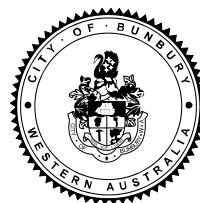




## **City of Bunbury Council**

### **Minutes**

**5 September 2023**



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

# Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	6
2.	Disclaimer .....	6
3.	Announcements from the Presiding Member.....	6
4.	Attendance .....	7
4.1	Apologies.....	7
4.2	Approved Leave of Absence.....	7
4.3	Attendance at Previous Meetings .....	8
5.	Declaration of Interest.....	9
6.	Public Question Time.....	10
6.1	Public Question Time .....	10
6.2	Responses to Public Questions Taken ‘On Notice’.....	11
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	12
7.1	Minutes .....	12
7.1.1	Minutes – Ordinary Council Meeting .....	12
7.1.2	Minutes – Council Advisory Committees .....	12
7.1.3	Minutes – Special Council Meeting .....	13
8.	Petitions, Presentations, Deputations and Delegations.....	14
8.1	Petitions .....	14
8.2	Presentations .....	14
8.3	Deputations.....	14
8.4	Council Delegates’ Reports .....	14
8.5	Conference Delegates’ Reports.....	14
9.	Method of Dealing with Agenda Business.....	14
10.	Reports.....	15
10.1	Clarification of CEO KPI’s (listed as 10.2.1 in the agenda).....	15
10.2	Rate Exemption Application – 16 Wexford Lane, Bunbury (listed as 10.3.1 in the agenda).....	18
10.3	Write-Off of Outstanding Rates – Lot 3001 Marabank Loop, Bunbury (listed as 10.3.2 in the agenda).....	21
10.4	Optimisation Plan (listed as 10.3.3 in the agenda).....	24
10.5	Schedule of Accounts Paid for the period 1 July 2023 to 31 July 2023 (listed as 10.3.4 in the agenda).....	26
10.6	Preliminary Financial Management report for the period ending 30 June 2023 (listed as 10.3.5 in the agenda).....	27
10.7	Proposed Disposal of Freehold Land – Lot 401 on Deposited Plan P47936 Higgins Street, South Bunbury (listed as 10.4.1 in the agenda) .....	33
10.8	Council Committees and Working Group Review (listed as 10.3.6 in the agenda) .....	36
10.9	Community Court Expansion – Hay Park (listed as 10.4.2 in the agenda) .....	47

## Table of Contents

Item No	Subject	Page
	10.10 City of Bunbury Sustainability and Environmental Strategy 2023-2028 (listed as 10.5.1 in the agenda).....	52
11.	Applications for Leave of Absence.....	60
	11.1 Cr McCleary .....	60
	11.2 Cr Steele .....	61
12.	Motions on Notice .....	62
13.	Questions from Members.....	62
	13.1 Response to Previous Questions from Members taken on Notice .....	62
	13.2 Questions from Members .....	62
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting .....	62
15.	Meeting Closed to Public .....	63
	15.1 Matters for which the Meeting may be Closed .....	63
	15.1.1 Bunbury Harvey Regional Council Request for Member Council Contribution ..	63
	15.2 Public Reading of Resolutions that may be made Public .....	66
16.	Closure .....	66

## Acknowledgement of Country

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

## Vision

Bunbury: welcoming and full of opportunities.

## Organisational Values

### #WEARECOB

#### **WE ARE COMMUNITY**

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

#### **WE ARE OPEN**

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

#### **WE ARE BRAVE**

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

---

## Nature of Council's Role in Decision Making

<b>Advocacy:</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<b>Executive/Strategic:</b>	The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
<b>Legislative:</b>	Includes adopting local laws, town planning schemes and policies.
<b>Quasi-Judicial:</b>	<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>
<b>Information Purposes:</b>	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 acknowledged the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. He paid his respects to all members of the Aboriginal communities and their cultures; and to Elders past, present and emerging.

## **2. Disclaimer**

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

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

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

### **Copyright**

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

### **Recording and Webstreaming of Meetings**

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

## **3. Announcements from the Presiding Member**

The Mayor thanked the Deputy Mayor for acting as Mayor while he was away on a recent leave of absence.

#### 4. Attendance

<b>Council Members:</b>	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor W Giles
	Councillor M Steck
	Councillor B Andrew
	Councillor B McCleary (left meeting at 6:28pm)
	Councillor C Kozisek
	Councillor K Turner
	Councillor G Ghasseb
	Councillor K Steele
	Councillor A Yip
	Councillor M Quain
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr M Osborne (left at 6:58pm)
Director Sustainable Communities	Mr G Barbour
Director Infrastructure	Mr G Harris
Director Strategy and Organisational Performance	Ms K Strachan
<b>City of Bunbury Officers (Non-Voting)</b>	
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Manager Community Facilities	Mr D Russell
Team Leader Marketing and Communications	Ms K Fielding
Governance Officer	Mr L Murphy
<b>Others (Non-Voting)</b>	
Members of the Public	10

##### 4.1 Apologies

Nil

##### 4.2 Approved Leave of Absence

Nil

### 4.3 Attendance at Previous Meetings

\*Data begins from 25 January 2023.

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
Ordinary Council Meeting	9/11	10/11	11/11	8/11	9/11	11/11	11/11	8/11	9/11	11/11	11/11	10/11
Special Council Meeting	4/4	4/4	4/4	3/4	4/4	4/4	3/4	4/4	4/4	4/4	4/4	4/4
Agenda Briefing	9/10	10/10	10/10	3/10	9/10	9/10	8/10	8/10	6/10	9/10	10/10	6/10
Community Access Session	1/2	2/2	2/2	0/2	2/2	2/2	2/2	2/2	0/2	1/2	2/2	0/2
Strategic Workshop	14/16	14/16	16/16	2/16	14/16	16/16	13/16	14/16	5/16	11/16	14/16	8/16
Audit Committee	2/2	N/A	2/2	N/A	N/A	2/2	1/2	N/A	N/A	N/A	N/A	N/A
Bunbury Evets Advisory Committee	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1/1	1/1	N/A	1/1	N/A
CEO Performance Review Committee	0/1	1/1 (as deputy)	1/1 (as deputy)	0/1	N/A	1/1	N/A	0/1	0/1	1/1	1/1 (as deputy)	N/A
Disability Access and Inclusion Committee	N/A	N/A	3/3	0/3	N/A	N/A	N/A	N/A	N/A	N/A	3/3	N/A
Heritage Advisory Committee	N/A	0/1	N/A	N/A	N/A	1/1	N/A	1/1	N/A	1/1 (as deputy)	N/A	N/A
International Relations Committee	N/A	2/2	N/A	0/2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Policy Review and Development Committee	N/A	3/3	1/1 (as deputy)	N/A	2/3	3/3	N/A	2/3	N/A	2/3	N/A	N/A
Youth Advisory Council Committee	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2/2	N/A	N/A	N/A	2/2



## 5. Declaration of Interest

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

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

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

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

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

Cr Quain declared an impartiality interest in item 10.4.2 Community Court Expansion.

Cr Yip declared an impartiality interest in item 10.4.2 Community Court Expansion as her husband is a member of the Bunbury Basketball Association board.

## 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

**Brian Rettinger – 39 Hakea Crescent, South Bunbury**

#### Question 1

Why is the BEAC being down graded from a committee of Council to a Working Group?

#### Response

The CEO advised that the reasons for the officer recommendation are outlined in the agenda item and that Council will be making a decision at this meeting.

#### Question 2

Why isn't the proposed Tourism and Events Working Group listed as a new advisory group in this agenda item? Every Councillor and the CEO are aware of it.

#### Response

The Mayor advised that item 10.3.6 Council Committees and Working Group Review was amended to include a recommendation regarding a proposed Tourism and Events Working Group.

#### Question 3

Why is the BHRC Request for Member Council Contribution a closed door agenda item? Why isn't this item being discuss in public in this meeting?

#### Response

The CEO advised that while the City has an interest in the BHRC, it is a separate organisation and due to the commercial information contained within the agenda item it is appropriate to for this to be confidential. Any Council decision relating to this item will be made public at this meeting and Council also have the ability to make a decision to release the report to the public.

**Bernardus Kemps – 44 Wilkerson Way, Withers**

#### Question 1

Are you aware the hot water shower is not working at the Leschenault Park (North Side) facilities?

#### Response

The CEO advised that the City became aware of this issue with the submission of these questions. Plumbers have been engaged to address this issue and have now undertaken the work. The CEO noted that if any other issues are identified, that the City be contacted to allow for a quick response to address any issues.

#### Question 2

Are you aware of whom uses these showers and why?

Response

The CEO advised that the City is aware of who is using the Council and notes that the Council previously resolved to install a hot showers at this location to assist those who need a shower if they have no place to live.

Question 3

Can the Councillors express their compassion by ensuring this issue be speedily attended to and for a sign to potentially put at the facility with contact numbers in case of repairs?

Response

The CEO and Mayor took this question as a statement, noting that Bernardus has been invited to speak to Council at an upcoming Community Access Session.

## **6.2 Responses to Public Questions Taken ‘On Notice’**

The CEO took a number of questions on notice from Anthony Liddiard at the 15 August 2023 Ordinary Council Meeting. The questions are presented below with responses.

Question 1

Please can the committee confirm that a full and independent report has been carried out, to quantify the ongoing future impacts for residents of the Tree Street Heritage Area proposal, in terms economic, social, environmental and personal implications?

Response

The process followed for the making of this local planning policy is in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the Guidelines for Heritage Areas (HCWA, 2023) ) [Guidelines for Heritage Areas \(www.wa.gov.au\)](http://www.wa.gov.au). Please note that the period for making submissions specified in a notice must not be less than 21 days. The City has extended this period to a period of 56 days to allow submitters time to prepare their submissions for or against the Policy, and time to contact the Heritage Officer with regard to the implications for their properties.

Question 2

Please can the council quantify the financial benefit in terms of additional funding that the city of Bunbury will receive if this Tree Street Heritage Area proposal is implemented.

Response

The City does not receive a financial benefit or additional funding if the draft Policy is implemented.

Question 3

Other than creating additional perceived burdens for residence of the proposed Tree Street Heritage Area in terms of both financial and work, what is being proposed by the council to add “equal” value to the proposal.

Response

At this stage, the current incentives would apply which include eligibility for rate concession; waiving of development application fee; and free heritage advisory service. Community members are invited to raise other financial incentives for consideration as part of the submission process.

The ‘public realm’ has been proposed to maintain specified street tree species in the verge and replace when required to ensure canopy coverage. Street furniture, signage and footpaths considerations are also incorporated to guide policy development and delivery of infrastructure in the public realm.

## **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 15 August 2023 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the City of Bunbury Council held 15 August 2023 be confirmed as a true and accurate record.

*Voting Requirement: Simple Majority Required*

#### **Outcome of Meeting 5 September 2023**

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

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

#### **Council Decision 161/23**

**The minutes of the Ordinary meeting of the City of Bunbury Council held 15 August 2023 be confirmed as a true and accurate record.**

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

#### **7.1.2 Minutes – Council Advisory Committees**

Nil

### **7.1.3 Minutes – Special Council Meeting**

The minutes of the Special meeting of the City of Bunbury Council held 10 August 2023 have been circulated.

#### **Recommendation**

The minutes of the Special meeting of the City of Bunbury Council held 10 August 2023 be confirmed as a true and accurate record.

*Voting Requirement: Simple Majority Required*

#### **Outcome of Meeting 5 September 2023**

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

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

#### **Council Decision 162/23**

**The minutes of the Special meeting of the City of Bunbury Council held 10 August 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**

Mikaela Kerwin requested to address council in relation to item 10.5.1 *City of Bunbury Sustainability and Environmental Strategy 2023-2028*

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

#### **Council Decision 163/23**

***Pursuant to clause 6.9 (2)(b) of Council's Standing Orders, Council approves Mikaela Kerwin's deputation request to address item 10.5.1 City of Bunbury Sustainability and Environmental Strategy 2023-2028 and allows a period of up to 10 minutes to present to Council:***

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

### **8.4 Council Delegates' Reports**

Nil

### **8.5 Conference Delegates' Reports**

Nil

## **9. Method of Dealing with Agenda Business**

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

Pursuant to Standing Order 5.5, the Council "*adopted by exception*" (i.e. without discussion) those recommendations listed for item 10.2.1, 10.3.1, 10.3.2, 10.3.4, 10.3.5 and 10.4.1.

Items 10.3.6, 10.4.2 and 10.5.1 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 Andrew and seconded by Cr Kozisek.

## 10. Reports

### 10.1 Clarification of CEO KPI's (listed as 10.2.1 in the agenda)

<b>File Ref:</b>	COB/515						
<b>Applicant/Proponent:</b>	Internal						
<b>Responsible Officer:</b>	Karin Strachan, Director Strategy and Organisational Performance						
<b>Responsible Manager:</b>	Karin Strachan, Director Strategy and Organisational Performance						
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance						
<b>Authority/Discretion</b>	<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							
<b>Attachments:</b>	Appendix 10.2.1-A Current CEO KPIs Appendix 10.2.1-B Proposed CEO KPIs						

#### Summary

The CEO KPI's for 2023/2024 were approved by Council on 26 April 2023 (*Item number: 10.1, Decision Number: 061/23*). On 1 August 2023, an Elected Member workshop was held to discuss and clarify the intent of some of the KPI's. As a result of this process, two KPI's were re-worded. The purpose of this Report is for Council to note and formally approve these updates.

#### Executive Recommendation

That the Council approves amendments to the two KPI's as follows

- KPI 5.3.a. Workshop and present a Community Infrastructure Plan for Council consideration by December 2023. To be reworded to:
  - i. *Perform an audit of the City's facilities against benchmark standards and workshop with Elected Members to identify gaps (2023).*
- KPI 5.3.b. Prepare and make accessible an asset management dashboard using existing asset information in consultation with Council by December 2023 for use by councillors and the community in monitoring asset developments and projects. To be reworded to:
  - ii. *Workshops with EM's as and when Asset Plans (9 in total) are updated to discuss*
  - iii. *Determine Asset Management Gap and Asset Management Replacement levels*
  - iv. *Develop dashboard only after the 9 Plans have all been updated (by July 2024)*
  - v. *Develop Strategic Asset Mngt Plan that integrates into the budgeting process (by end 2024).*

*Voting requirement: Simple Majority*

#### Strategic Relevance

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

### **Regional Impact Statement**

The maintenance of the City's Assets is a crucial aspect of ensuring that sustainable facilities and services can be provided to the Bunbury community and the wider region.

### **Background**

For reference is attached the original CEO KPI's (Appendix 10.2.1-A) that were approved on 26 April 2023 by Council and the proposed updated CEO KPI's for 2023/2024 with the proposed rewording (Appendix 10.2.1-B).

### **Council Policy Compliance**

NA

### **Legislative Compliance**

NA

### **Officer Comments**

The Officer requests that Council considers the recommended alternative wording for the two KPI statements.

An item detailing a proposed Optimisation plan is presented at item 10.3.3 on this agenda, proposing that that it will be progressed through the CEO KPIs for 2023/24, and specifically KPI 3.2. *Develop and implement strategies to address and improve performance by March 2024.*

### **Analysis of Financial and Budget Implications**

NA

### **Community Consultation**

NA

### **Councillor/Officer Consultation**

NA

### **Applicant Consultation**

NA

### **Timeline: Council Decision Implementation**

As per KPI deadlines.

### **Outcome of Meeting 5 September 2023**

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

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



**Council Decision 164/23**

**That the Council approves amendments to the two KPI's as follows**

**• KPI 5.3.a. Workshop and present a Community Infrastructure Plan for Council consideration by December 2023. To be reworded to:**

**i. Perform an audit of the City's facilities against benchmark standards and workshop with Elected Members to identify gaps (2023).**

**• KPI 5.3.b. Prepare and make accessible an asset management dashboard using existing asset information in consultation with Council by December 2023 for use by councillors and the community in monitoring asset developments and projects. To be reworded to:**

**ii. Workshops with EM's as and when Asset Plans (9 in total) are updated to discuss**

**iii. Determine Asset Management Gap and Asset Management Replacement levels**

**iv. Develop dashboard only after the 9 Plans have all been updated (by July 2024)**

**v. Develop Strategic Asset Mngt Plan that integrates into the budgeting process (by end 2024).**

CARRIED UNANIMOUSLY

12 votes "for" / Nil votes "against"

**10.2 Rate Exemption Application – 16 Wexford Lane, Bunbury** (listed as 10.3.1 in the agenda)

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

**Summary**

An application for rate exemption has been received from AccordWest who currently lease 16 Wexford Lane, Bunbury, totalling \$3,891 per annum (23/24 rates) under Section 6.26 (g) of the *Local Government Act 1995* – land used exclusively for charitable purposes.

**Executive Recommendation**

That Council grants a rate exemption to Accordwest under Section 6.26 (g) of the Local Government Act 1995 for 16 Wexford Lane, Bunbury from 1 July 2023.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

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

**Regional Impact Statement**

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

**Background**

Accordwest have advised that are a not-for-profit organisation and that the property is leased as offices for Agencies for South West Accommodation t/a AccordWest and that they are responsible for Council rates. AccordWest introduce clients to a range of 'wrap around' support services including financial counselling, drug and alcohol support, tenant advocacy and rehabilitation support.

The organisation is registered as a charity by the Australian Government – Australian Charities and Not-for-profits Commission.

### **Council Policy Compliance**

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

### **Legislative Compliance**

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

#### 6.26. Rateable land

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

### **Officer Comments**

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

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

All rate exempt properties are reviewed on a 2 yearly basis. The City currently has 425 properties that are exempt which is a loss of rate income of \$1,544,636 per annum.

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

### **Analysis of Financial and Budget Implications**

Approval of this exemption will result in a reduction of rates income of \$3,891 per annum.

As the proposed exemption is to be granted effective from 1 July 2023, this application, if approved will have an effect on the forecast Closing Surplus Position to 30 June 2024.

### **Community Consultation**

There is no requirement for community consultation on this application.

### **Councillor/Officer Consultation**

This matter is presented to Council for consideration.

### **Applicant Consultation**

Not Applicable.

### **Timeline: Council Decision Implementation**

The Applicant will be notified of Council’s decision and that the exemption will apply from 1 July 2023.

**Outcome of Meeting 5 September 2023**

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

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

**Council Decision 165/23**

**That Council grants a rate exemption to Accordwest under Section 6.26 (g) of the Local Government Act 1995 for 16 Wexford Lane, Bunbury from 1 July 2023.**

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

**10.3 Write-Off of Outstanding Rates – Lot 3001 Marabank Loop, Bunbury** (listed as 10.3.2 in the agenda)

<b>File Ref:</b>	COB/1125-5		
<b>Applicant/Proponent:</b>	Internal Report		
<b>Responsible Officer:</b>	David Ransom, Manager Finance		
<b>Responsible Manager:</b>	David Ransom, Manager Finance		
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance		
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input checked="" type="checkbox"/> Legislative		
<b>Attachments:</b>	Nil		

**Summary**

The property at Lot 3001 Marabank Loop, Bunbury (Reserve 33620) is Crown Land under management order to the City. The property had been previously leased to the Bunbury & Districts Powerboat Club Inc. who have disbanded with outstanding rates and charges totalling \$4,441.10, which are not recoverable. It is proposed that the outstanding balance is written off as at 30 June 2023.

**Executive Recommendation**

That Council approves the write-off of \$4,441.10 in outstanding rates and charges for the lease of Lot 3001 Marabank Loop, Bunbury (Assessment 4761) by the Bunbury & Districts Powerboat Club Inc. as at 30 June 2023.

*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**

Not applicable

**Background**

Lot 301 Marabank Loop, Bunbury had been leased to the Bunbury & Districts Power Boat Club Inc. from 1995. In addition to general maintenance and upkeep of the building, the club was responsible for rates and charges on the property and all outgoing utilities.

**Council Policy Compliance**

This item complies with Council's policy for the write-off of outstanding balances.

**Legislative Compliance**

In accordance with the provisions of Section 6.12(1)(c) of the Local Government Act 1995, Council may write-off any amount of money which is owed to the local government.

**Officer Comments**

As the Club no longer had a viable committee or members and were not in a financial position to continue to operate, the City in July 2022, notified the Club of the termination of the lease under Clause 13 - Default of Lessee by way of Operative Default. This was actioned in consultation with Mr Mark Watkins, the last known Committee Member of the Club.

**Analysis of Financial and Budget Implications**

The write-off of the outstanding rates and charges balances has been provided for in the closing position as at 30 June 2023. The write-off of \$4,441.10 will therefore have no impact on the 2023/24 Budget.

The outstanding balance consists of:

	2021/22	2022/23	Total
Rates	\$1,229.00	\$1,330.00	\$2,559.00
Waste Charges	\$237.00	\$255.00	\$492.00
Emergency Services Levy	\$566.97	\$655.42	\$1,222.39
Interest	\$142.77	\$24.94	\$167.71
TOTAL	<b>\$2,175.74</b>	<b>\$2,265.36</b>	<b>\$4,441.10</b>

**Community Consultation**

There is no requirement for community consultation on this report.

**Councillor/Officer Consultation**

Finance staff monitor the City's outstanding rates and charges, and after all endeavours to facilitate collection have been exhausted, outstanding balances are referred to Council.

**Applicant Consultation**

Not applicable

**Timeline: Council Decision Implementation**

Immediate following Council endorsement.

**Outcome of Meeting 5 September 2023**

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

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

**Council Decision 166/23**

**That Council approves the write-off of \$4,441.10 in outstanding rates and charges for the lease of Lot 3001 Marabank Loop, Bunbury (Assessment 4761) by the Bunbury & Districts Powerboat Club Inc. as at 30 June 2023.**

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

**10.4 Optimisation Plan** (listed as 10.3.3 in the agenda)

<b>File Ref:</b>	COB/5554		
<b>Applicant/Proponent:</b>	Internal		
<b>Responsible Officer:</b>	Karin Strachan, Director Strategy and Organisational Performance		
<b>Responsible Manager:</b>	Karin Strachan, Director Strategy and Organisational Performance		
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance		
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input checked="" type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
<b>Attachments:</b>	Nil		

**Summary**

The purpose of this report is for Council to consider the way forward in regard to a previous resolution of Council relating to the development of an optimisation plan.

**Executive Recommendation**

That Council note that point 3 of Council Decision 044/23 will be progressed through the CEO KPIs for 2023/24, and specifically KPI 3.2. *Develop and implement strategies to address and improve performance by March 2024.*

*Voting Requirements: Simple Majority Vote*

**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
Objective 13.3	Effectively manage the City's resources

**Regional Impact Statement**

Not applicable

**Background**

At the Ordinary Council Meeting held on 14 March 2023, council resolved as part of decision 044/23 as follows:

*That Council:*

...

3. *Request the CEO prepare an optimisation plan that focuses on ways the City can reduce operating costs, maximise revenue sources, and increase cost recovery.*

**Council Policy Compliance**

N/A



### **Legislative Compliance**

N/A

### **Officer Comments**

At the Strategic Workshop held on 1 August 2023, discussion was held around the CEO KPIs that have been adopted by Council for 2023/24. A separate report will be presented to Council with regards to the updated wording for two of the KPI's (see item 10.2.1 within this agenda).

One of the discussion points at the above-mentioned Workshop was in relation to the development of an optimisation plan as per Council decision 044/23, and in particular that this would be appropriate to incorporate into the CEOs KPIs for 2023/24, rather than have it as an outstanding resolution point. This approach would also enable better alignment with the City's Evolve Program and the start of the new CEO.

The benefit of incorporating this into the KPIs is to ensure that appropriate reporting can take place, as is the case for all of the CEOs KPIs. This report simply facilitates the move of the resolution point 3 into the CEOs KPIs.

### **Analysis of Financial and Budget Implications**

Nil

### **Community Consultation**

Not applicable

### **Councillor/Officer Consultation**

This matter is referred to Council for decision.

### **Outcome of Meeting 5 September 2023**

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

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

#### **Council Decision 167/23**

**That Council note that point 3 of Council Decision 044/23 will be progressed through the CEO KPIs for 2023/24, and specifically KPI 3.2. Develop and implement strategies to address and improve performance by March 2024.**

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

**10.5 Schedule of Accounts Paid for the period 1 July 2023 to 31 July 2023** (listed as 10.3.4 in the agenda)

<b>File Ref:</b>	COB/4736	
<b>Applicant/Proponent:</b>	Internal Report	
<b>Responsible Officer:</b>	David Ransom, Manager Finance	
<b>Responsible Manager:</b>	David Ransom, Manager Finance	
<b>Executive:</b>	Karin Strachan, Director Strategy & Organisational Performance	
<b>Authority/Discretion:</b>	<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
<b>Attachments:</b>	Appendix 10.3.4-A: Schedule of Accounts Paid	

**Summary**

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 July 2023 to 31 July 2023 is attached at Appendix 10.3.4-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$7,326,435.09
2. Trust Account – payments totalling \$21,364.75
3. Visitor Information Centre Trust Account – payments totalling \$8,174.10

**Executive Recommendation**

The Schedule of Accounts Paid for the period 1 July 2023 to 31 July 2023 be received.

*Voting Requirement: Simple Majority*

**Outcome of Meeting 5 September 2023**

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

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

**Council Decision 168/23**

**The Schedule of Accounts Paid for the period 1 July 2023 to 31 July 2023 be received.**

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

**10.6 Preliminary Financial Management report for the period ending 30 June 2023** (listed as 10.3.5 in the agenda)

<b>File Ref:</b>	COB/4736
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Responsible Manager:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 10.3.5-A: Statement of Comprehensive Income Appendix 10.3.5-B: Statement of Financial Activity Appendix 10.3.5-C: Statement of Net Current Assets Appendix 10.3.5-D: Statement of Financial Position Appendix 10.3.5-E: Capital Projects Expenditure Summary Appendix 10.3.5-F: Operating Projects Expenditure Summary Appendix 10.3.5-G: Monthly Community Financial Report

**Note that this is a preliminary report to 30 June 2023 and is subject to change as end-of-year figures have not been finalised including transfers to and from reserves, employee provisions, restricted cash, final calculation of depreciation and asset revaluation. Council will receive a final report after the annual audit due to commence 2 October 2023.**

**Summary**

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.5-A)  
Actual Financial Performance to 30 June 2023 (refer explanations within the report)
  - Actual operating income of \$64.45M is \$1.78M more than the annual budgeted income of \$62.67M.
  - Actual operating expenditure of \$73.32M is \$4.22M under the annual budgeted expenditure of \$77.54M.
  - Actual operating deficit of \$8.86M is \$6.01M less than the annual budgeted operating deficit of \$14.87M.

- Statement of Financial Activity (**attached** at Appendix 10.3.5-B)

Closing funding surplus to 30 June 2023 is forecast at \$4.76M which is \$4.67M more than the current budget. This is mainly due to the Financial Assistance Grants received in advance for 2023/24 of \$1.89M and cash attributed to carry forward projects of \$2.44M. This leaves an unallocated Closing Funding Surplus of \$431K.

- Statement of Financial Position (**attached** at Appendix 10.3.5-D)

The City's actual balances are as follows:

	Actual
* Current Assets of \$40.47M includes:	
- Cash and Investments	\$36.02M
- Rates Receivable	\$1.93M
- Other Current Assets	\$2.52M

- |   |  |           |
|---|--|-----------|
| * | Current Liabilities of \$16.42M includes:                    |           |
|   | - Trade and Other Payables                                   | \$8.66M   |
|   | - Annual Leave and LSL Provisions                            | \$5.27M   |
|   |  |           |
| * | Working Capital<br>(Current Assets less Current Liabilities) | \$24.05M  |
|   |  |           |
| * | Equity<br>(Total Assets less Total Liabilities)              | \$483.73M |
4. Capital Works (**attached** at Appendix 10.3.5-E)
- Actual capital works of \$9.36M is \$20.34M less than the annual budgeted capital works of \$29.70M, (refer explanation within report).
  - The progress of capital works is monitored on a monthly basis.
  - Capital works include a combination of funding sources including municipal, reserve and grant funds.
5. Operating Project Expenditure (**attached** at Appendix 10.3.5-F)
- Actual operating project expenditure of \$8.10M is \$3.62M less than the annual budgeted operating project expenditure of \$11.72M.
  - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

#### **Executive Recommendation**

The Preliminary Financial Management Report for the period ending 30 June 2023 be received.

*Voting Requirements: Simple Majority*

#### **Strategic Relevance**

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

#### **Background**

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.5-A)
- Statement of Financial Activity (**attached** at Appendix 10.3.5-B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.5-C)
- Statement of Financial Position (**attached** at Appendix 10.3.5-D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.5-E)
- Operating Projects Summary (**attached** at Appendix 10.3.5-F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.5-G)

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

### Council Policy Compliance

Not applicable.

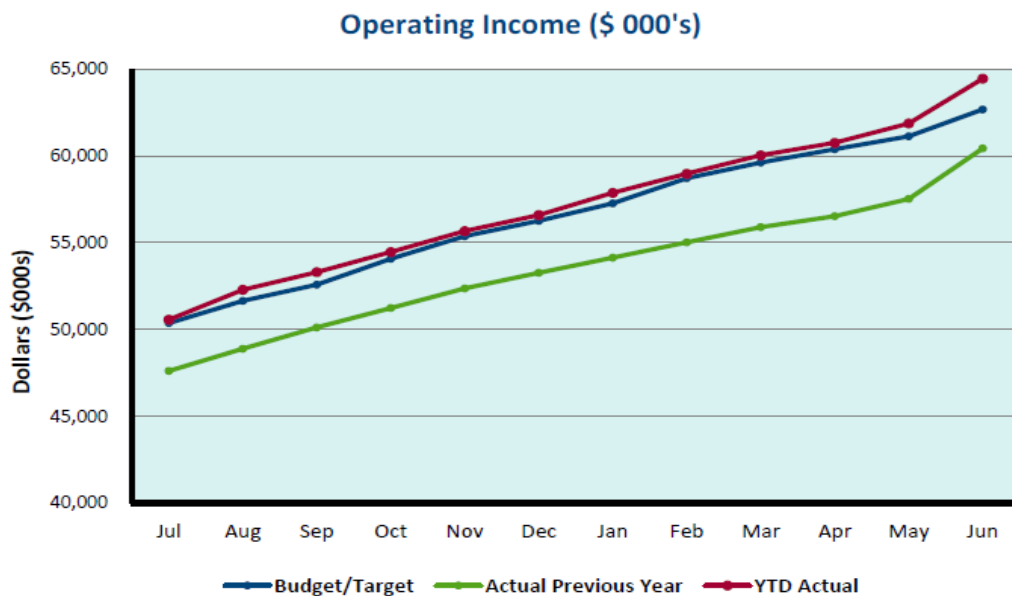
### Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix 10.3.5-B) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

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

### Officer Comments

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

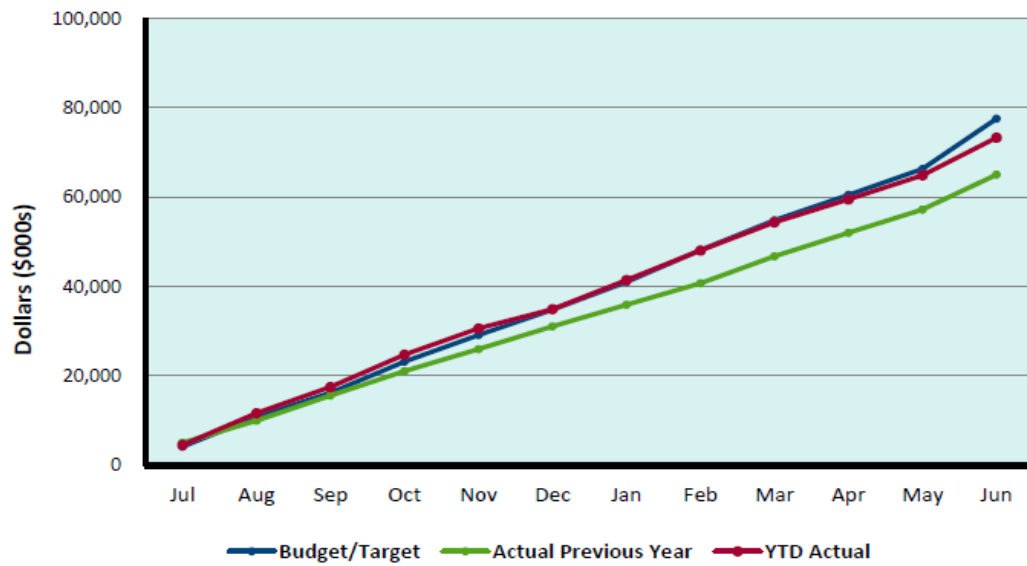


---

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

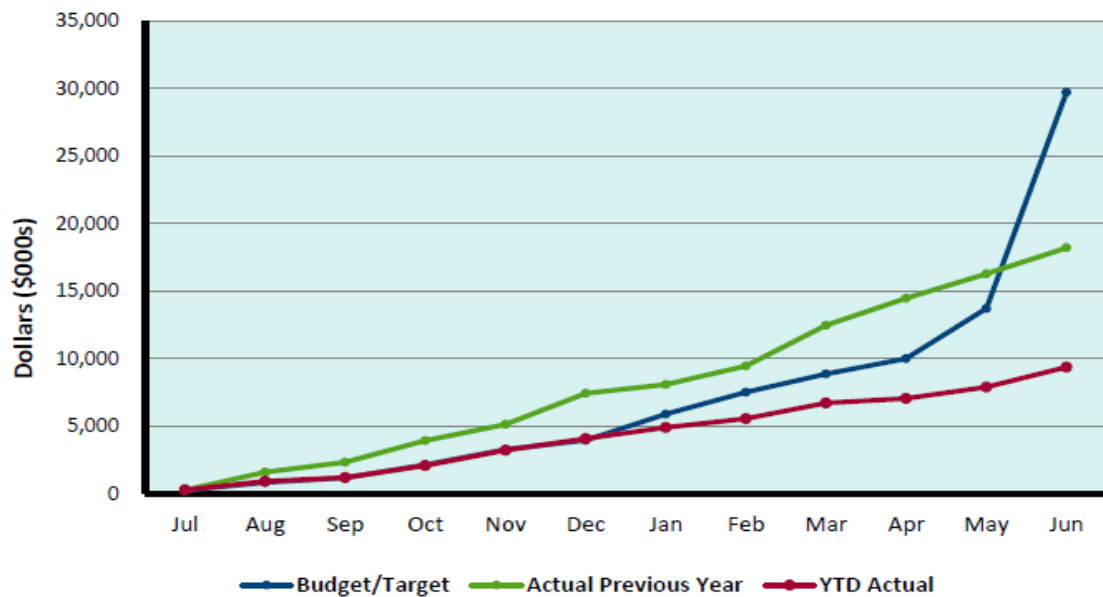
Actual Income of \$64.45M is \$1.78M above the annual budgeted income of \$62.67M.

### Operating Expenditure (\$ 000's)



**Note:** Actual operating expenditure is below the annual budget by \$4.22M

### Capital Expenditure (\$ 000's)



**Note:** The actual capital expenditure at the end of June 2023 is less than the budget by \$20.34M. The monthly Capital Projects Summary report provides more detail on all capital projects.

The following is an explanation of significant variances identified in the statement of Financial Activity. Please refer to Appendices 10.3.5-E and 10.3.5-F for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
<b>Operating Revenue</b>	
<b>Grants and Subsidies – Operating</b> – Favourable variance of \$1.11M mainly due to receiving the Federal Assistance Grants in advance for the	\$1,113,823 46%

2023/24 financial year of \$1.89M, this is offset by grants not received for PR-5086 Detailed Design of Hay Park indoor courts of \$650K.	
<b>Contributions, Reimbursements and Donations</b> – Favourable variance of \$130K mainly due to workers compensation reimbursements \$35K, insurance reimbursements \$28K, general reimbursements \$26K, Diesel fuel rebate \$23K, and landscaping maintenance contributions of \$12K.	\$129,525 11%
<b>Operating Expenses</b>	
<b>Materials and Contracts</b> – Favourable variance of \$3.84M mainly due to variances in Consultants \$2.54M, Materials \$596K, Contractors \$471K and Software Licences \$166K. These variances are mainly due to the timing of operating projects. Key project variances include:  PR-5008 Organisational Transformation - \$1.04M PR-5086 Detailed design Hay Park Indoor Courts - \$650K PR-4449 Implement SWSC Bushfire mitigation plan - \$311K PR-4268 Renewable energy efficient projects - \$291K PR-4624 Drainage catchment studies - \$169K PR-3868 Undertake City Parking Strategy - \$79K PR-4249 Implements Economic Development Strategy - \$79K PR-5000 Better Bins Plus “Go FOGO” program - \$72K	\$3,838,054 18%
<b>Utilities</b> – Unfavourable variance of \$239K mainly due to higher than anticipated costs associate with Water \$89K, Electricity \$75K, Gas \$61K, and sewerage \$12K.	(\$238,660) (10%)
<b>Capital Revenues</b>	
<b>Grants and Contributions to development of Assets</b> – Unfavourable variance of \$10.92M mainly due to grants funds not yet received for the following projects:  PR-3720 Hands Oval Redevelopment - \$8.15M PR-1883 Water Resource Recovery - \$1.2M PR-2403 Replace Forrest Park Pavilion - \$650K	(\$10,920,618) (79%)
<b>Proceeds from New Debentures</b> – Variance due to loan funds not being required in the 2022/23 financial year. These loans will be carried forward to support projects in the 2023/24 financial year.	\$3,470,000 96%
<b>Proceeds from the Disposal of Assets</b> – Unfavourable variance due to asset sales on vehicle and plant items not being received. This is mainly due to corporate plant not being sold as we are still awaiting replacement plant items to arrive.	(\$660,182) (64%)
<b>Transfers from Restricted Cash</b> – Variance due to reserve transfers not being required for projects in the 2022/23 financial year and these have been carried forward to the 2023/24 financial year.	(\$6,469,818) (63%)
<b>Capital Expenses</b>	

<p><b>Acquisition of Assets</b> – Variance in capital expenditure is due to the progress of projects. Key project variances include:</p> <p><i>Projects carried forward to the 2023/24 financial year:</i></p> <ul style="list-style-type: none"> <li>PR-3720 Hands Oval redevelopment - \$11.10M</li> <li>PR-2403 Replace Forrest Park Pavilion - \$3.56M</li> <li>PR-4710 Replace corporate heavy plant and vehicles - \$671K</li> <li>PR-1809 Construct Hay Park North Pavilion - \$521K</li> <li>PR-5089 Replace administration building air-conditioner - \$262K</li> <li>PR-1543 Boulsters Heights Masterplan Implementation - \$262K</li> <li>PR-2293 Replace corporate heavy plant - \$221K</li> <li>PR-5090 Waterfront Public Art Installation - \$210K</li> <li>PR-4701 Replace playground equipment- \$206K</li> <li>PR-4712 Replace waste vehicles and plant - \$193K</li> </ul> <p><i>Project that has been deferred:</i></p> <ul style="list-style-type: none"> <li>PR-1883 Water Resources Recovery - \$1.88M</li> </ul>	<p>\$20,337,025 68%</p>
---	-----------------------------

#### **Analysis of Financial and Budget Implications**

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

#### **Community Consultation**

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.5-G) has been prepared to give the community an easy to understand summary of the City's financial performance. Once received by Council, this report will be made available on the City's website for community information.

#### **Councillor/Officer Consultation**

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

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

#### **Outcome of Meeting 5 September 2023**

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

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

#### **Council Decision 169/23**

**The Preliminary Financial Management Report for the period ending 30 June 2023 be received.**

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



**10.7 Proposed Disposal of Freehold Land – Lot 401 on Deposited Plan P47936 Higgins Street, South Bunbury** (listed as 10.4.1 in the agenda)

<b>File Ref:</b>	COB/5768		
<b>Applicant/Proponent:</b>	Agencies for South West Accommodation Inc trading as Accordwest		
<b>Responsible Officer:</b>	Gemma Stewart, Senior Property Officer		
<b>Responsible Manager:</b>	Felicity Anderson, Manager City Growth		
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities		
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input checked="" type="checkbox"/> Legislative		
<b>Attachments:</b>	Appendix 10.4.1-A: Location Plan		

**Summary**

The City of Bunbury (the “City”) has received an application from Agencies for South West Accommodation Inc. trading as Accordwest (“Accordwest”) to purchase Lot 401 on Deposited Plan P47936 Higgins Street, South Bunbury (“Lot 401”). A location plan is **attached** at Appendix 10.4.1-A.

**Executive Recommendation**

That Council agrees to the sale of Freehold land at Lot 401 on Deposited Plan P47936 Higgins Street, South Bunbury at the fair market valuation of \$28,260, for the purpose of amalgamating Lot 401 and Lot 26 on Deposited Plan 50138 Forrest Avenue, South Bunbury for future community purpose and residential buildings, subject to the terms and conditions as specified in the report, and the following;

1. The applicant to pay all costs associated with the proposed purchase including applications fee, processing fee, advertising, surveying and easement fee.
2. Advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

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

**Regional Impact Statement**

The purchase of Lot 401 by Accordwest will provide opportunity for amalgamation of land to enable future short-term accommodation, office space and training rooms. Accordwest offer support to community members who face hardship or disadvantage within the City of Bunbury.

### **Background**

Accordwest privately owns the adjoining parcel of land to Lot 401 Higgins Street being, Lot 26 on Deposited Plan 50138 Forrest Avenue, South Bunbury ("Lot 26"). Should the application be approved Accordwest is proposing to amalgamate Lot 401 and Lot 26 for future development.

Lot 401 is Freehold land being an area of 159m<sup>2</sup> which includes City's drainage infrastructure.

The City's Planning Department have approved a Development Application for a community purpose facility and residential building. The Development Approval shows Lot 401 as car parking bays.

Accordwest also owns the adjoining parcel of land, Lot 27 on Deposited Plan 50138 that has already been developed.

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

Advertising in accordance with Section 3.58 of the *Local Government Act 1995*.

### **Officer Comments**

The service providers have been consulted and the City has received the following comment from Water Corporation.

*"The Water Corporation has a sewer line running through the corner of Lot 401 and then through Accordwest private lots. Given then boundaries will change, the Water Corporation would like to take the opportunity to protect the existing sewer line by requesting an easement be placed over the sewer line. The easement will need to be 5m wide located centrally over the sewer line ..."*

All other service providers had no objections to the sale of Lot 401.

### **Analysis of Financial and Budget Implications**

The City obtained a fair market valuation for the sale of Lot 401 and the proposed sale value is \$28,260 exclusive of GST.

Accordwest is responsible for all costs including the application fee, processing fee, advertising, surveying and easement fee.

### **Community Consultation**

Advertising in accordance with Section 3.58 of the *Local Government Act 1995* for a period of 14 days.

### **Councillor/Officer Consultation**

As per Council Decision 188/21 on 31 August 2021, Council endorsed the application for a 'community purpose' facility. In the Agenda to Council, it was acknowledged and identified that Lot 401 would be required to accommodate car parking for the proposed development.

At this meeting Accordwest deputised and spoke to the development proposal.

A development application was presented at the City's Development Coordination Unit which the sale of Lot 401 was supported subject to the following conditions:

- \* Lot 401 accommodates City owned and managed drainage infrastructure. An easement is required to be placed on the certificate of title allowing access to the parcel of land in the event of flooding or drainage maintenance is to be provided.
- \* No structures are to be built on or within the easement which would restrict access to the drainage pipe if required.

### **Applicant Consultation**

The City's Senior Property Officer and Accordwest have been discussions during the application process.

Accordwest is agreeable to the purchase of Lot 401 for amalgamation into Lot 26 and placing two (2) Deed of Easements over portion Lot to the protect the City of Bunbury drainage infrastructure and Water Corporation services.

A copy of the recommendation has been supplied to the Accordwest and they are supportive.

### **Timeline: Council Decision Implementation**

Accordwest will be contacted immediately following the Council decision to implement the next stage of the process.

### **Outcome of Meeting 5 September 2023**

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

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

#### **Council Decision 170/23**

**That Council agrees to the sale of Freehold land at Lot 401 on Deposited Plan P47936 Higgins Street, South Bunbury at the fair market valuation of \$28,260, for the purpose of amalgamating Lot 401 and Lot 26 on Deposited Plan 50138 Forrest Avenue, South Bunbury for future community purpose and residential buildings, subject to the terms and conditions as specified in the report, and the following;**

- 1. The applicant to pay all costs associated with the proposed purchase including applications fee, processing fee, advertising, surveying and easement fee.**
- 2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.**

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

**10.8 Council Committees and Working Group Review** (listed as 10.3.6 in the agenda)

<b>File Ref:</b>	COB/5253		
<b>Applicant/Proponent:</b>	Internal		
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance		
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance		
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance		
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Review	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial	
	<input type="checkbox"/> Legislative	<input type="checkbox"/> Information Purposes	
<b>Attachments:</b>	Nil		

**Summary**

The purpose of this report is to provide Council with information relating to the operational aspects of each of its committees and working groups with elected member representation, and for council to consider whether it wishes to retain the status quo in relation to the continuance of each committee and working group with elected member representation following the 2023 City of Bunbury election.

**Executive Recommendation**

That Council:

1. Endorses the continuation of the following committees post 21 October 2023:
  - a. Audit Committee
  - b. CEO Performance Review Committee
  - c. Disability Access and Inclusion Committee
  - d. Youth Advisory Council
  - e. Heritage Advisory Committee
  - f. Policy Review and Development Committee
  - g. International Relations Committee
2. Restructures the Bunbury Event Advisory Committee as a working group with elected member and community member representation.
3. Endorses the continuation of the following working groups and assessment panels post 21 October 2023:
  - a. Community Funding Panel
  - b. Arts Development Grant Funding Panel
  - c. Public Art Assessment Panel
  - d. Art Collection Acquisition Panel
  - e. Bunbury Regional Art Gallery Advisory Group
  - f. Community Safety Advisory Group
4. Requests the CEO present a report to Council by the end of 2023 to formalise appointments to Council Committees, working groups and assessment panels.
5. Endorses an update to the City's Governance Framework to reflect the governance arrangements above.

*Voting Requirement: Simple Majority*

### **Strategic Relevance**

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

### **Regional Impact Statement**

Not applicable.

### **Background**

Council currently operates with the assistance of eight committees, which have been established in accordance with section 5.8 of the *Local Government Act 1995* (the Act). These are as follows:

1. Audit Committee
2. Bunbury Event Advisory Committee
3. CEO Performance Review Committee
4. Disability Access and Inclusion Committee
5. Youth Advisory Council
6. Heritage Advisory Committee
7. Policy Review and Development Committee
8. International Relations Committee

Council Committees are reviewed prior to an election to ensure their relevance and strategic contribution to Council. Council direction is now sought as to the continuation of each committee post 21 October 2023 (at which point all positions on committees will become vacant pursuant to section 5.11(1)(d) of the Act).

Although Working Groups and Assessment Panels are not formally constituted under the provisions of the Act, they are recognised within the City's Governance Framework and, like committees, still play an important role in streamlining the operations of the City.

The City of Bunbury currently operates two Working Groups and four Assessment Panels, which have a combination of Elected Member, Officer, and community representation. These are:

- Community Funding Panel;
- Arts Development Grant Funding Panel;
- Public Art Assessment Panel;
- Art Collection Acquisition Panel;
- Bunbury Regional Art Gallery Advisory Group; and
- Community Safety Advisory Group.

Council's determination in relation to its governance structures relating to committees/working groups/panels will enable Officers to seek community nominations for those groups (where applicable), in advance of the October election. A subsequent report will be presented to Council to facilitate appointments to each continuing committee, working group and assessment panel following the October election.

### **Council Policy Compliance**

Not applicable.

## **Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* deals with committees.

## **Officer Comments**

### Audit Committee

An Audit Committee is a legal requirement under the provisions of section 7.1A of the Act. At present, the Audit Committee comprises four Elected Members and one community representative.

The Terms of Reference for this committee are as follows:

- a) *Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits and matters related to financial management;*
- b) *Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;*
- c) *Liaise with the CEO to ensure that the local government does everything in its power to:*
  - *assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and*
  - *ensure that audits are conducted successfully and expeditiously;*
- d) *Examine the reports of the auditor after receiving a report from the CEO on the matters to:*
  - *determine if any matters raised require action to be taken by the local government; and*
  - *oversee the implementation of any action so determined in respect of those matters;*
- e) *Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;*
- f) *Review the scope of the internal audit plan and program and its effectiveness;*
- g) *Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or the CEO;*
- h) *Review the level of resources allocated to internal audit and the scope of its authority;*
- i) *Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;*
- j) *Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;*
- k) *Review the local government's draft annual financial report, focusing on:*
  - *accounting policies and practices;*
  - *changes to accounting policies and practices;*
  - *the process used in making significant accounting estimates;*
  - *significant adjustments to the financial report (if any) arising from the audit process;*
  - *compliance with accounting standards and other reporting requirements; and*
  - *significant variances from prior years;*
- l) *Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;*
- m) *Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;*

- n) *Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;*
- o) *Review the annual Compliance Audit Return and report to the council the results of that review,*
- p) *Having regard to the culture and capability of the organisation, consider the CEO's reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to the council the results of those reviews;*
- q) *Monitor and advise the CEO when the CEO is carrying out functions in relation to a review of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance;*
- r) *Oversee the implementation of any action required following receipt of the review of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance;*
- s) *Monitor and advise the CEO when the CEO is carrying out functions in relation to a review of the appropriateness and effectiveness of the financial management systems and procedures;*
- t) *Oversee the implementation of any action required following receipt of a review of the appropriateness and effectiveness of the financial management systems and procedures.*

As this is a statutory committee, the Audit Committee is required to remain in place post 21 October 2023.

#### *Bunbury Event Advisory Committee*

This Bunbury Event Advisory Committee aims to grow Bunbury's thriving events scene, by supporting significant events that welcomes visitors and brings the community together to enjoy our beautiful City. At present, the Bunbury Event Advisory Committee comprises three Elected Members, three independent community representatives, and one representative from each of the Bunbury Regional Entertainment Centre and the Chamber of Commerce.

The Terms of Reference for this committee are as follows:

#### *Aims and Objectives*

- *Provide strategic advice to Council on the development of events including the calendar of annual events within the City of Bunbury.*
- *Provide strategic advice on the development and review of the Signature Events Category within the City of Bunbury's Grant Program Guidelines.*
- *Assess and make recommendations on applications received through the Signature Events category within the City of Bunbury Grant Program.*
- *Provide strategic advice on the acquittal of events delivered through the Signature Events Category within the City of Bunbury's Grant Program Guidelines to ensure the outcomes are achieved.*

#### *Authorisation*

*The Committee makes recommendations regarding the allocation of funding under the City's Grant Funding Policy (Events Category) to the CEO for implementation. All other recommendations by the Committee will be presented to council for consideration.*

This committee has operated previously as a working group under very similar terms of reference and authorisation. The committee has made nil recommendations to Council since the 2021 City of Bunbury election, although recommendations to the CEO under the terms of its authority have been made.

Officers suggest that the formality of a committee hinders the BEAC's ability to achieve its aims and objectives, and being restructured as working group would facilitate better outcomes whilst reducing red tape and bureaucratic overheads.

It is therefore recommended that this committee be restructured as a working group with identical terms of reference (ToR can be amended as appropriate by the group post-election), which would enable the provision of strategic advice to City Officers, whilst allowing City Officers to deliver the operational elements.

#### CEO Performance Review Committee

The CEO Performance Review Committee meets as required to undertake the annual performance and salary review of the City's Chief Executive Officer. The CEO Performance Review Panel exists as a legal requirement under the terms of the Chief Executive Officer's contract of employment. At present the Committee comprises six Elected Members.

The Terms of Reference for this committee is simply to *undertake the annual performance and salary review for the CEO and report to Council.*

It is recommended that this committee continue post 21 October 2023.

#### Disability Access and Inclusion Committee

The Disability Access and Inclusion Committee advises Council on matters of access and monitors implementation of the *Disability Access and Inclusion Plan* for City of Bunbury buildings, facilities, services and information. At present, the Committee comprises three Elected Members, three community members, one service provider representative, and the CEO or their nominated representative.

The Terms of Reference for this committee are as follows:

*The Disability Access and Inclusion Committee has been established:*

- 1. To provide an oversight role in the development and implementation of the statutory requirements of the Disability Access and Inclusion Plan (DAIP);*
- 2. To review progress of the organisation in the achievement of the objectives of the DAIP;*
- 3. To review the Statutory Reports required under the DAIP;*
- 4. To review the progress of the organisation against the objectives of the Community Strategic Plan as it relates to disability, access and inclusion;*
- 5. To review any reports provided by the Co-Design Access Panel;*
- 6. To advise Council on issues relating to disability, access and inclusion within the City of Bunbury; and*
- 7. To advocate and drive the City's vision of becoming the Most Accessible Regional City in Australia (MARCIA).*

It is recommended that this committee continue post 21 October 2023.

#### Youth Advisory Council

The Youth Advisory Council provides guidance to Council on issues affecting the youth of the Bunbury Region, as well as being actively involved in youth driven initiatives. At present the YAC comprises up to fourteen youth representatives, and two non-voting Elected Members.

The Terms of Reference for the YAC is as follows:

- 1. To identify and advise on youth trends, strengths, gaps and opportunities in the Bunbury area to ensure the development of policies are responsive to the needs of young people.*



2. *To engage with the young people of the Bunbury area to draw consultation and feedback on youth trends, strengths, opportunities and gaps to present to Council.*
3. *To be actively involved in the ongoing development and delivery of youth targeted projects, programs and events.*
4. *To engage with young people and their communities to establish partnerships and opportunities to support and empower young people.*

It is recommended that this committee continue post 21 October 2023.

#### Heritage Advisory Committee

The Heritage Advisory Committee provides an information exchange between Council and the general community on heritage matters. At present the Committee comprises three Elected Members and eight community members.

The Terms of Reference for this Committee are as follows:

*The Heritage Advisory Committee is to provide heritage advice on:*

- *City-owned heritage assets;*
- *strategic and statutory planning instruments;*
- *promotion and education of heritage and history;*
- *enhancement of economic development and tourism opportunities; and*
- *matters raised by the general community.*

It is recommended that this committee continue post 21 October 2023.

#### Policy Review and Development Committee

The Policy Review and Development Committee meets every two months to undertake a recurring review of all existing Council policies as well as facilitates the development of new policies for consideration by Council. At present the Committee comprises five Elected Members.

The Terms of Reference for this Committee are as follows:

1. *To review all existing Bunbury City Council policies within a two-year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
2. *To make recommendations to Council on matters of policy, policy and local law review and policy and local law development.*
3. *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
4. *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
5. *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

It is recommended that this committee continue post 21 October 2023.

#### International Relations Committee

The International Relations Committee provides advice and support in the ongoing development of relationships and strategic opportunities with Setagaya, Japan, Jiaying, China and Nha Trang, Vietnam. At present, the Committee comprises two Elected Members, nine community members, and three representatives from each of the SWDC, ECU and the Bunbury-Jiaying Business Office.

The Terms of Reference for this Committee are as follows:

1. *To facilitate, support and promote cultural, sporting, education, tourism and economic partnership opportunities between Bunbury and its international partners including but not limited to its Sister City and Friendship City relationships.*
2. *To encourage, through Sister City and other international relationships, greater understanding and friendship between City of Bunbury residents and participating cities and in doing so contribute to the mutual benefit of all communities involved;*
3. *To foster the involvement of commercial, educational and community organisations in various aspects of international relationships and to encourage the development of special links with overseas counterparts;*
4. *To promote Bunbury's international relationships to the wider community, in turn increasing community awareness and participation;*
5. *To advise Council on issues of importance and provide ideas for extending affiliations and developing new international partnerships;*
6. *To ensure all communications to Mayors of Bunbury's international partners are undertaken through the Office of the Mayor.*

Given the formalities involved with international relations, it is recommended that this committee continue post 21 October 2023.

#### Community Funding Panel

The Community Funding Panel assesses applications received under the City's annual Community Grant Funding Program (Grant Funding Program Council Policy).

It is recommended that the Community Funding Panel continue post 21 October 2023.

#### Arts Development Grant Funding Panel

The Arts Development Grant Funding Panel assesses applications received under the City's Arts Development Grant Funding Program (Grant Funding Program Council Policy).

It is recommended that the Community Funding Panel continue post 21 October 2023.

#### Public Art Assessment Panel

The Public Art Assessment Panel considers all proposed projects in terms of practical / structural / safety / planning issues as well as curatorial and aesthetic considerations. Commissioning methodologies are also guided by the advice of the Assessment Panel on industry best practice, and suitability for the project in question.

It is recommended that the Public Art Assessment Panel continue post 21 October 2023.

#### Art Collection Acquisition Panel

The Art Collection Acquisition Panel considers artworks identified for potential acquisition by the Director Bunbury Regional Art Gallery or the Collection Curator/Registrar under the provisions of the City of Bunbury Art Collection Council Policy.

It is recommended that the Art Collection Acquisition Panel continue post 21 October 2023.

#### Bunbury Regional Art Gallery Advisory Group

The Bunbury Regional Art Gallery Advisory Group was established in August 2022 with a purpose to consolidate local and regional community expertise and involvement in setting a long-term vision of BRAG as the pinnacle regional art gallery. This was to be achieved (in the first year) by two primary outcomes:

- (i) Development of a strategic plan for BRAG; and
- (ii) Advice to Council as to the future formation, role and purpose of the group following the completion of the strategic plan as the plan will include future clarity regarding the purpose of the group moving.

The strategic plan has been workshopped with Elected Members and is likely to be on the next OCM agenda for formal endorsement. One of the recommendations in the plan is for the group to continue, so accordingly it will be recommended that the Bunbury Regional Art Gallery Advisory Group continue post 21 October 2023.

#### Community Safety Advisory Group

The Community Safety Advisory Group was created in December 2022 with a terms of reference to prepare and implement a Community Safety Plan.

The Plan has been finalised and will be presented to Council prior to the October 2023 election, meaning that the Group will have fulfilled part of its terms of reference. It is suggested that the Group remain in place to provide some oversight in relation to implementation of the Community Safety Plan.

#### **Analysis of Financial and Budget Implications**

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

#### **Community Consultation**

Nil

#### **Elected Member/Officer Consultation**

The review of Committees was discussed with Elected Members at a strategic briefing held 22 August 2023.

#### **Applicant Consultation**

Nil

#### **Timeline: Council Decision Implementation**

The adopted Committee and Working Group structure will become effective following the Local Government Election to be held 21 October 2023. Appointments to these committees and groups will be finalised as soon as possible following the October 2023 election.

#### **Outcome of Meeting 5 September 2023**

The CEO advised prior to the meeting that he had amended the Executive Recommendation to include an additional point as follows:

- 4. [That Council] Request the CEO prepare a report to Council to consider the establishment of a Tourism and Events Working Group by 17 October 2023 .*

The Mayor advised that he would deal with each point of the Executive Recommendation separately. The outcome of each point is detailed below:

Point 1

*[That Council] Endorses the continuation of the following committees post 21 October 2023:*

- a. *Audit Committee*
- b. *CEO Performance Review Committee*
- c. *Disability Access and Inclusion Committee*
- d. *Youth Advisory Council*
- e. *Heritage Advisory Committee*
- f. *Policy Review and Development Committee*
- g. *International Relations Committee*

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

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

CARRIED UNANIMOUSLY

12 Votes “for” / Nil votes “against”

Point 2

*[That Council] Restructures the Bunbury Event Advisory Committee as a working group with elected member and community member representation.*

The recommendation (as written) was moved by Cr McCleary and seconded by Cr Yip.

During debate, Cr Steck foreshadowed that should this motion be lost, she would move a motion to endorse the continuation of the Bunbury Event Advisory Committee post 21 October 2023.

The Mayor put the motion to the vote and it was lost.

LOST

3 Votes “for” / 9 votes “against”

Councillors Andrew, Turner and Yip voted “for.”

Mayor Miguel and Councillors Ghasseb, Giles, Kozisek, McCleary, Quain, Smith, Steck, and Steele voted “against”

Cr Steck moved and Cr Steele seconded an alternative motion as follows:

*[That Council] Endorse the continuation of the Bunbury Event Advisory Committee post 21 October 2023.*

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

CARRIED

11 Votes “for” / 1 vote “against”

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

Councillor Yip voted “against.”

Point 3

*[That Council] Endorses the continuation of the following working groups and assessment panels post 21 October 2023:*

- a. Community Funding Panel
- b. Arts Development Grant Funding Panel
- c. Public Art Assessment Panel
- d. Art Collection Acquisition Panel
- e. Bunbury Regional Art Gallery Advisory Group
- f. Community Safety Advisory Group

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

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

CARRIED

9 Votes “for” / 3 vote “against”

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

Councillors Andrew, Ghasseb and Steck voted “against.”

Point 4

*[That Council] Request the CEO to prepare a report to Council to consider the establishment of a Tourism and Events Working Group by 17 October 2023.*

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

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

CARRIED UNANIMOUSLY

12 Votes “for” / Nil votes “against”

Point 5

*[That Council] Requests the CEO present a report to Council by the end of 2023 to formalise appointments to Council Committees, working groups and assessment panels.*

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

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

CARRIED UNANIMOUSLY

12 Votes “for” / Nil votes “against”

Point 6

*[That Council] Endorses an update to the City’s Governance Framework to reflect the governance arrangements above.*

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

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

CARRIED UNANIMOUSLY

12 Votes “for” / Nil votes “against”

**Council Decision 171/23**

**That Council**

- 1. *Endorses the continuation of the following committees post 21 October 2023:***
  - a. *Audit Committee***
  - b. *CEO Performance Review Committee***
  - c. *Disability Access and Inclusion Committee***
  - d. *Youth Advisory Council***
  - e. *Heritage Advisory Committee***
  - f. *Policy Review and Development Committee***
  - g. *International Relations Committee***
- 2. *Endorse the continuation of the Bunbury Event Advisory Committee post 21 October 2023.***
- 3. *Endorses the continuation of the following working groups and assessment panels post 21 October 2023:***
  - a. *Community Funding Panel***
  - b. *Arts Development Grant Funding Panel***
  - c. *Public Art Assessment Panel***
  - d. *Art Collection Acquisition Panel***
  - e. *Bunbury Regional Art Gallery Advisory Group***
  - f. *Community Safety Advisory Group***
- 4. *Request the CEO prepare a report to Council to consider the establishment of a Tourism and Events Working Group by 17 October 2023 .***
- 5. *Requests the CEO present a report to Council by the end of 2023 to formalise appointments to Council Committees, working groups and assessment panels.***
- 6. *Endorses an update to the City's Governance Framework to reflect the governance arrangements above.***

CARRIED

**10.9 Community Court Expansion – Hay Park** (listed as 10.4.2 in the agenda)

<b>File Ref:</b>	COB/2314		
<b>Applicant/Proponent:</b>	Internal		
<b>Responsible Officer:</b>	David Russell, Manager Community Facilities		
<b>Responsible Manager:</b>	David Russell, Manager Community Facilities		
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities		
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
<b>Attachments:</b>	Nil		

**Summary**

The below recommendations are in line with completing actions from Council Decision 065/23 from the Ordinary Council Meeting held 26 April 2023 and Council Decision 114/23 from the Ordinary Council Meeting held 27 June 2023. Once adopted this will acknowledge the continued work required to enable the Council to make a decision on the Community Court expansion for a standalone facility that would be owned and operated by BBA on Hay Park subject to meeting the requirements set out by the Department for Local Government, Sport and Cultural Industries (DLGSC).

**Executive Recommendation**

That Council:

1. Receive the Officer update provided in this report.
2. Request that the Chief Executive Officer continues to work in conjunction with the Bunbury Basketball Association and the Department of Local Government, Sport and Cultural Industries to progress the development of a standalone indoor court facility to align with the Western Australian Government's 2021 election commitment.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome 3	A healthy and active community
Objective 3.2	Encourage participation in sport, recreation, and leisure activities.
Pillar	Place
Aspiration	An integrated, vibrant and well planned City
Outcome 8	A place with attractive and welcoming community spaces, where people want to live
Objective 8.3	Maintain quality community buildings, halls and toilets.

**Regional Impact Statement**

The regional impact statement will be addressed in whole when the agenda item is reported back to Council finalising Decision 114/23 from the Council meeting from 27 June 2023.

## **Background**

The State Government has committed \$8 million dollars through an election commitment to build new indoor multipurpose courts at the South West Sports Centre (SWSC) in November 2020. Due to cost issues associated with expanding the existing SWSC courts, the City has investigated another model of a standalone facility being owned and operated by a third-party.

At the Ordinary Council Meeting held 26 April 2023 an item was presented which included a comprehensive overview of the project to date, and Council decided (065/23):

*“That Council:*

- 1. Endorse that the City pursue the option of a standalone indoor court stadium and court expansion being developed by a 3rd party which shall include the Bunbury Basketball Association and other relevant stakeholders subject to satisfying the requirements of the Department of Local Government, Sport & Cultural Industries.*
- 2. Endorse the stand-alone Hay Park location (as noted in Appendix 10.4.1-A) as the proposed site for the court expansion.*
- 3. Request the CEO report back to Council with the nominated party for the transfer of the development together with management and operation of the facility and the preference for construction management, at the 28 June 2023 Ordinary Council Meeting.”*

At the Ordinary Council Meeting held 27 June 2023 an item was presented which included reported back on the decision 065/23 and Council decided (114/23):

*“That Council:*

- 1. Note that Bunbury Basketball Association are the sole third-party stakeholder interested in building, owning and operating the proposed standalone court facility at Hay Park.*
- 2. Request that the Chief Executive Officer continues to work in conjunction with the Bunbury Basketball Association and the Department of Local Government, Sport and Cultural Industries to progress the development of a standalone indoor court facility to align with the Western Australian Government’s 2021 election commitment”*

This report provides an update on the progression of Recommendation 2 from the Ordinary Council Meeting on 27 June 2023.

## **Council Policy Compliance**

Recreation Facilities Council Policy

## **Legislative Compliance**

Not applicable

## **Officer Comments**

The City Officers, in conjunction with the Bunbury Basketball Association and Basketball WA, are currently working through Recommendation 2 from Decision 114/23.

The purpose of this agenda item is to provide an update against meeting the requirements from the DLGSC to progress this project to the design stage once DLGSC have approved the transfer of the election commitment to a 3<sup>rd</sup> party owned/operated facility.



Once the work has been completed a report will be provided back to Council with a recommendation on the suitability of the project as proposed.

Below is an update on the status of each element of work required to be undertaken to satisfy the requirements of DLGSC;

- 1. Confirmation of the City's support for the project**  
In Progress. Once all work listed below has been undertaken then a report will be provided back to Council with the recommendation on the progression of the project.
- 2. Project timeline**  
In progress. Detailed project timeline provided back to Council outlining design and construction timelines.
- 3. Elements to prove the need and the feasibility of the project - confirmation six additional indoor courts are needed (and how that impacts existing indoor and outdoor courts)**  
In progress. The consultant that carried out the initial feasibility on behalf of the Bunbury Basketball Association and has updated the document and provided through to the City for inclusion in the final report to Council.
- 4. Confirmation of adequate consultation with stakeholders / access for all stakeholders who require it**  
Completed. Stakeholder engagement carried out and reported back to Council on 27 June 2023 indicating that the Bunbury Basketball Association were the only party to express a desire to own/operate the proposed community indoor courts. All other stakeholders indicated that they would be hirers of the facility only for larger events or for training as needed.
- 5. Confirmation of the management arrangements: income/expenditure analysis**  
In progress. Consultant provided draft report to the City on the Operational Management Overview on Monday 21 August for comment and consideration and a separate document on the detailed financials provided through Bunbury Basketball Association / Basketball WA. Meeting is scheduled between key stakeholders to review the document, provide comment for consideration and amendment as required.
- 6. Court programming plan (both new facility and existing SWSC courts)**  
In progress. Court programming plan completed by the Bunbury Basketball Association with the SW Sports Centre court programming plan nearing completion.
- 7. Review the capacity of the Basketball Association to manage such a facility**  
In progress. Consultant provided draft report to the City on the Operational Management Overview on Monday 21 August for comment and consideration. Meeting is scheduled between key stakeholders to review the document, provide comment for consideration and amendment as required.
- 8. Confirmation of existing quote's veracity, and adequate funding (with contingency) is secured and available to complete the project as presented**  
In Progress. The Infrastructure Directorate are currently working with the Quantity Surveyor to refine the initial QS estimate provided so that an indicative amount can be provided and funding with contingency planned.

**9. Confirmation of the appropriateness of the identified site**

In progress. The Infrastructure Directorate are currently analysing service connection costs and any suggested improvement to onsite location to minimise capital cost.

**10. Lifecycle costing of new building**

In progress. The Infrastructure Directorate are currently working with the Quantity Surveyor to refine the initial QS estimate provided so that an indicative amount can be provided with the expenditure to inform the operational financial model costings.

**11. Relationship of this project to the netball court redevelopment**

Completed. Stakeholder engagement carried out and reported back to Council on 27 June 2023 indicating that the Bunbury Basketball Association were the only party to express a desire to be own/operate the proposed indoor courts.

**12. Consultation with neighbouring Local Government Associations to see if there are any flow on effects for their indoor facilities**

Completed. Stakeholder meetings held with Shire of Capel, Dardanup and Harvey. Stakeholder feedback to be included in the final report back to Council.

The Bunbury Basketball Association has now provided two key pieces of information in draft - detailed financial modelling and an Operational Management Model. The Management Model was only received on 21 August by the City so therefore to meet timeframes for Council on 5 September no comment on the report has yet been provided by Officers. The reports will require review and analysis followed by a meeting between DLGSC, Bunbury Basketball Association, Basketball WA and the City to work through these documents and identifying areas that require further discussion, clarification or amendment.

The other key piece of work to be finalised is the Quantity Surveying Pricing, external works and overall project costs. Once these have been refined then life cycle costings (depreciation) and maintenance considerations can inform some elements of the financial modelling which will also allow that element to be completed.

**Analysis of Financial and Budget Implications**

The City currently holds funding from the DLGSCI for the purpose of undertaking the proposed works through the election commitment of \$8 million dollars.

**Community Consultation**

Stakeholder engagement took place as part of the original Cox Architecture work in developing the Concept Design on the SWSC site. Consultation has taken place with the main stakeholder (Bunbury Basketball Association) which has in part expressed a desire for an alternate site to be explored.

Further community and stakeholder engagement took place in May - June 2023 in order to satisfy Recommendation 3 of Decision 065/23.

In addition to the community, key personnel at the DLGSC have been involved in the consultation process as they are the funding partner for the project. DLGSC have been kept up to date through monthly and quarterly reporting.

### **Councillor/Officer Consultation**

Councillors have been provided updates and participated in discussion on this project through strategic briefing sessions on 23 August 2022 and 7 March 2023. Agenda Items considered at the Ordinary Council Meeting held 26 April 2023 and 28 June 2023 provided additional information which resulted in three recommendations as per Decision 065/23 and two recommendations as per Decision 114/23.

Officers including the CEO, Directors, key Managers and Team Leaders have all been involved in discussions prior to this agenda item being presented.

### **Applicant Consultation**

Not applicable

### **Timeline: Council Decision Implementation**

Recommendation 2 will be reported back to Council by 17 October 2023.

### **Outcome of Meeting 5 September 2023**

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

Cr Kozisek moved an amendment to include an additional point to the motion as follows:

- 3. Formally endorse the Bunbury Basketball Association to manage the construction of the facility and convey this to the Department of Sport and Recreation.*

The Mayor disallowed the amendment as he determined that it was substantially different to the intent of the initial motion.

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

### **Council Decision 172/23**

#### **That Council:**

- 1. Receive the Officer update provided in this report.**
- 2. Request that the Chief Executive Officer continues to work in conjunction with the Bunbury Basketball Association and the Department of Local Government, Sport and Cultural Industries to progress the development of a standalone indoor court facility to align with the Western Australian Government's 2021 election commitment.**

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

**10.10 City of Bunbury Sustainability and Environmental Strategy 2023-2028** (listed as 10.5.1 in the agenda)

<b>File Ref:</b>	COB/1546
<b>Applicant/Proponent:</b>	Saphron Wheeler, Environmental Sustainability Officer
<b>Responsible Officer:</b>	Saphron Wheeler, Environmental Sustainability Officer
<b>Responsible Manager:</b>	Aaron Lindsay, Manager Projects and Assets
<b>Executive:</b>	Gavin Harris, Director Infrastructure
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.5.1-A - Sustainability and Environmental Strategy 2023-2028 Appendix 10.5.1-B - Schedule of Submissions Appendix 10.5.1-C - Submission Letter from WALGA

**Summary**

The City of Bunbury has developed a Sustainability and Environmental Strategy 2023-2028 (strategy) that provides the City and the community with commitments that contribute towards the achievement of the community's visions and aspirations listed under the 'Planet Pillar' within the City's Strategic Community Plan 2032 (SCP). The strategy includes a corporate target to reach net zero corporate emissions by the year 2040 with an aspirational target of 2035. It aims to align the City with Australia's commitment to limit global temperature rise to 1.5C above pre-industrial levels as part of the United Nations Climate Change Conference (COP21) Paris Agreement and contribute to the 2030 Sustainable Development Agenda. The purpose of this report is to present the strategy to Council for adoption.

**Executive Recommendation**

That Council adopt the City of Bunbury Sustainability and Environmental Strategy 2023-2028 presented at Appendix 10.5.1-A.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

Pillar	Planet
Aspiration	Healthy and sustainable ecosystem.
Outcome 5:	A natural environment that is cared for and preserved.
Objective 5.1	Sustainably manage, conserve and enhance our natural habitats.
Objective 5.2	Encourage the adoption of sustainable practices.
Objective 5.3	Develop a sustainable, low waste, circular economy.
Objective 5.4	Conserve and manage water resources.
Objective 5.4	Move to net zero gas emissions.
Outcomes 6:	An aware and resilient community equipped to respond to natural disasters and emergencies.
Objective 6.1	Minimise risks and impacts from fires, floods, heat waves, and other natural disasters.

## **Regional Impact Statement**

The impacts of climate change are already being experienced globally, including in the Bunbury Geopraphe Region, and are projected to intensify over the coming years and decades. As the closest level of government to the community, the City of Bunbury along with surrounding local governments are on the forefront of addressing climate change impacts in the region. The City understands its potential to contribute towards reducing emissions on a local level, reducing the impacts of climate change within the region, and contributing towards a healthier and cleaner environment for its community and visitors. The strategy will provide guidance for the City, the community and inform other local governments in the region on how the City can work to improve corporate sustainability and support and encourage sustainability in the community and wider region.

## **Background**

The 2021 MARKYT Community Scorecard survey results revealed ‘sustainability and climate change’ as the fourth highest priority for the Bunbury community. To commence addressing this community priority, on 14 December 2021, Council requested the City to prepare a Sustainability Strategy, including climate change actions and recommendations based on informed corporate net zero emission target scenarios (Council Decision 278/21).

In February 2022, the City’s Environment and Sustainability Team began working with an external consultant to calculate the City’s corporate greenhouse gas emissions profile for Financial Year 2020/21 to inform potential corporate net zero emission target scenarios.

On 26 April 2022, Council endorsed the City of Bunbury Integrated Strategic Planning and Reporting Framework (ISPRF) Council Decision (081/22). The ISPRF outlines how the City will ensure that the aspirations in the City of Bunbury Strategic Community Plan 2032 (SCP) are met through a structured and integrated approach comprising of strategies, implementation plans, frameworks and projects. A total of five key informing strategies were identified which would be delivered through a number of implementation plans identified under each. A ‘Sustainability and Environmental Strategy’ was identified as the City’s Informing Strategy for achieving the SCP’s aspiration for a healthy and sustainable ecosystem and its supporting outcomes and objectives under the Planet Pillar.

Following Council adoption of the ISPRF, the Sustainability Strategy as requested by Council (Council Decision 278/21), became the ‘Sustainability and Environmental Strategy’ (Strategy) identified by the ISPRF.

The development of the strategy has been coordinated by the Environment and Sustainability Team in collaboration with other relevant City of Bunbury teams. The strategy provides desired outcomes, targets and objectives that aim to guide the City’s actions over the next five years to ensure that the City works towards the aspiration, outcomes, and objectives under the SCP Planet Pillar.

## **Council Policy Compliance**

The Sustainability Council Policy has helped inform the focus of the strategy through establishing a sustainability definition and model, along with guiding principles for Council and the organisation. The policy’s sustainability definition and model are incorporated into the strategy.

The strategy will support the delivery of Council’s commitments on local climate change management, as outlined within the Climate Change Council Policy.

## **Legislative Compliance**

The requirements of the *Local Government Act 1995* Section 1.3, states:

*(3) In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.'*

The strategy intends to demonstrate the City's intention to use its best endeavours to deliver on the Act's requirements.

## **Officer Comments**

### Public comment period

At the Ordinary Council Meeting on 16 May 2023, Council endorsed the draft Sustainability and Environmental Strategy for public comment (Council Decision 079/23). The draft strategy was advertised for public comment from 29 May to 19 June 2023 (three weeks). The draft strategy was advertised through the City's communication channels and website via *Community Connect* (the City's engagement hub) and made available at the City's customer service centres and libraries. In addition, the City hosted two community drop-in sessions at the Bunbury Regional Art Gallery on 8 and 9 June. The City received 25 submissions, see Appendix 10.5.1-B for the Schedule of Submissions, including the City's response and notes on amendments made to the final strategy based on the feedback received. City Officers met with WALGA's Environmental Policy Team to discuss the draft strategy and receive feedback, which is outlined in Appendix 10.5.1-C

### Internal review and amendments

At the Council Strategic Briefing Session (Agenda) on 9 May 2023, Councillor Andrew raised a query regarding the length and detail of the draft Sustainability and Environmental Strategy 2023-28 and asked whether the strategy will be refined. This query has been taken into consideration, and as a result, the Environment and Sustainability Team summarised the strategic actions into fewer high level strategic objectives.

Additionally, the draft strategy underwent an internal review by the City's Strategy Team during the public comment period. The Strategy Team provided feedback to assist the Environmental and Sustainability Team to align the strategy format with other City strategic documents, such as the Strategic Community Plan and Corporate Business Plan structure. Amendments to the strategy included restructuring, removing the baseline data from the targets and moving all advocacy items to sit under the community engagement section.

The draft strategy's strategic actions and any baseline data that were removed from the final strategy, will be reviewed and included within the subsequent Sustainability and Environmental Action Plan. This will enable the City to include implementation information against the strategic actions, such as responsibility, timeline and budget/resourcing allocation.

Additionally, The Environment and Sustainability Team attended training facilitated by Western Australian Local Government Association (WALGA) on climate risk assessment and adaptation planning for local government authorities (informed by WALGA's Climate Change Action Framework). Following the training, the Climate Resilience target of achieving a high score using the United Nation's Disaster Resilience Scorecard for Cities was removed. This target was replaced with 'meeting targets outlined in a corporate Climate Change Adaptation Plan, to be developed by 2025/26' to align with WALGA's Climate Change Action Framework. WALGA's Climate Change Action Framework provides a more tailored approach for Western Australian Local Governments. The WALGA Climate Change Action Framework training was developed in partnership with State Government across the Department of Water and Environmental Regulation (DWER), Department

of Fire and Emergency Services (DFES), Department of Local Government, Sport and Cultural Industries (DLGSC) and aligns with the State Government process.

#### Emissions Reduction Approach

To support the Federal Government's commitment to net zero emissions by 2050<sup>1</sup>, the City needs to take action to achieve either carbon neutrality or net zero emissions by 2050.

The City followed the Climate Active Carbon Neutral Standard for Organisations<sup>2</sup> methodology for calculating the City's corporate baseline emissions for financial year 2020/21. The City then commissioned a consultant to provide an emissions reduction recommendations report based on the City's carbon inventory, which has helped to inform the City's approach for reducing emissions.

#### **Carbon Neutral versus Net Zero**

There are two approaches for reducing emissions, which are carbon neutrality and net zero.

Achieving carbon neutrality refers to purchasing carbon credits to offset the equivalent amount of emission generated. Currently, the Australian Climate Active Carbon Neutral Standard<sup>3</sup> requires organisations to reduce their emissions by 30% within 10 years and the remainder of emissions to be offset.

Achieving net zero refers to reducing all possible direct and indirect emissions in line with the latest climate science (see below) and purchasing carbon credits to offset residual emissions that are not possible to eliminate. The Science Based Targets initiative<sup>4</sup> requires organisations to achieve a minimum 50% emissions reduction by 2030 and 90% emissions reduction by 2050 and the remainder to be offset.

The context for setting an emissions reduction target:

- Global surface temperatures have increased on average by 1.1°C compared to pre-industrial levels.
- Global leaders (including Australia) have committed to limiting the global temperature rise to 1.5°C by 2100 to avoid large-scale irreversible disruptions to planetary systems that human life depends on.
- Current global greenhouse gas emissions put the world on a trajectory to reach 1.5°C above pre-industrial levels within the next two decades and 2.5°C by 2100.
- Limiting warming to around 1.5°C by 2100 requires global greenhouse gas emissions to peak before 2025 at the latest, be reduced by 43% by 2030 and reach net zero by 2050<sup>5</sup>.

(Source: *Summary for Policymakers – AR6 Synthesis Report – Intergovernmental Panel on Climate Change* [AR6 Synthesis Report: Climate Change 2023 \(ipcc.ch\)](#))

Given that most of the action required for achieving the Carbon Neutral Standard involves purchasing carbon credits and the emissions reductions required is typically not enough to align with the latest climate science, the City has taken the approach of working towards achieving net zero. The City endeavours to follow the Science Based Targets initiative standard<sup>6</sup> when striving for net zero, which requires a focus on rapid, deep and sustained emissions cuts and only offsetting residual emissions that are not possible to eliminate. This approach will align the City with

---

<sup>1</sup> [Australia's Long-Term Emissions Reduction Plan - DCCEEW](#)

<sup>2</sup> [Climate Active Carbon Neutral Standard for Organisations | Climate Active](#)

<sup>3</sup> [Climate Active Carbon Neutral Standard for Organisations | Climate Active](#)

<sup>4</sup> [Ambitious corporate climate action - Science Based Targets](#)

<sup>5</sup> [Climate Plans Remain Insufficient: More Ambitious Action Needed Now | UNFCCC](#)

<sup>6</sup> [The Corporate Net-Zero Standard - Science Based Targets](#)

Australia's commitment to keeping global warming levels at or below 1.5°C and limiting climate change impacts as part of the Paris Agreement<sup>7</sup>.

### **Net Zero Emissions Target**

The strategy captures the City's overall corporate net zero emission target, which is a target of net zero greenhouse gas emissions from operations by the year 2040 and an earlier aspirational target of reaching net zero by the year 2035.

The strategy also captures the reduction in the City's operational greenhouse gas emissions as an outcome for several of the focus areas within this Strategy, including energy and emissions, circular economy, and sustainable transport and urban infrastructure. All of which support the achievement of the overall corporate net zero emission target. Within the lifespan of this strategy, the City has committed to a greenhouse gas emissions reduction target of 35% on operational emissions from 2020/21 levels, by the end of year 2025. These targets provide a foundation for the City to become a leader in emissions reduction and climate action.

### Review and Evaluation

Recognising that climate science and sustainability innovation is a rapidly evolving and community aspirations may change, it is acknowledged and anticipated that further refinements to the strategy may be required. The progress and performance of the strategy will be monitored annually and reported to Council at the end of each financial year. The community will also be updated on the delivery of actions and progress toward targets through the City's Annual Report and a range of community engagement initiatives. The strategy should also be reviewed and updated at midlife in 2026, which provides the opportunity to make any adjustments required.

### Implementation

A Sustainability and Environmental Action Plan (plan) will be developed by the City for the delivery of the strategy. The development of the plan will involve collaborative engagement and participation from staff across the organisation. There will be parts of the action planning, such as the community facing targets and actions that need to involve community engagement and encourage participation in decision making to support outcomes and a sense of shared responsibility.

To support the delivery of the strategy, the plan will include:

- Actions.
- Responsibilities.
- Estimated cost of implementation.
- Timeframes.

This plan will be used to inform the City's Corporate Business Plan, Long Term Financial Plan and Annual Budgets for the period 2023-2028. It is intended that the plan is flexible and is comprehensively reviewed annually, which provides the opportunity to make any adjustments required.

### Noongar artwork

The City commissioned local Noongar Artist, Melissa Gale Riley, to create an artwork whereby the full or part imagery has been used for the design of the final strategy document to pay recognition and acknowledgement to Noongar people and Noongar peoples' connection to Country. Melissa also provided a statement about both the meaning of the artwork and to the question: *What does caring for Country mean to you and your culture?* Both statements are included within the strategy.

---

<sup>7</sup> The Paris Agreement, a legally binding international treaty on climate change under the UNFCCC<sup>7</sup> at the United Nations Climate Change Conference (COP21) in Paris, 2015.



### **Analysis of Financial and Budget Implications**

Budget has been allocated to develop the Sustainability and Environmental Action Plan (plan).

The implementation costs for the strategy will be developed as part of the subsequent action plan development.

Note: Some of the draft strategy actions capture projects that have already been budgeted for such as the WALGA Energy Sustainability and Renewables Project, the Greening Plan and the development of a Renewable Energy Transition Plan for City Assets. The plan development will include investigating and establishing that sufficient funding is available through the budget process prior to commencing new initiatives.

### **Community Consultation**

Several avenues were used to engage with the community on the development of the strategy including:

- Online community survey through Social Pinpoint in April and May 2022.
- Two stakeholder and community workshop sessions in October 2022.
- Three-week public advertisement of the draft strategy in May and June 2023.

A community engagement report was provided to Council as an attachment to the Agenda Report that requested the draft strategy to be released for public comment (Council Decision 079/23).

The City consulted with Bunbury Elders between November 2022 and July 2023 to provide information updates on the strategy and consult on a process for incorporating Noongar artwork and an artist statement on Noongar culture into the strategy document.

Further community engagement opportunities will be made available during the strategy's implementation phases. These opportunities will be promoted to the community through the City's communication channels and website via *Community Connect* (the City's engagement hub).

### **Councillor/Officer Consultation**

Extensive consultation has been undertaken with Elected Members and relevant staff during the drafting of the strategy.

A presentation was made to Elected Members on 2 December 2021 to present a framework for delivering on climate action and sustainability concurrently, which included:

<b>Sustainability</b>	<b>Climate Change</b>
1. Community and stakeholder engagement.	1. Council signing the Western Australian Local Government Association's (WALGA) Climate Change Declaration.
2. Sustainability Council Policy.	2. Council adoption of a Climate Change Policy.
3. Sustainability and Environmental Strategy.	3. Calculation of corporate greenhouse gas emissions.
4. Sustainability and Environmental Action Plan (Implementation Plan).	4. Determining informed net zero target.

At the Ordinary Council Meeting on 1 February 2022, Council authorised the signing of the WALGA Climate Change Declaration (Council Decision 019/22) to demonstrate commitment to locally appropriate climate change management, and to participate in a sector-wide leadership approach.

A presentation and workshop was facilitated at Elected Member Briefing Session on 22 March 2022 to provide an opportunity for Council to workshop key sustainability aspects to be included in the strategy through a questionnaire. The workshop also provided opportunity for feedback on the proposed community engagement activities.

A link to the online community survey, conducted in April and May 2022 was communicated to all City staff via the City update channels. A link to the online community survey was also provided to elected members.

A briefing was provided to managers on 12 July 2022 to provide background to the project and obtain support for themselves and/or their team members to participate throughout the process of the strategy development.

Six workshops were conducted in August 2022 with City of Bunbury staff from relevant work areas on various sustainability topics. These workshops sought to obtain input on ideas and actions to ensure the development of the strategy is relevant to Bunbury and the City's organisational capacity, builds on existing practices, is achievable and ambitious. A briefing was provided to workshop participants on 16 September 2022 to provide a summary of the workshop outcomes and an update on the next steps for the development of the strategy.

A presentation was made at the Elected Member Briefing Session on 11 October 2022, providing information on the City's corporate carbon emissions profile and recommendations on a Net Zero Emissions target scenarios of 2030, 2040 and 2050.

City officers attended a Youth Advisory Council (YAC) Meeting on 19 October 2022 to provide YAC members with information on the development of the strategy, the recommendations on a Net Zero Emissions target, and the community engagement initiatives to engage the public in the strategy development. City officers attended a YAC meeting on 29 May 2023 to discuss the draft strategy and receive feedback.

Elected members and City staff were invited to participate in the stakeholder and community workshops held in October 2022.

A presentation was made to the Executive Leadership Team on 31 January 2023 to provide an update on the drafting of the strategy's targets and actions and seek support and guidance on the next phases on the strategy development.

An internal survey was distributed to City of Bunbury staff from relevant work areas for the preliminary review of the strategy's targets and actions. The survey provided staff with opportunity to review the strategy's draft targets and actions to ensure that previous staff input has been accurately represented and provide feedback on gaps or issues identified.

A presentation was made at the Elected Member Briefing Session on 28 February 2023, providing an update on the progress of the strategy development and the proposed steps for adopting a net zero emissions target, public comment on the Strategy, and implementation planning.

#### **Applicant Consultation**

Not applicable

**Timeline: Council Decision Implementation**

If adopted by Council, the process for developing the Sustainability and Environmental Action Plan will commence within the 2023/24 financial year and is anticipated to be completed before the end of 2024.

**Outcome of Meeting 5 September 2023**

Mikaela Kerwin delivered a deputation in relation to this item.

The recommendation (as written) 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 173/23**

**That Council adopt the City of Bunbury Sustainability and Environmental Strategy 2023-2028 presented at Appendix 10.5.1-A.**

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

## **11. Applications for Leave of Absence**

### **11.1 Cr McCleary**

Cr McCleary requests a leave of absence from all Council-related business from 11 September 2023 to 16 October 2023 inclusive.

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

#### **Executive Recommendation**

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr McCleary is granted leave of absence from all Council-related business from 11 September 2023 to 20 October 2023 inclusive.

#### **Outcome of Meeting 5 September 2023**

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

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

#### **Council Decision 174/23**

***Pursuant to Section 2.25 of the Local Government Act 1995, Cr McCleary is granted leave of absence from all Council-related business from 11 September 2023 to 20 October 2023 inclusive.***

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

## **11.2 Cr Steele**

Cr Steele requests a leave of absence from all Council-related business from 20 September 2023 to 4 October 2023 inclusive.

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

### **Executive Recommendation**

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Steele is granted leave of absence from all Council-related business from 20 September 2023 to 4 October 2023 inclusive.

### **Outcome of Meeting 5 September 2023**

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

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

#### **Council Decision 175/23**

***Pursuant to Section 2.25 of the Local Government Act 1995, Cr Steele is granted leave of absence from all Council-related business from 20 September 2023 to 4 October 2023 inclusive.***

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

**12. Motions on Notice**

Nil

**13. Questions from Members**

**13.1 Response to Previous Questions from Members taken on Notice**

Nil

**13.2 Questions from Members**

Councillor Andrew asked the following question which was taken on notice by the CEO.

Question

In regard to complaints from a ratepayer regarding leases with the City, can the City provide advice on if and how the City can take action to improve the accessibility of “privately” leased sporting facilities.

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

Nil

## 15. Meeting Closed to Public

A procedural motion pursuant to Standing Order 11.1(h) that the meeting be closed to the public was moved by Cr Steele 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 176/23

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

#### **15.1.1 Bunbury Harvey Regional Council Request for Member Council Contribution**

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

The Meeting was closed to the public at 6:22pm.

The Mayor advised that the meeting would adjourn for a short break at 6:22pm, reconvening at 6:25pm.

Councillor McCleary left the meeting at 6:22pm and did not return for the remainder of the meeting.

### 15.1 Matters for which the Meeting may be Closed

#### 15.1.1 Bunbury Harvey Regional Council Request for Member Council Contribution

<b>File Ref:</b>	COB/4273		
<b>Applicant/Proponent:</b>	Internal Report		
<b>Responsible Officer:</b>	David Ransom, Manager Finance		
<b>Responsible Manager:</b>	David Ransom, Manager Finance		
<b>Executive:</b>	Karin Strahan, Director Strategy and Organisational Performance		
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
<b>Attachments:</b>	Appendix CRUSC- 1: BHRC Request for Member Council Contribution		

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

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

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

#### **Outcome of Meeting 5 September 2023**

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

It was requested that each point of the recommendation be voted on separately, to which the Mayor agreed. The Mayor put each point to the vote individually and the outcome for each point is detailed below:

Point 1

*[That Council] Approves an operating deficit contribution for 2023/24 of up to \$950,000, being 50% of the amount required, to be funded from the Refuse Collection and Waste Minimisation Reserve and funded in quarterly amounts in advance.*

CARRIED

7 Votes “for” / 4 votes “against”

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

Councillors Andrew, Ghasseb, Steck and Yip voted “against.”

Point 2

*[That Council] Approves the contribution for mattress disposal of up to \$400,000, being 50% of the amount required, to be funded from the Refuse Collection and Waste Minimisation Reserve,*

CARRIED

10 Votes “for” / 1 vote “against”

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

Councillor Ghasseb voted “against.”

Point 3

*[That Council] Note the allocation by BHRC for the provision of \$1,500,000, being 50% of the estimated cost of timber disposal, as a funding requirement from the City as a Member Council of BHRC, from a source to be determined when the BHRC formally advises the City that those works are committed to.*

CARRIED

10 Votes “for” / 1 vote “against”

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

Councillor Ghasseb voted “against.”

Point 4

*[That Council] Note the allocation by BHRC for the provision of \$250,000, being 50% of the estimated cost of the lined cells design works, as a funding requirement from the City as a Member Council of BHRC, from a source to be determined when the BHRC formally advises the City that those works are committed to.*

CARRIED

10 Votes “for” / 1 vote “against”

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

Councillor Ghasseb voted “against.”



**Council Decision 177/23**

***That Council:***

- 1. Approves an operating deficit contribution for 2023/24 of up to \$950,000, being 50% of the amount required, to be funded from the Refuse Collection and Waste Minimisation Reserve and funded in quarterly amounts in advance.***
- 2. Approves the contribution for mattress disposal of up to \$400,000, being 50% of the amount required, to be funded from the Refuse Collection and Waste Minimisation Reserve,***
- 3. Note the allocation by BHRC for the provision of \$1,500,000, being 50% of the estimated cost of timber disposal, as a funding requirement from the City as a Member Council of BHRC, from a source to be determined when the BHRC formally advises the City that those works are committed to.***
- 4. Note the allocation by BHRC for the provision of \$250,000, being 50% of the estimated cost of the lined cells design works, as a funding requirement from the City as a Member Council of BHRC, from a source to be determined when the BHRC formally advises the City that those works are committed to.***

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

A procedural motion to reopen the meeting was moved by Cr Giles 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 178/23**

***That the meeting be reopened to the public.***

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

The meeting was reopened to the public at 6:57pm.

The CEO left the meeting at 6:58pm, and nominated the Director Infrastructure to act as CEO for the remainder of the meeting.

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

The Mayor read aloud the resolution for item 15.1.1 Bunbury Harvey Regional Council Request for Member Council Contribution as follows:

*That Council:*

1. *Approves an operating deficit contribution for 2023/24 of up to \$950,000, being 50% of the amount required, to be funded from the Refuse Collection and Waste Minimisation Reserve and funded in quarterly amounts in advance.*
2. *Approves the contribution for mattress disposal of up to \$400,000, being 50% of the amount required, to be funded from the Refuse Collection and Waste Minimisation Reserve,*
3. *Note the allocation by BHRC for the provision of \$1,500,000, being 50% of the estimated cost of timber disposal, as a funding requirement from the City as a Member Council of BHRC, from a source to be determined when the BHRC formally advises the City that those works are committed to.*
4. *Note the allocation by BHRC for the provision of \$250,000, being 50% of the estimated cost of the lined cells design works, as a funding requirement from the City as a Member Council of BHRC, from a source to be determined when the BHRC formally advises the City that those works are committed to.*

## 16. Closure

The Mayor declared the meeting closed at 7:01pm.

Confirmed this day, 26 September 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 5 September 2023.



---

Jaysen de San Miguel  
Mayor