOA	N/A	Apology	N/A	N/A
26/04/2023	Ordinary Council Meeting	✓	✓	✓	✓	LOA	✓	✓	LOA	✓	✓	✓	✓
May 2023													
09/05/2023	Workshop	✓	✓	✓	✓	LOA	✓	✓	Apology	✓	✓	✓	✓
09/05/2023	Agenda Briefing	✓	✓	✓	Apology	LOA	✓	✓	Apology	✓	✓	✓	✓
23/05/2023	Workshop	✓	LOA	✓	Apology	LOA	✓	✓	✓	Apology	✓	✓	✓
23/05/2023	Ordinary Council Meeting	✓	LOA	✓	✓	LOA	✓	✓	✓	Apology	✓	✓	✓
24/05/2023	Heritage Advisory Committee	N/A	Apology	N/A	N/A	N/A	✓	N/A	✓	N/A	Deputy	N/A	N/A
30/05/2023	CEO Recruitment Panel	✓	N/A	✓	N/A	N/A	N/A	N/A	N/A	N/A	✓	✓	Apology
30/05/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
30/05/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
June 2023													
06/06/2023	Ordinary Council Meeting	Apology	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
07/06/2023	Disability Access and Inclusion Committee	N/A	N/A	✓	x	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
12/06/2023	International Relations Committee	N/A	✓	N/A	x	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13/06/2023	Audit Committee	✓	N/A	✓	N/A	N/A	✓	Apology	N/A	N/A	N/A	N/A	N/A
14/06/2023	Policy Review and Development Committee	N/A	✓	N/A	N/A	✓	✓	N/A	✓	N/A	✓	N/A	N/A
20/06/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
20/06/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology

25 July 2023
Minutes – Council Meeting

Date	Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Ghasseb	Cr Giles	Cr Kozisek	Cr McCleary	Cr Quain	Cr Steck	Cr Steele	Cr Turner	Cr Yip
27/06/2023	Ordinary Council Meeting	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	✓
28/06/2023	Policy Review and Development Committee	N/A	✓	N/A	N/A	✓	✓	N/A	✓	N/A	✓	N/A	N/A
July 2023													
11/07/2023	Special Council Meeting	✓	✓	✓	x	✓	✓	✓	✓	x	✓	✓	✓
18/07/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	Apology
18/07/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	✓
25/07/2023	Ordinary Council Meeting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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.”*

Councillor Andrew declared a financial interest in relation to item 10.4.1 *Gazettal of Lodging House Fees* as he provides contract services to a local lodging house.



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>				
	Item No.	Agenda Title	Part A		Part B
			Fin	Prox	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

The Mayor noted that he had received a significant number of questions all relating to the Proposed Tree Street Heritage Area. The Mayor reiterated that a community forum to discuss the Proposed Tree Street Heritage area will be held on Tuesday, 8 August following the scheduled Agenda Briefing.

The Mayor advised that he would take all questions that had been received as read, and that answers to those questions would be provided in the minutes of the meeting, however anyone who wished to read their question/s may still do so.

All questions that were received are presented below together with their responses:

Adam Gunn - 37 Tuart Street, Bunbury

Question 1

The planning policy does not have a grandfather clause. What is the Council doing to protect the interest of the homeowners?

Response

If the proposed local planning policy (the policy) was adopted, any new works that require development approval would be subject to assessment from the adoption date onward. Lawful works prior to the adoption date are not subject to the policy unless they are subject to new works proposals by the owner. Council is not requiring existing landowners to retrospectively upgrade existing approved works in the absence of an application for development approval.

Question 2

Could the Council explain what they believe the impact of this change will be to each homeowner?

Response

For owners proposing external works that are defined as 'maintenance and repair', or internal works on a property that is not individually heritage listed, there will be no impact on the homeowner. Under Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015, 'Maintenance and Repair' with like-for-like materials and finishes is defined as:

maintenance and repair works means works that —

- (a) are carried out to maintain or repair any building, structure or land or otherwise to prevent any building, structure or land from deteriorating or falling into a state of disrepair; and
- (b) do not result in any material alteration to the building, structure or land, including any material alteration to the materials used in or on, or the design or specifications of, the building, structure or land;

An owner that proposes external works that are not ‘maintenance or repair’ will be required to seek development approval. The proposed works are to be consistent with the Policy, or a variation can be sought (with justification) and will be assessed on merit.

The City is proposing incentives such as rate concessions; waiving of development fees (if application is triggered by LPP4.3 only) and a free Heritage Advisory Service with a heritage architect.

Question 3

What does the Council expect this proposal to achieve?

Response

This investigation started due to community concerns over demolition and incremental erosion of the character of the area and actions to review localities across the City for infill development. The City’s Local Planning Strategy required to a comprehensive review of the Local Heritage Survey and this was budgeted for accordingly. A targeted approach was workshopped with the Heritage Advisory Committee and one of the priority locations raised to be assessed was that known as the “Tree Streets.” The aim of this proposal is to conserve and enhance the heritage significance of the area by guiding change and ensuring heritage places that contribute to the significance of the area are retained.

The City’s Local Housing Strategy 2021 includes the aim to have a base R-Code of ‘R20’ over all residential areas, except those areas in the vicinity of activity centres to which an appropriate higher R-Code will apply and heritage areas to protect these areas from demolition and to maintain significance and character. The majority of the Tree Streets area is currently zoned R15, if the proposal for a heritage area does not go ahead this area may be considered for higher density in the future in alignment with the Local Housing Strategy.

Belinda Powell - 41 Tuart Street, Bunbury

Question 1

Is there a specific reason why the Tree Street Area is being listed as a Heritage Area instead of a Character Area?

Response

As consistent with the “Guidelines for Heritage Areas” (HCWA and WAPC, March 2023):

1.1 Heritage areas vs character areas

SPP 3.5 details the importance of distinguishing between heritage areas and urban character areas. It explains that heritage is retained through conservation and preservation of identified heritage places, with provision made in the planning framework to refuse demolition or guide development to respond appropriately to heritage significance.

Identifying a precinct as an ‘urban’ or ‘residential character’ area, rather than a heritage area, suggests that such character may be retained and enhanced through design that responds to

the distinctive characteristics of the area. The implication is that planning controls intend only to inform new development rather than requiring retention of current fabric.

Where the intention is to manage development through application of heritage provisions it is important that an area is formally designated as a heritage area.

Due to the number of original houses, a heritage area was recommended that would still allow demolition of little/no contribution places and guide new builds to be in character.

Question 2

The financial cost of a Heritage Area listing will fall to the owner, something that is quite distressing to think about in the current economic climate, therefore, will you the City be contributing any financial assistance if the proposal is successful?

Response

Maintenance and repair costs are the owner's responsibility, as they are in other locations within the City. The City currently offers a rate concession, waiving of development application fees (if application is triggered by LPP4.3 only) and a free Heritage Advisory Service to all owners that have an individually listed heritage property or a property that is within a heritage area.

Jie Xie - 48 Beach Road, Bunbury

Question 1

How to define the levels of contribution? Can our house become 'none/little contribution' from 'moderate contribution'?

Response

The methodology is included in the consultant's assessment report and includes how to identify each level of contribution. The purpose of public consultation is for owners/occupiers to comment on all aspects of the proposal including the level of contribution. Landowners that are concerned regarding their level of contribution are encouraged to submit a submission. All submissions are given due consideration and are reported, with any recommended amendments, to Council.

Question 2

Will Council provide any financial assistance if renovating and extending the old house to keep it as 'heritage' costs way more than demolish and rebuild.

Response

Extensions can be modern and contemporary and it is the owner's responsibility to do maintenance and repairs. The City currently provides incentives in the form of waiving any planning application fees (if application is triggered by LPP4.3 only), rate concessions and a heritage advisory service.

Question 3

If the answer above is no, can we require Council to solve the problems/issues that we need to 'demolish and rebuild' our house?

Response

Places considered 'Little/No Contribution' can be demolished and a new house built in place. Places of 'high' or 'moderate' contribution are generally to be retained but can be extended with modern materials.

Crandon and Andrea Keddie - 11 Lovegrove Avenue

Question 1

What specific research was done on each property to determine the rating of high/medium/low heritage value? E.g. A fibro workers cottage and a weatherboard home both were rated high. Why? What specific reasons/features determine the rating of each property?

Response

The methodology is contained in the consultant's assessment report which identifies each level of contribution and gives examples. The methodology was also a combination of physical and historical research and the approach is consistent with Heritage Council of Western Australia guidelines. A small worker's cottage can be an intact and representative type of architectural style as can a more substantial weatherboard clad house.

Claire Fisher - 13 Palm Street

Question 1

The City believes good governance requires transparency, equitability and inclusiveness (as per the City's website). Does the Council believe the Tree Streets Heritage Area LPP4.3 meets these governance requirements? Especially given any offers to speak directly to the public, in a public setting has been rejected and little to no community input has been considered.

Response

The Council adopted an engagement plan for this project that addressed a number of engagement tools that exceeded the legislative requirement for consultation. The public consultation period is double (42 days) than the minimum required (21 days). The public can also engage and be informed through 'Community Connect', officers, public notices and social media. One-on-one sessions with officers aimed to address site specific enquiries and this option has been actively utilised by community members to date. In addition, the City will be conducting a public information session and has extended the public submission period by a further two weeks. In total, the public submission period will be 56 days which exceeds the statutory requirement of 21 days.

Question 2

Why should residents, whom have upkeep their property and maintained desired aesthetic characteristics be subject to 'special planning control' by the City which prevents individualisation (re: Tree Streets Heritage Area Local Planning Policy 4.3)?

Response

It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area. The intent of the policy is to retain the values of the area by allowing places of little/no contribution to be demolished and guide redevelopment and change in a manner that does not detract from the streetscape or area values. Without special planning controls, demolitions and new builds can occur that may have negative impacts on these values.

Note: Future intent of the area if a heritage area is not adopted, will be subject to the normal controls for residential development.

Question 3

What compensation will be offered to the Tree Streets residents if the Tree Streets Heritage Area LPP4.3 advances, given the loss of property value, increased insurance costs, cost of ongoing planning applications, increased cost of repairs needing to be of a different standard than the status quo (amongst other costs etc)?

Response

There are a range of incentives such as waiving of planning application fees (if application is triggered by LPP4.3 only), rate concessions and a Heritage Advisory Service.

Craig MacKinnon - 57 Stockley Road

Question 1

Why have the Bunbury Council not called a public meeting over the Tree Street Heritage proposal? Is it because the Council members did not know or were not informed of what the bureaucrats in the back room were planning?

Response

The Council adopted an engagement plan for this project that addressed a number of engagement tools that exceeded the legislative requirement for consultation. The public consultation period is double (42 days) than the minimum required (21 days). The public can also engage and be informed through 'Community Connect', officers, public notices and social media. One-on-one sessions with officers aimed to address site specific enquiries and this option has been actively utilised by community members to date. In addition, the City will be conducting a public information session and has extended the public submission period by a further two weeks. In total, the public submission period will be 56 days which exceeds the statutory requirement of 21 days. There are a number of other City strategies that refer to investigation of the Tree Streets as a heritage area. These strategies have been notified to the public.

John and Jan McDermott - 11 Banksia Street

Question 1

Are we allowed to do maintenance on our own house?

Response

Yes. Maintenance and repairs with like-for-like materials do not require approval.

Question 2

Will we be paying more for insurance being heritage listed?

Response

This is dependent on your insurer.

Question 3

Are we allowed to alter gardens?

Response

Yes, unless you have a tree that is individually listed. There is currently no individually listed trees in the area.

Salome Woodland - 17 Lovegrove Avenue

Question 1

What plans does the Council have for supporting homeowners affected by the Tree Streets Heritage Listing proposal (insurance, maintenance, additional costs incurred as a result of adhering to the proposal)? Other Councils, such as Subiaco have such policies.

Response

Subiaco offers a grant to match conservation works (with a cap). The City is proposing to waive application fees (if application is triggered by LPP4.3 only), offer rate concessions and provide a free Heritage Advisory Service. Maintenance and repairs are the owners responsibility.

Question 2

Is Council able to provide the explicit methodology used in compiling the Tree Street Heritage Area proposal? Brief/instructions provided to the architect (the scope of research) and the process used to compile the report, including referencing other heritage area policies implemented in WA and Australia to ensure comparison and consistency. In addition, it would be appreciated if Council could release the cost of the report.

Response

This information can be requested to be accessed. The methodology is contained within the assessment report and the assessment was consistent with the HCWA Heritage Area Guidelines (2023). The consultant referred to DPLH Heritage Services in regard to methodology and terminology since the guidelines were only in draft form at the time of the survey. The East Bunbury Heritage Area has been a long standing heritage area in Bunbury and this was also referred to for consistency and transparency. It is standard practice to consider other heritage areas in drafting a policy.

Question 3

Has Council completed an impact assessment of the implementation of the proposed Tree Street Heritage Area Proposal? Impacts such as being unable to change the homes to meet the Council's other priorities such as disability access, home liveability, (adjustments for the elderly), sustainability (water tanks, solar panels), other adjustments to improve liveability and sustainability whilst also reducing financial burdens (solar rebates etc).

Response

No formal impact assessment was completed by the City. However, all of the matters mentioned can be addressed. Most heritage buildings can accommodate universal access and sustainability requirements. The intent of the policy is to guide this in a manner to minimise impact on the streetscape whilst achieving heritage outcomes. Heritage is established as an important value to the community and Council through a range of strategic documents and the aim is to deliver the best balanced outcome for the community.

Mark Woodland - 17 Lovegrove Avenue

Question 1

Is Council able to provide the process used and references to other Heritage Area policies used when compiling the Tree Street Heritage Area proposal? The cost of the report, the brief provided to Stephen Carrick Architects and a detailed description of the process used in researching the homes in the area and completing the report. Are Councillors aware of the extensive inaccuracy of the document and do they plan on taking action to fix these significant errors?

Response

As per Q1 above. The intent of the public consultation period is to address any anomalies and to value add. To date, only minor anomalies have been discussed with officers and some of those include differing views on the contribution levels. Any concerns regarding the accuracy of the data, should be raised in submissions to Council so it can be considered.

Question 2

Has Council considered the wider impacts of the Tree Street Heritage Area proposal and how the proposal does not align with the City of Bunbury visions and policies and other contemporary building codes such as liveability and sustainability requirements? The impact on installing solar power (to reduce financial burden and improve sustainability), water tanks, grey water etc and liveability impacts such as adjustments to improve disability access and supports for the elderly?

Response

All of the matters mentioned can be addressed. Most heritage buildings can accommodate universal access and sustainability requirements. The intent of the policy is to guide this in a manner to minimise impact on the streetscape whilst achieving heritage outcomes. Heritage is established as an important value to the community and Council through a range of strategic documents and the aim is to deliver the best balanced outcome for the community.

Question 3

Has the Council carefully considered and completed an impact report on the financial burden on homeowners impacted by the Tree Street Heritage Area proposal? Costs associated with increased insurance, decreased property values, maintenance costs and the increased cost of additions,

renovations, restorations and maintenance as a result of having to adhere to the proposal. If so, has the Council considered compensation, such as those in place in Subiaco.

Response

No formal impact assessment was completed by the City. Subiaco offers a grant to match conservation works (with a cap). The City is proposing to waive application fees, offer rate concessions and provide a free heritage advisory service. Maintenance and repairs are the owners responsibility.

Vicky and Fleur Campbell - 4 Palm Street

Question 1

Why has this act come so suddenly more or less out of the blue?

Response

This investigation started due to community concerns over demolition and incremental erosion of the character of the area. The City's Local Planning Strategy required to a comprehensive review of the Local Heritage Survey and this was budgeted for accordingly. A targeted approach was workshopped with the Heritage Advisory Committee and one of the priority locations raised to be assessed was that known as the "Tree Streets." The aim of this proposal is to conserve and enhance the heritage significance of the area by guiding change and ensuring significant heritage properties are retained.

The City's Local Housing Strategy 2021 includes the aim to have a base R-Codes of 'R20' over all residential areas, except those areas in the vicinity of activity centres to which an appropriate higher R-Codes will apply and heritage areas to protect these areas from demolition. The majority of the Tree Streets area is currently zoned R15, if the proposal for a heritage area does not go ahead this area may be considered for higher density in the future in alignment with the Local Housing Strategy.

Question 2

I'm concerned about costs involved per household. Would this impact younger families? Will this impact the price of our homes at this high market?

Response

The policy intent is to retain properties that contribute to the significance of the area and guide new builds to not detract from the streetscape. There has not been an investigation into the impacts on the market other than that referred to in Victoria and HCWA that heritage in residential areas usually has a positive market impact.

Paul Foley - 6 Banksia Street

Question 1

My question relates to the proposed Tree Streets Heritage Area. Can you please advise how not having a public meeting promotes consultation and engagement with the community, notwithstanding face to face meetings are available?

Response

An engagement plan was adopted by the Council. Advice was that one-on-one meetings would be more suitable in addressing site specific questions. The public consultation period is double (42 days) than the minimum required (21 days). The public can also engage and be informed through 'Community Connect', officers, public notices and social media.

Andrew Cooke - 2 Banksia Street

Question 1

Why did the Council not consult or communicate with the Tree Street residents that the 2022 assessment survey was being carried out or provide the property owners with a draft of the

assessment as per the Heritage Council of WA's guidelines, "Guidelines for Assessment of Local Heritage Places"

Response

The City put a number of public notices in the paper advising that there were going to be surveys across the City in 2021. At that point, no boundaries had been determined or assessment completed to determine if the Tree Streets had merit as a heritage area. The owners/occupiers are being consulted through the formal public consultation process for an extended period of 42 days (21 days are the minimum). The assessment is consistent with the Heritage Council of WA, "Heritage Area Guidelines". Base material is required to be available so that the community can make an informed submission/comment on the proposal.

Question 2

Why was LPP6.2 Heritage Listings, Assessments and Concessions missing from information initially supplied by the City for public consultation, and when it was included after a resident pointed out it was missing, were residents not told of this so they could stay fully informed?

Response

This is an existing policy that is accessible on the City's website. It is not subject to any consultation or change. Providing additional policies to residents may have caused confusion as to which policy was subject to consultation. LPP6.2 is referred to in proposed LPP4.3 and the resident's comments were taken on board to make the policy easily accessible on the Community Connect Page for reference if required.

Question 3

What are the plans and budgets and details of the City to expand existing and new heritage areas and to add more properties to the City of Bunbury's Heritage List?

Response

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 and the two priority locations identified were the CBD and the area known as the "Tree Street/s". There will be future reviews as it is a legislative responsibility of local government to manage heritage for future generations. At this point, a future budget for reviewing heritage areas and individual listings has not been set due to the recent work that has been completed. The next priority is to compile and update the existing LHS publication.

Anthony Liddiard - Parkfield Street

Question 1

Please can the committee provide the report quantifying the acknowledged "budget implications" that will undoubtedly become the owners' liabilities and explain why property stakeholders appear deceived and what will be done to address these issues?

Response

Budget implications in the agenda item is in the context of Council budget implications. Should owners feel there will be additional costs being in a heritage area, they are encouraged to detail this in their submission.

Question 3

Please provide an explanation and indicate if any study has been completed as to how the current proposals will meet future planning requirements, such as double glazing or solar panels being erected in the optimal orientation or confirm that the energy efficiency/passivity of the buildings come a secondary to roadside aesthetics?

Response

Solar panels are permissible and encouraged. The policy provides solutions for appropriate siting. Double glazing on new builds and extensions is acceptable. Original windows should be maintained on the façade and side of the dwelling. Variations to this are considered on merit but may be referred to Council for a decision.

Question 3

With the current planned bans on native forests being cut and only a fraction of the finite reclaimed materials from demolition from other areas being of use through to general decay and damage, please can the council provide a study of where the future replacement materials for restoration work will come from?

Response

At the moment, there is no indication that it is problematic to source hardwood timber. The intent of the policy is to encourage material type rather than detail species e.g. hardwood is acceptable, does not have to be jarrah. Should this change in the future, the policy may be reviewed.

Claire Clark - 3 Wattle Street

Question 1

If a property has an asbestos/tile roof shed visible from the street, the policy appears to limit the replacement to match the style of the existing building. When there is no alternative for the shed to be positioned away from street view, would a colorbond shed not be an acceptable replacement?

Response

The policy intent is for any ancillary structures to be located behind the heritage place and to not dominate the streetscape. Colorbond is an acceptable material for a shed and Development Control Principle 9.3 of draft LPP4.3 addresses situations where it may not be appropriate to replace with like-for-like materials. Heights and setbacks would be a consideration as per all outbuildings across the City. Generally, it is street frontages that are considered when assessing impact of proposed development.

Question 2

If a tree to the rear of the property is causing structural concerns to a property or future outbuildings/renovations, will the removal of the tree be possible? The Draft Planning Policy appears to only permit the removal if it is confirmed to be dead, dying, decaying or endangering public safety.

Response

Removal of vegetation/trees is acceptable if not individually listed or referenced in a place record for a property included on the City of Bunbury Heritage List.

Question 3

Solar panels are most effective with a north facing orientation. The Tree Street Heritage proposal limits the panel positioning for buildings where they would be visible from the street frontage, reducing their effectiveness. Will the Council provide compensation for properties not permitted to install panels on their north facing roof space?

Response

The policy intent is to encourage location of solar panels in a manner that does not detract from the streetscape i.e. not on the primary street frontage facing the street (refer to Development Control Principle 9.14). Alternate locations can often be sourced on extensions to the house that face north or on the side of gables. If no alternate location can be sourced, this would require a variation and a decision by Council.

Melanie Hurst - 72 & 70 Beach Road

Question 1

If Tree Streets was made a heritage area would a structure be allowed to be built at the front of a property e.g. a front raised deck?

Response

If a proposal is different to the acceptable solutions, the applicant would request a variation and this would be assessed on merit and referred to the Heritage Advisor, Heritage Advisory Committee and Council for a decision. The onus is on the applicant to demonstrate how the performance criteria of the policy is met and how the proposal does not have a negative impact on the heritage place and streetscape.

Question 2

Will the heritage area policy over-ride the new medium density R-Codes that come into force in September 2023?

Response

The proposed policy was drafted taking the new Medium Density R-Code provisions into consideration. All R-Code provisions reference the need to address heritage places (areas and individually listed).

Question 3

If development takes place on a property with a R40 density with an existing house with high heritage level, what planning and design will need to be taken into account e.g. will the design need to be built in a heritage style?

Response

The policy intent is to facilitate development that responds to and retains the heritage values and does not detract from the streetscape. The preference for the new build development is for a modern design with contemporary materials, not replica heritage. Setbacks, height, roof pitch and windows are key considerations so that the development is responsive to the values and character of the area.

6.2 Responses to Public Questions Taken ‘On Notice’

At the Ordinary Council Meeting held 27 June 2023, the CEO took two questions on notice from Mary Collins which, together with their responses, are reflected below. The below questions relate to the Proposed Tree Streets Heritage Area as referenced in the 27 June 2023 Ordinary Council Meeting Agenda at item 10.1.2 *Proposed Tree Streets Heritage Area – Public Consultation*.

Question 1

What are the compensation proposals for this change?

Response

There is no compensation for the designation of a heritage area. The intent of a heritage area designation is not to stop development but to ensure that works retain the significance of the area. The City is committed to assisting owners to conserve heritage places through a range of heritage incentives including: rate concessions; complimentary heritage advisory service and waiving of planning (development) application fees. A draft local planning policy has been developed to provide design guidance for any proposed works within the area and also clearly state the heritage area boundary; statement of significance; and level of contribution of each property within the heritage area.

Question 2

On what grounds was a similar proposal rejected previously?

Response

It is noted that the proposal for a heritage area/precinct was 20 years ago, however Council Decision (377/03) was not to endorse the draft “Tree Street” Heritage Precinct Local Planning Policy but required that a community driven committee be established to determine the feasibility of establishing a heritage precinct in the Tree Street area, with the geographical area being determined at a later date. There appears to be adhoc meetings of a community reference group through to 2006 (it was not established as a formal Committee of Council) that were in support of the drafting of design guidelines but there is also evidence of mixed opinion within the group. The project was not finalised and there is no indication of any further progress.

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 27 June 2023 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 27 June 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 25 July 2023

The recommendation (as printed) was moved by Cr Steele and seconded by Cr Quain.

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

Council Decision 122/23

The minutes of the Ordinary meeting of the City of Bunbury Council held 27 June 2023 be confirmed as a true and accurate record.

CARRIED UNANIMOUSLY
12 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:	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input type="checkbox"/> Executive/Strategic</td><td><input checked="" type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input type="checkbox"/> Executive/Strategic	<input checked="" type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<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: IRC Minutes 12 June 2023 Appendix 7.1.2-B: PRDC Minutes 28 June 2023						

Summary

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

- | | |
|-----------|---------------------------------------|
| Title: | International Relations Committee |
| Author: | Qing Ye, Economic Development Officer |
| Appendix: | 7.1.2-A |
- | | |
|-----------|---|
| Title: | Policy Review and Development Committee |
| Author: | Liam Murphy, Governance Officer |
| Appendix: | 7.1.2-B |

Council Committee Recommendation

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

- International Relations Committee 12 June 2023
- Policy Review and Development Committee 28 June 2023

Voting Requirement: Simple Majority

Outcome of Meeting 25 July 2023

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

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

Council Decision 123/23

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

- 1. International Relations Committee 12 June 2023***
- 2. Policy Review and Development Committee 28 June 2023***

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

7.1.3 Minutes – Special Council Meeting

The minutes of the Special meeting of the City of Bunbury Council held 11 July 2023 have been circulated.

Recommendation

The minutes of the Special meeting of the City of Bunbury Council held 11 July 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 25 July 2023

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

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

Council Decision 124/23

The minutes of the Special meeting of the City of Bunbury Council held 11 July 2023 be confirmed as a true and accurate record.

CARRIED UNANIMOUSLY
12 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

8.5.1 Australia Local Government Women's Association Conference

Applicant/Proponent:	2023 Australia Local Government Women's Association Conference Delegates						
Author:	Councillors Smith, Kozisek and Quain						
Executive:	Mal Osborne, Chief Executive Officer						
Authority/Discretion:	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input type="checkbox"/> Executive/Strategic</td><td><input checked="" type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input type="checkbox"/> Executive/Strategic	<input checked="" type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<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 8.5.1-A Delegates Report - ALGWA Conference 2023						

Summary

The following Conference Delegates Report was submitted by Councillors Smith, Kozisek and Quain:

Title: City of Bunbury Delegates Report – Report on ALGWA (Australian Local Government Women's Association) conference. Cape Schanck, Mornington Peninsular, Victoria. 18th – 20th May 2023
Author: Councillors Smith, Kozisek and Quain
Appendix: Appendix 8.5.1-A Delegates Report - ALGWA Conference 2023

Executive Recommendation

The Conference Delegates Report for the 2023 Australia Local Government Women's Association Conference be accepted and noted.

Voting Requirement: Simple Majority

Outcome of Meeting 25 July 2023

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

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

Council Decision 125/23

The Conference Delegates Report for the 2023 Australia Local Government Women's Association Conference be accepted and noted.

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

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for item 10.1.2, 10.3.1 and 10.4.2.

Items 10.1.1, 10.1.3, 10.2.1 and 10.4.1 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 Quain and seconded by Cr Kozisek.

10. Reports

10.1 Review of Council Policy: Hiring of Billboards and Banners (listed as 10.1.2 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Gary Thompson, Team Leader Community Partnerships
Responsible Manager:	Elizabeth Dennis, Manager Community Connection
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<div><div><input type="checkbox"/> Advocacy</div><div><input checked="" type="checkbox"/> Executive/Strategic</div><div><input type="checkbox"/> Legislative</div></div> <div><div><input type="checkbox"/> Quasi-Judicial</div><div><input type="checkbox"/> Information Purposes</div></div>
Attachments:	Appendix 10.1.2-A: Revised Council Policy Hiring of Billboards and Banners

Summary

The purpose of this report is to facilitate the review of existing Council Policy, Hiring of Billboards and Banners. Staff have reviewed the document and propose some changes as presented at Appendix 10.1.2-A.

Committee and Executive Recommendation

That Council adopt the revised Council Policy Hiring of Billboards and Banners as presented at appendix 10.1.2-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar:	People
Aspiration:	A safe, healthy and connected community
Outcome 2:	A growing hub of culture and creativity
Objective 2.1:	Grow participation in arts, culture and community events

Regional Impact Statement

Events taking place within the City of Bunbury are able to be promoted through the hiring of City of Bunbury billboards and banners.

Background

The City of Bunbury currently provides opportunities for event organisers to promote their events via the hiring of City-owned billboard and banner space, located throughout the Local Government Area and also centrally in Victoria Street. These spaces are utilised year-round to promote events taking place primarily in Bunbury but also throughout the Bunbury Geopraphe region.

As its title suggests, Council Policy Hiring of Billboards and Banners manages the hiring of these pieces of infrastructure, with the policy last reviewed in June 2021.

Council Policy Compliance

This report facilitates the review of existing Council Policy Hiring of Billboards and Banners.

Legislative Compliance

Local Government Act 1995
Codes of Practice, Worksafe WA

Officer Comments

The Committee have reviewed the existing policy and propose changes as presented at Appendix 10.1.2-A. The changes include refining the conditions which apply to the hiring of the City of Bunbury owned billboards and banners. There is one significant change proposed within the policy, being that community events will be required to be held within the City of Bunbury, as opposed to the Bunbury Geopraphe region.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

This matter is presented to Council by the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The revised policy will take effect immediately following Council's determination.

Outcome of Meeting 25 July 2023

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

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

Council Decision 126/23

That Council adopt the revised Council Policy Hiring of Billboards and Banners as presented at appendix 10.1.2-A.

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

10.2 Schedule of Accounts Paid for the period 1 June 2023 to 30 June 2023 (listed as 10.3.1 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 & 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 10.3.1-A: Schedule of Accounts Paid	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 June 2023 to 30 June 2023 is attached at Appendix 10.3.1-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$7,345,674.77
2. Trust Account – payments totalling \$30,926.70
3. Visitor Information Centre Trust Account – payments totalling \$6,296.70

Executive Recommendation

The Schedule of Accounts Paid for the period 1 June 2023 to 30 June 2023 be received.

Voting Requirement: Simple Majority

Outcome of Meeting 25 July 2023

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

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

Council Decision 127/23

The Schedule of Accounts Paid for the period 1 June 2023 to 30 June 2023 be received.

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

10.3 Proposed Local Planning Scheme Amendment No. 8 Third Omnibus Amendment to the City of Bunbury Local Planning Scheme No. 8 (listed as 10.4.2 in the agenda)

File Ref:	COB/5601
Applicant/Proponent:	Internal Report
Responsible Officer:	Kelvin Storey, Principal Strategic Planner
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 10.4.2-A Local Planning Scheme Amendment No. 8 Report – Third Omnibus Amendment Appendix 10.4.2-B Schedule of Submissions Appendix 10.4.2-C Schedule of Local Government Modifications

Summary

Ongoing monitoring and review of the City of Bunbury Local Planning Scheme No. 8 (LPS8) has identified a number of adjustments and updates that would be appropriate to introduce by way of amendment to the Scheme.

Scheme Amendment No. 8 is a ‘standard’ amendment that was prepared in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and was adopted by Council for the purpose of public advertising on 14 March 2023 (Council Decision 040/23). The Scheme Amendment No. 8 report is **attached** at Appendix 10.4.2-A.

Executive Recommendation

That Council, in accordance with the *Planning and Development Act 2005* and Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

1. Support proposed ‘Local Planning Scheme Amendment No. 8 – Third Omnibus Amendment’ to the City of Bunbury Local Planning Scheme No. 8 in accordance with the amending pages of the advertised scheme amendment report and subject to the Schedule of Local Government Modifications.
2. Notify the Western Australian Planning Commission of Council’s resolution and submit to them the Scheme Amendment No. 8 documentation for their review and consideration.
3. Advise submitters of Council’s resolution.

Voting Requirement: Simple Majority

Strategic Relevance

Most relevant:

Pillar	Place
Aspiration	An integrated vibrant and well planned city
Outcome No. 7	A community with high-quality urban design and housing diversity
Objective No. 7.1	Promote responsible planning and development

Regional Impact Statement

The proposed amendments are not considered to have a significant impact at a regional level.

Background

Ongoing monitoring associated with the implementation of Local Planning Scheme No. 8 has revealed a number of corrections and updates that are necessary in order that the Scheme responds to known changes in a timely manner and remains clear and unambiguous in intent.

Proposed Scheme Amendment No. 8 is the third omnibus amendment to the current Scheme.

Council Policy Compliance

There are no Council policy compliance considerations impacting on this report.

Legislative Compliance

The following statutory planning instruments of the State planning framework and local planning framework are of most relevance in considering this amendment proposal:

- *Planning and Development Act 2005*
- Planning and Development (Local Planning Schemes) Regulations 2015
- Greater Bunbury Region Scheme (GBRS)
- City of Bunbury Local Planning Strategy 2018
- City of Bunbury Local Planning Scheme No. 8.

Officer Comments

The draft Scheme Amendment No. 8 report proposes eight modifications to Scheme text and 24 modifications to the Scheme map, the scope of which extends to:

- the general correction and updating of text
- updating property addresses within Schedules
- inserting new number references to recently created SCA Development Areas
- capturing changes consistent with approved plans
- correcting / adjusting zone and reserves map designations and RCode boundaries.

The proposed revisions are regarded as commensurate with a 'standard' amendment as defined within the Planning and Development (Local Planning Schemes) Regulations 2015. As such, the proposals remain in keeping with the intentions and strategies contained within the adopted City of Bunbury Local Planning Strategy and are not regarded as inconsistent with any statutory instruments that form part of the State Planning Framework.

Scheme Amendment No. 8 was publicly advertised from 25 April until 7 June, and the proposals were referred to relevant government agencies and service authorities for their review and comment. There are no outstanding objections to the proposals. Concerns initially raised by the ATCO (relating to maintaining access to their gas pipe infrastructure) have been investigated and subsequently resolved to their and the City's satisfaction.

There was one submission of support and two submissions seeking advice/clarification that have been addressed - per the comments provided within the Schedule of Submissions **attached** at Appendix 10.4.2-B. One minor change is proposed (update to property address) and this is captured within the Schedule of Local Government Modifications **attached** at Appendix 10.4.2-C.

Analysis of Financial and Budget Implications

None.

Community Consultation

The amendment proposals were publicly advertised for a period of not less than 42 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. Public consultation measures on the proposal included the following:

- letters to affected landowners and occupants as appropriate
- public notices published in a local newspaper
- notice of proposal posted on the City of Bunbury's website
- copies of the scheme amendment report made available at the City of Bunbury Administration Building.

There are no objections.

Councillor/Officer Consultation

Officers from the City Planning department collaborated on the preparation of the scheme amendment proposals and input sought from members of the Development Control Unit (DCU).

Outcome of Meeting 25 July 2023

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

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

Council Decision 128/23

That Council, in accordance with the Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

- 1. Support proposed 'Local Planning Scheme Amendment No. 8 – Third Omnibus Amendment' to the City of Bunbury Local Planning Scheme No. 8 in accordance with the amending pages of the advertised scheme amendment report and subject to the Schedule of Local Government Modifications.***
- 2. Notify the Western Australian Planning Commission of Council's resolution and submit to them the Scheme Amendment No. 8 documentation for their review and consideration.***
- 3. Advise submitters of Council's resolution.***

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

10.4 Review of City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates and Associated Policy (listed as 10.1.1 in the agenda)

File Ref:	COB/378						
Applicant/Proponent:	Policy Review and Development Committee						
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	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input checked="" type="checkbox"/> Legislative</td><td></td></tr></table>	<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	
<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:	Appendix 10.1.1-A: Revised Code of Conduct for Council Members, Committee Members and Candidates Appendix 10.1.1-B: Code of Conduct Complaint Handling Policy Appendix 10.1.1-C: Code of Conduct Complaint Form						

Summary

The purpose of this report is for Council to review the City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates, as well as the associated Complaint Handling Policy and Complaint Form.

Committee and Executive Recommendation

That Council:

1. Adopt the revised City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates as presented at Appendix 10.1.1-A.
2. Authorise the Chief Executive Officer for the purposes of receiving complaints and withdrawal of complaints in accordance with Clause 11(3) of the Code of Conduct for Council Members, Committee Members and Candidates (also 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*).
3. Delegate to the Chief Executive Officer the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with section 5.42 of the *Local Government Act 1995*.
4. Note the review of the Elected Member Code of Conduct Complaint Handling Policy (Appendix 10.1.1-B), with no changes recommended.
5. Note the review of the Code of Conduct Complaint Form as presented at Appendix 10.1.1-C, with no changes recommended.

Voting Requirement: Absolute Majority for points 1 and 3.

Strategic Relevance

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

Regional Impact Statement

The recommendations in this report impact only the City of Bunbury.

Background

On Tuesday, 2 February 2021 the *Local Government (Model Code of Conduct) Regulations 2021* were gazetted, requiring local governments to have in place a code of conduct for Council Members, Committee Members and Candidates.

Council had previously adopted the Model Code of Conduct as provided for by the Regulations, with this now due for review in line with the election cycle.

Council Policy Compliance

The Code of Conduct Complaint Handling policy is applicable insofar as it articulates the process for dealing with Division 3 (Behavioural Complaints) within the Code.

Legislative Compliance

Section 5.104 of the Act requires that local governments adopt the Model Code as their Code of Conduct within three months of the *Local Government (Model Code of Conduct) Regulations 2021* coming into operation.

Officer Comments

The *Local Government (Model Code of Conduct) Regulations 2021* bring into effect sections 48-51 of the Amendment Act by introducing a mandatory code of conduct for council members, committee members and candidates.

The Model Code Regulations provide for:

- overarching principles to guide behaviour
- behaviours which are managed by local governments
- rules of conduct breaches which are considered by the Standards Panel.

The purpose of the model is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for council members, committee members and candidates to clearly reflect community expectations of behaviour and ensure consistency between local governments. It also provides for a process to deal with complaints to ensure a consistent approach across the sector.

While local governments may not amend Division 2 (Principles) or Division 4 (rules of Conduct) of the Model Code, additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the model Code of Conduct (section 5.104(3) of the Act).

This matter was raised with Elected Members at a strategic workshop held on 23 May, where discussion took place in relation to any additions that Council may wish to see included within Division 3. The proposed mark ups at Appendix 10.1.1-A reflect those conversations through the addition of 2 new sections, being about information received at informal meetings of Council, as well as standards of dress.

The CEO must publish the adopted Code of Conduct on the Local Government's official website as required by section 5.104(7)) *Local Government Act 1995*.

Analysis of Financial and Budget Implications

Nil

Community Consultation

No community consultation is required in relation to this report.

Elected Member/Officer Consultation

Proposed changes to the Code have been suggested following an Elected Member strategic workshop, and are now presented to the Committee for consideration.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Immediate following Council decision.

Outcome of Meeting 25 July 2023

Councillor Andrew proposed a minor amendment to Clause 10A(2) within the proposed Code of Conduct to change "*Unless authorised*" to "*When advised*".

The executive recommendation (with amended text) was moved by Cr Andrew and seconded by Cr Kozisek.

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

Council Decision 129/23

That Council:

- 1. Adopt the revised City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates as presented at Appendix 10.1.1-A.***
- 2. Authorise the Chief Executive Officer for the purposes of receiving complaints and withdrawal of complaints in accordance with Clause 11(3) of the Code of Conduct for Council Members, Committee Members and Candidates (also 11(3) of the Local Government (Model Code of Conduct) Regulations 2021).***
- 3. Delegate to the Chief Executive Officer the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with section 5.42 of the Local Government Act 1995.***
- 4. Note the review of the Elected Member Code of Conduct Complaint Handling Policy (Appendix 10.1.1-B), with no changes recommended.***
- 5. Note the review of the Code of Conduct Complaint Form as presented at Appendix 10.1.1-C, with no changes recommended.***

CARRIED BY ABSOLUTE MAJORITY

11 votes “for” / 1 vote “against”

Mayor Miguel and Councillors Andrew, Giles, Kozisek, McCleary, Quain, Smith, Steck, Steele, Turner and Yip voted “for”
Councillor Ghasseb voted “against”

10.5 Review of Council Policy: Welcome to and Acknowledgement of Country (listed as 10.1.3 in the agenda)

File Ref:	COB/525						
Applicant/Proponent:	Policy Review and Development Committee						
Responsible Officer:	Elizabeth Dennis, Manager Community Connection						
Responsible Manager:	Elizabeth Dennis, Manager Community Connection						
Executive:	Gary Barbour, Director Sustainable Communities						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 10.1.3-A: Current Welcome to and Acknowledgement of Country Council Policy						

Summary

The purpose of this report is for Council to review the Welcome to and Acknowledgement of Country Council Policy. A copy of the revised policy is attached at Appendix 10.1.3-A.

Committee and Executive Recommendation

That Council endorse the revised Welcome to and Acknowledgement of Country Council Policy as presented at Appendix 10.1.3-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar:	People
Aspiration:	A safe, healthy and connected community
Outcome 2:	A growing hub of culture and creativity
Objective 2.2:	Promote and celebrate Noongar Culture

Regional Impact Statement

The policy relates only to the City of Bunbury.

Background

The Welcome to and Acknowledgement of Country Council Policy was first adopted by Council at the Ordinary Council Meeting held 21 January 2020 as part of the City's reconciliation journey. The Policy was reviewed in consultation between City Officers and the South West Aboriginal Land and Sea Council.

Council Policy Compliance

This report facilitates a review of an existing Council Policy.

Legislative Compliance

Not applicable.

Officer Comments

Officers have reviewed the current policy and recommend changes based upon a review of Federal, State and other Local Governments and organisations wording for 'Acknowledgement of Country as follows:

Original Acknowledgement of Country Statement

'I/We/The City acknowledges the traditional owners of the land, the Wardandi Noongar People, and pays my/our/its respects to Elders past, present and emerging'.

Proposed Acknowledgement of Country Statement

'I/We/The City of Bunbury acknowledges the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. I/We pay my/our respects to all members of the Aboriginal communities and their cultures; and to Elders past, present and emerging'.

Officers also consulted with the South West Aboriginal Land and Sea Council who agreed with the above proposal.

Analysis of Financial and Budget Implications

The cost associated with Welcome to Country ceremonies is already built into relevant budgets for existing events, for example Christmas in the City, Skyfest Australia Day Celebrations and various Mayoral events.

Community Consultation

Officers consulted with the South West Aboriginal Land and Sea Council.

Councillor/Officer Consultation

This policy is presented to Council for consideration by the Policy Review and Development Committee.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Pending Council endorsement, any changes to the policy will become effective immediately.

Outcome of Meeting 25 July 2023

The recommendation (as printed) was moved by Cr Giles 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 130/23

That Council endorse the revised Welcome to and Acknowledgement of Country Council Policy as presented at Appendix 10.1.3-A.

CARRIED

9 votes “for” / 3 votes “against”

Mayor Miguel and Councillors Andrew, Giles, Kozisek, Quain, Smith, Steele, Turner and Yip voted “for”

Councillors Ghasseb, McCleary and Steck voted “against”

10.6 2023 WA Local Government Convention (listed as 10.2.1 in the agenda)

File Ref:	COB/2208		
Applicant/Proponent:	Internal		
Responsible Officer:	Liam Murphy, Governance Officer		
Responsible Manager:	Greg Golinski, Manager Governance		
Executive:	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:	Appendix 10.2.1-A: 2023 Local Government Convention Program		

Summary

The West Australian Local Government Association (WALGA) has advised that the Annual Local Government Convention will be held in Perth from Sunday 17 to Tuesday 19 September 2023.

Held in conjunction with Local Government week is the Annual General Meeting of the WA Local Government Association (on Monday 18 September 2023), where Member Councils are entitled to be represented by two (2) voting delegates at the meeting.

Executive Recommendation

That Council:

1. Endorses Councillors _____ and _____ as voting delegates and the Chief Executive Officer as Proxy for attendance at the WALGA Annual General Meeting to be held in Perth on Monday 18 September 2023.
2. Authorises the attendance of Councillors _____ to attend the Local Government Convention to be held in Perth from Sunday 17 to Tuesday 19 September 2023 inclusive.

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

N/A

Background

Elected members and Chief Executive Officers from Local Governments have been invited to the Annual West Australian Local Government Association Convention to be held at Crown Perth between Sunday 17 and Tuesday 19 September 2023.

A copy of the program is **attached** at Appendix 10.2.1-A and the deadline for all Registrations is Friday, 18 August 2023.

The theme for the 2023 Local Government Convention is “*Local Futures*”, which will explore how Local Governments can enact and drive change for the benefit of their communities and the diversity of solutions that can emerge when you start local.

Previous conference programs have explored issues relevant to the City of Bunbury including Local Impact, Financing Local Government, Financial Assistance Grants, Expenditure Priorities and Constitutional Recognition of Local Government.

Held in conjunction with Local Government week is the Annual General Meeting of the WA Local Government Association, to be held on Monday 18 September 2023). All Member Councils are entitled to be represented by two (2) voting delegates at the meeting. In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers.

At the time of writing this report, WALGA are yet to call for motions from member local governments, although it is expected that this will be forthcoming. Accordingly, Elected Members are encouraged to contact the Chief Executive Officer directly with any potential motions for inclusion in a future OCM agenda to enable Council consideration accordingly.

Council Policy Compliance

The following Council Policies are applicable:

- Attendance at Events;
- Professional Development of Council Members; and
- Elected Member Entitlements.

Legislative Compliance

N/A

Officer Comments

It is expected that Council’s attendance at this convention will only serve to benefit the determining of future long term strategic economic, social, environmental and sustainability issues.

Council’s representation at the WALGA Annual General Meeting will contribute to the potential development of policy and future planning processes to assist the City’s strategic capacity to provide good governance, service and facilities for its greater community.

In addition to the specific items listed on the conference programme, Elected Members that attend the convention have the opportunity to network with other local governments and engage with suppliers of local government goods and services in an effort to bring new thinking back to Council. This is one of the local government specific events which bring together a wide range of local governments and elected members.

Analysis of Financial and Budget Implications

Convention fees are as follows and prices are per person and are all inclusive of GST:

Convention Registration

Full Delegate - Local Government	\$1,296
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Accommodation

Crown Perth – Estimated	\$600
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Optional Extras

Gala Cocktails	\$135
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Breakfast

Featured Speaker Breakfast (Tuesday)	\$93.30
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Any expenditure for this purpose will be incurred from the 2023/24 Elected Member Training Budget. In accordance with the Professional Development of Council Members Council Policy, costs associated with the conference will be met from the general elected member training account and will not impact each member's individual training allocation.

Community Consultation

Nil

Councillor/Officer Consultation

This matter is presented to Council for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediately following Council decision.

Outcome of Meeting 25 July 2023

The Mayor called for nominations for voting delegates for the WALGA Annual General Meeting. Council agreed that Mayor Miguel and Cr Quain would be the voting delegates, with Cr Kozisek to be proxy in place of the Chief Executive Officer as written in the executive recommendation.

The Mayor then called for nominations to attend the Local Government Convention. Mayor Miguel and Councillors Kozisek, Ghasseb, Giles, Quain, Smith and Steele nominated to attend.

The recommendation was moved by Cr Quain and seconded by Cr Kozisek.

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

Council Decision 131/23

That Council:

- 1. Endorses Mayor Miguel and Cr Quain as voting delegates and Cr Kozisek as Proxy for attendance at the WALGA Annual General Meeting to be held in Perth on Monday 18 September 2023.***
- 2. Authorises the attendance of Mayor Miguel and Councillors Kozisek, Ghasseb, Giles, Quain, Smith, Steele to attend the Local Government Convention to be held in Perth from Sunday 17 to Tuesday 19 September 2023 inclusive.***

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

10.7 Gazettal of Lodging House Fees (listed as 10.4.1 in the agenda)

File Ref:	A00348						
Applicant/Proponent:	City of Bunbury						
Responsible Officer:	Johan van Zyl Team Leader Environmental Health						
Responsible Manager:	Sarah Upton, Manager Community Wellbeing						
Executive:	Gary Barbour, Director Sustainable Communities						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input checked="" type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input checked="" type="checkbox"/> Legislative	
<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

Lodging Houses (e.g. Motels, Guest Houses, Backpacker type accommodation) are required to renew their registration every year in accordance with the City of Bunbury Health Local Laws 2001. The local laws have been developed in accordance with section 342 of the *Health (Miscellaneous Provisions) Act 1911*

Whilst the Council is currently advertising the fees for registration/renewal of a Lodging House, as part of the 2023/24 Schedule of Fees and Charges, section 344C of the Health Act requires the setting of fees in relation to the local laws by way of resolution of the local government and a the publication of a notice to appear in the Government Gazette and local newspaper.

Executive Recommendation

That Council:

1. Approve fees for the registration/renewal of a Lodging House to be effective from 1 July 2023, as follows:

Registration of a Lodging-house for less than 100 lodgers	\$127
Renewal of a Lodging-house Registration for less than 100 lodgers	\$127 per annum
Registration of a Lodging-house for 100 or more lodgers	\$337
Renewal of a Lodging-house Registration for 100 or more lodgers	\$337 per annum
2. Authorise the publication of the Council resolution for fourteen (14) days, in the Government Gazette and local newspaper.
3. Authorise the issue of invoices for the renewal of a Lodging House licences by applying the gazetted fee for the period July 2023– June 2024.

Voting Requirement: *Absolute 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 7.3	Increase access to safe, affordable and diverse housing options

Regional Impact Statement

The gazettal of Lodging House fees is only applicable to businesses in the City and does not have any impact regionally.

Background

A Lodging House, such as motels, guest houses and backpacker accommodation must be registered in accordance with Part 8.1.2 of the City of Bunbury Health Local Laws 2001 and applications for registration must be accompanied by a fee. As the local laws are made under the *Health (Miscellaneous Provisions) Act 1911*, all fees and charges associated with the local law must be fixed by resolution in accordance with section 344C of the *Health (Miscellaneous Provisions) Act 1911*, that specifies:

344C. Fees and charges may be fixed by resolution

- (1) *Where a local government is empowered to make a local law setting fees or charges under a provision set out in the Table to this section, it may fix that fee or charge by resolution in accordance with this section.*
- (2) *Fees or charges fixed under this section shall be fixed by resolution of a local government and notice of the resolution shall be published at least 14 days before the day on which the resolution is to take effect —*
 - (a) *in the Gazette; and*
 - (b) *in a newspaper circulating generally throughout the district of the local government.*
- (3) *Notice of a resolution under subsection (2) shall specify —*
 - (a) *the day on which the resolution is to take effect; and*
 - (b) *the amounts of the fees or charges.*
- (4) *Notwithstanding anything else in this Act, where a local government fixes a fee or charge by resolution under this section, that fee or charge applies in respect of the district of the local government and the fee or charge prescribed by local law which otherwise would have applied does not apply in respect of that district.*
- (5) *A resolution made by a local government under this section may revoke a resolution previously made by that local government under this section.*
- (6) *Sections 41(2), 42, 43, 45 and 46 of the Interpretation Act 1984 apply to a resolution made under this section as if the resolution were a regulation.*
- (7) *A fee or charge fixed under this section may be enforced and recovered as if it were prescribed by local law made under this Act.*
- (8) *Where a resolution made under this section is inconsistent with a regulation made under this Act —*
 - (a) *the regulation prevails to the extent of the inconsistency; and*
 - (b) *the Minister may, by order published in the Gazette, revoke or amend the resolution, whether or not the resolution has taken effect*

Table

Sections 133(1), 134(6), (11), (12), (29), (44), (45) and (46), 146(3), 158(3), 199(10) and 344(1)(a).

[Section 344C inserted by No. 28 of 1996 s. 18; amended by No. 36 of 2007 Sch. 4 cl. 4(7); No. 43 of 2008 s. 147(15).]

There are currently nine (9) registered lodging houses in the City of Bunbury that are paying registration fees.

Council's Environmental Health Officers inspect lodging houses for compliance with the City of Bunbury Health Local Laws 2001, biannually.

Definition of Lodging-house

The *Health (Miscellaneous Provisions) Act 1911* defines a lodging house as, lodging-house means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term, does not include —

- (a) premises licensed under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the Licensing Act 1911(as amended);
- (b) residential accommodation for students in a non-government school within the meaning of the School Education Act 1999; or
- (c) any building comprising residential flats.

Hotels (such as Lord Forrest, Mantra, Rose Hotel, Prince of Wales etc) that provide accommodation on site are not registered as lodging houses with the City as they are a licensed premises with Racing, Gaming & Liquor and must comply with their requirements. Although these premises are inspected for compliance with Health-related legislation by the City, the rooms are not inspected unless the City has received a complaint.

Lodging-house Premises

Premises less than 100 lodgers – proposed fee \$127

- Wander Inn, 16 Clifton Street
- Ocean Drive Motel, 123 Ocean Drive
- Dolphin Retreat Bunbury YHA, 14 Wellington Street
- Bunbury Beach House, 2 Clifton Street
- 25 Victoria Street, 25 Victoria Street (former Yanget Guest House NFP no fees applied)

Premises more than 100 lodgers – Proposed fee \$337

- The Clifton Motel and Grittelton Lodge, 2 Molloy Street
- Bunbury Motel, 45 Forrest Avenue
- Admiral Motel, 54 Spencer Street
- Bunbury Seaview Apartments, 205 Ocean Drive

Fees and Inspection

Fees proposed for lodging houses are comparable with surrounding local governments.

Fees charged for lodging houses is primarily to issue an annual Registration Certificate, as required by the legislation.

The City includes two inspections, per annum of the lodging houses as part of this fee checking the following for compliance with the City of Bunbury Health Local Laws 2001:

- guest to facility requirements ratio
- fire prevention and control
- cleanliness of rooms/kitchen/bathrooms/laundry/common areas
- cleaning and maintenance requirements

- bedding/furnishings
- pest control
- register of lodgers

Fees can be determined by Council; however, each time the fee is amended or new fees developed under this legislation they must be gazetted in accordance with the *Health (Miscellaneous Provisions) Act 1911*.

Council Policy Compliance

There is no applicable Council Policy.

Legislative Compliance

A Lodging House, such as motels, guest houses and backpacker accommodation must be registered in accordance with Part 8.1.2 of the City of Bunbury Health Local Laws 2001 and an application for registration must be accompanied by a fee. As the local laws are made under the *Health (Miscellaneous Provisions) Act 1911*, all fees and charges associated with the local laws must be fixed by resolution in accordance with section 344C of the *Health (Miscellaneous Provisions) Act 1911*.

Officer Comments

The proposed fees were already listed in Council's Schedule of Fees and Charges for 2023/2024 and were increased to cover the City's administrative and inspectorial costs for lodging houses. A resolution of the proposed fee(s) is to ensure compliance with *Health (Miscellaneous Provisions) Act 1911*.

Analysis of Financial and Budget Implications

The proposed lodging house fee(s) have been increased in line with other Council fees and charges. The revenue generated from registrations is approximately \$1983.0.

Community Consultation

As per the legislative requirements, the Council resolution will be published in a local newspaper and in the Government Gazette fourteen (14) days prior to the new fee taking effect.

The fees also appear in the Council's Schedule of Fees and Charges for 2023/2024 which is currently being publicly advertised, prior to adoption.

Councillor/Officer Consultation

Council officers have liaised with Department of Health WA and State Law Publisher to ensure that all legislative requirements have been considered.

Applicant Consultation

City Governance and Finance staff has been consulted in relation to these fees and required gazettal process.

Timeline: Council Decision Implementation

Once the fees are approved they will be gazetted and advertised for the required legislative timeframe, after which the invoices and renewal documentation will be sent to the current registered lodging houses.

Outcome of Meeting 25 July 2023

Cr Andrew left the chamber at 6:16pm as he had declared a financial interest in this item.

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

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

Council Decision 132/23

That Council:

- 1. Approve fees for the registration/renewal of a Lodging House to be effective from 1 July 2023, as follows:***

<i>Registration of a Lodging-house for less than 100 lodgers</i>	<i>\$127</i>
<i>Renewal of a Lodging-house Registration for less than 100 lodgers</i>	<i>\$127 per annum</i>
<i>Registration of a Lodging-house for 100 or more lodgers</i>	<i>\$337</i>
<i>Renewal of a Lodging-house Registration for 100 or more lodgers per annum</i>	<i>\$337</i>

- 2. Authorise the publication of the Council resolution for fourteen (14) days, in the Government Gazette and local newspaper.***

- 3. Authorise the issue of invoices for the renewal of a Lodging House licences by applying the gazetted fee for the period July 2023– June 2024.***

CARRIED UNANIMOUSLY

11 votes "for" / Nil votes "against"

Cr Andrew returned to the chamber at 6:17pm.

11. Applications for Leave of Absence

Nil

12. Motions on Notice

Nil

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Cr Ghasseb asked the following questions in relation to homelessness.

Question 1

What is the City of Bunbury doing or has done in the short term to ease the housing crisis, homelessness, and increase housing stock.

Response

The City has been involved in a number of incentives and planning instruments to try to improve and increase the availability of land for housing and the density available. The City may need to go back to Local Planning Scheme No. 8 which provided some higher density dwelling opportunities throughout the City. The Housing Strategy was prepared and presented in 2021 with key areas including the area between Spencer Street and Blair Street from Cornwall through Strickland.

There has been an application to the Federal Government to support the development of the old Nuytsia depot site as well as looking at the Racecourse precinct areas that might be available for further housing development.

The City has been working with Development WA trying to get Tuart Brook developed which is one of Bunbury's 2 remaining Greenfields spaces as well as supporting and doing work around the Glen Iris district structure plan.

The City through the Mayor and Staff have approached a number of developers to attract more developers for high density development to Bunbury.

The City also supported the Tiny Houses project to get it off the ground, adjacent to the Salvation Army Site.

The City has worked with Department of Communities for additional lot releases in Withers. Through suggestion from Cr Andrew, a flyer was sent with the rate notices last year asking ratepayers to consider contacting staff to explore opportunities to further develop current sites with ancillary accommodation or other further development.

The City has been playing it's part as best it can as well as supporting the state Government's Housing First strategy and also the wrap around services to those experiencing homelessness through rough sleeping.

Question 2

What are the figures of new dwellings compared to neighbouring shires?

Response

This question was taken on notice by the CEO.

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

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

Nil

15.2 Public Reading of Resolutions that may be made Public

Nil

16. Closure

The Mayor declared the meeting closed at 6:20pm.

Confirmed this day, 15 August 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 25 July 2023.


Tresslyn Smith
Deputy Mayor