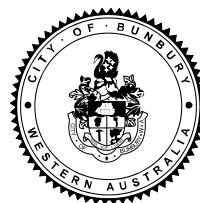




City of Bunbury Council

Minutes

15 August 2023



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
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Acknowledgement of Country

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

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

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

WE ARE OPEN

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

WE ARE BRAVE

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

Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.
- Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes:** Includes items provided to Council for information purposes only which do not

1. Declaration of Opening / Announcements of Visitors

The Deputy Mayor acknowledged the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. She paid her 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

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Recording and Webstreaming of Meetings

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

3. Announcements from the Presiding Member

The Deputy Mayor announced that sadly Councillor Quain's mother had passed away and extended her condolences to Councillor Quain and her family.

The Deputy Mayor also noted the passing of Geoff Oddy, a former staff member of the City of Bunbury and inaugural CEO of Aqwest in Bunbury, and extended her condolences to the Oddy family.

4. Attendance

Council Members:	
Presiding Member:	Deputy Mayor T Smith
Members:	Councillor W Giles
	Councillor M Steck
	Councillor B Andrew
	Councillor B McCleary
	Councillor C Kozisek
	Councillor K Turner
	Councillor G Ghasseb
	Councillor K Steele
	Councillor A Yip
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr M Osborne
Director Sustainable Communities	Mr G Barbour
Director Infrastructure	Mr G Harris
City of Bunbury Officers (Non-Voting)	
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
Others (Non-Voting)	
Members of the Public	20

4.1 Apologies

Councillor Quain was an apology for the meeting.

4.2 Approved Leave of Absence

Mayor Miguel is on an approved leave of absence from 14 to 28 August 2023.

15 August 2023

Minutes – Council Meeting

4.3 Attendance at Previous Meetings

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

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

15 August 2023

Minutes – Council Meeting

Date	Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Ghasseb	Cr Giles	Cr Kozisek	Cr McCleary	Cr Quain	Cr Steck	Cr Steele	Cr Turner	Cr Yip
28/03/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
28/03/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
April 2023													
04/04/2023	CEO Recruitment Project Control Group	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
04/04/2023	Ordinary Council Meeting	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	✓
13/04/2023	CEO Performance Review Committee	Apology	Deputy	Deputy	x	N/A	✓	N/A	LOA	x	✓	Deputy	N/A
18/04/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	LOA	✓	Apology	✓	✓
18/04/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	LOA	✓	Apology	✓	✓
26/04/2023	Policy Review and Development Committee	N/A	✓	Deputy	N/A	LOA	✓	N/A	LOA	N/A	Apology	N/A	N/A
26/04/2023	Ordinary Council Meeting	✓	✓	✓	✓	LOA	✓	✓	LOA	✓	✓	✓	✓
May 2023													
09/05/2023	Workshop	✓	✓	✓	✓	LOA	✓	✓	Apology	✓	✓	✓	✓
09/05/2023	Agenda Briefing	✓	✓	✓	Apology	LOA	✓	✓	Apology	✓	✓	✓	✓
23/05/2023	Workshop	✓	LOA	✓	Apology	LOA	✓	✓	✓	Apology	✓	✓	✓
23/05/2023	Ordinary Council Meeting	✓	LOA	✓	✓	LOA	✓	✓	✓	Apology	✓	✓	✓
24/05/2023	Heritage Advisory Committee	N/A	Apology	N/A	N/A	N/A	✓	N/A	✓	N/A	Deputy	N/A	N/A
30/05/2023	CEO Recruitment Panel	✓	N/A	✓	N/A	N/A	N/A	N/A	N/A	N/A	✓	✓	Apology
30/05/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
30/05/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
June 2023													
06/06/2023	Ordinary Council Meeting	Apology	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
07/06/2023	Disability Access and Inclusion Committee	N/A	N/A	✓	x	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
12/06/2023	International Relations Committee	N/A	✓	N/A	x	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13/06/2023	Audit Committee	✓	N/A	✓	N/A	N/A	✓	Apology	N/A	N/A	N/A	N/A	N/A
14/06/2023	Policy Review and Development Committee	N/A	✓	N/A	N/A	✓	✓	N/A	✓	N/A	✓	N/A	N/A
20/06/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
20/06/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
27/06/2023	Ordinary Council Meeting	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	✓

15 August 2023

Minutes – Council Meeting

Date	Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Ghasseb	Cr Giles	Cr Kozisek	Cr McCleary	Cr Quain	Cr Steck	Cr Steele	Cr Turner	Cr Yip
28/06/2023	Policy Review and Development Committee	N/A	✓	N/A	N/A	✓	✓	N/A	✓	N/A	✓	N/A	N/A
July 2023													
11/07/2023	Special Council Meeting	✓	✓	✓	x	✓	✓	✓	✓	x	✓	✓	✓
18/07/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	Apology
18/07/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	✓
26/07/2023	Ordinary Council Meeting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
26/07/2023	Special Council Meeting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
01/08/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
01/08/2023	Community Access Session	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
08/08/2023	Workshop	✓	✓	✓	✓	✓	✓	✓	✓	✓	LOA	✓	✓
08/08/2023	Agenda Briefing	✓	✓	✓	✓	✓	✓	✓	✓	✓	LOA	✓	✓
15/08/2023	Ordinary Council Meeting	LoA	✓	✓	✓	✓	✓	✓	Apology	✓	✓	✓	✓

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.”*

Nil

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.

6.1 Public Question Time

Garry Calgaret – 74 Barton Drive, Australind

Question

Mr Calgaret provided some context for his question, being in relation to some comments made at the previous Ordinary Council Meeting by an individual Councillor. Mr Calgaret asked what is going to happen to the Councillor that made the statement about pure and then pure of heart and soul at the last Council meeting?

Response

The Deputy Mayor advised that while she could not personally speak on behalf of the Mayor, the presiding member of any meeting follows the standing orders. Cr Giles made a point of order over Cr McCleary's comments to which she provided an explanation. The video of that Council meeting is available on the City's website.

Andrew Cooke – 2 Banksia Street, Bunbury

Question 1

Is the City of Bunbury and the Council aware of the duty of care that it owes its residents and ratepayers, and the penalties that might be imposed for any such breach either individually or as an entity?

Response

The CEO noted that the City and Council is aware of its duty of care and that is why there is community engagement, public consultation, as well as the City following the law of the day. The CEO was unfamiliar with which act of parliament Mr Cooke was suggesting the penalties may be in relation to and suggested they have a conversation outside of the meeting to discuss.

Question 2

What risk management policy is in place to manage proposals or projects and also to assess how they may adversely impact members of the community? And what has been implemented by the City and Council to proactively identify, prevent and address mental health issues within the community that may be caused by the city and council's actions?

Response

The Deputy Mayor stated that the Council is very mindful of its duties in this arena.

The CEO advised that the City operates under both a strategic and operational risk management arrangements. The City does look at various programs and projects that the it runs and applies some risk management perspective around each one. The CEO clarified that Mr Cooke was referring to the proposed Tree Street Heritage Area which is a process being undertaken under the *Town Planning and Development Act* and no decision has been made by Council at this stage.

Notice of the following questions was provided in advance of the meeting however the people lodging the questions were not in attendance. The Deputy Mayor read the questions out as received as reflected below, together with their responses.

Charmaine Councillor – 20 Underwood Street, Carey Park

Question 1

As a local Noongar language hub(WMAKC) established in Bunbury for the last 2 years, we have engaged in projects with COB and have achieved some great outcomes in dual names and language consultancy. As we have another entity in our city 'Ngala Kala Booja', I have a concern that the city of Bunbury are now engaging with this entity as the first point of call when it comes to language consultancy. (I have an example of this in a form of an email).

Response

The CEO advised the City has had an ongoing relationship with the WMAKC and the Language Centre has been providing the City with information for some time. More recently, through the South West Noongar Native Title Settlement, Ngala Kala Booja has been formed as a local corporation and the City has a right and responsibility to liaise with not only NKB but also Aboriginal group within the Community. The City intends to work and liaise with NKB but to also seek support from other Aboriginal groups and people.

Question 2

I want to know what does this mean now for our local business in our local community who are working in the language field and striving for the same thing?

Response

The CEO advised that he did not know if it means anything different to the processes the City has undertaken in the past. If the City needs specific technical expertise the City will seek expertise and as with all things the City sets to achieve it will look for value for money and good quality service.

Question 3

Is there a Reconciliation Action Plan developed by the COB and if so, is it current and does it identify the new and up and coming cultural hubs that are established in our local community?

Response

The City of Bunbury does have a Reconciliation Action Plan (RAP) which was formed in 2018/19. This has been undergoing a review for the last year and a half. It still has some incomplete actions from when it was formed. It was the first RAP which that was formed as a Regional Reconciliation Action Plan including the Shires of Harvey, Dardanup and Capel with support and guidance from Edith Cowan University. It does need to be reviewed and there will be consultation as part of this process.

Anthony Liddiard – Parkfield Street, Bunbury

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 CEO took this question on notice and an answer will be provided in the next Ordinary Council Meeting Agenda.

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 CEO took this question on notice and an answer will be provided in the next Ordinary Council Meeting Agenda.

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

The CEO took this question on notice and an answer will be provided in the next Ordinary Council Meeting Agenda.

6.2 Responses to Public Questions Taken ‘On Notice’

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held 25 July 2023 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 25 July 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 15 August 2023

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

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

Council Decision 148/23

The minutes of the Ordinary meeting of the City of Bunbury Council held 25 July 2023 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Applicant/Proponent:	Internal Report						
Author:	Various						
Executive:	Mal Osborne, Chief Executive Officer						
Authority/Discretion:	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input type="checkbox"/> Executive/Strategic</td><td><input checked="" type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input type="checkbox"/> Executive/Strategic	<input checked="" type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input type="checkbox"/> Executive/Strategic	<input checked="" type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 7.1.2-A: YAC Minutes 19 July 2023						

Summary

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

- | | |
|-----------|---------------------------------------------------------|
| Title: | Youth Advisory Council Committee |
| Author: | Danika Stevenson, Senior Community Partnerships Officer |
| Appendix: | 7.1.2-A |

Council Committee Recommendation

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

- Youth Advisory Council Committee 19 July 2023.

Voting Requirement: Simple Majority

Outcome of Meeting 15 August 2023

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

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

Council Decision 149/23

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

- Youth Advisory Council Committee 19 July 2023.***

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

7.1.3 Minutes – Special Council Meeting

The minutes of the Special meeting of the City of Bunbury Council held 25 July 2023 have been circulated.

Recommendation

The minutes of the Special meeting of the City of Bunbury Council held 25 July 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 15 August 2023

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

Councillor Ghasseb moved a motion to amend the minutes of the Special Council Meeting held 25 July 2023 to insert the following at the end of item 7.2.2 on page 13:

After the words *“During Debate”*, add:

“Cr Ghasseb requested the right to give a personal explanation (Standing Order 8.13). This was declined. Then the...”

The Deputy Mayor ruled to not allow the motion as it did not relate to the accuracy of the minutes in terms of the requirements of Regulation 11 of the *Administration Regulations* of the *Local Government Act*, and that the minutes prepared were compliant with the requirements therein.

The Deputy Mayor put the motion to the vote and it was CARRIED.

Council Decision 150/23

The minutes of the Special meeting of the City of Bunbury Council held 25 July 2023 be confirmed as a true and accurate record.

CARRIED

9 votes “for” / 1 vote “against”

Councillors Andrew, Giles, Kozisek, McCleary, Smith, Steck, Steele, Turner and Yip voted “for”

Councillor Ghasseb voted “against”

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for item 10.2.1, 10.4.1, and 10.4.2.

Items 10.3.1 and 10.4.3 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 Steck.

10. Reports

10.1 Chief Executive Officer Key Performance Indicators – Quarter 4, 2022-23 Report (listed as 10.2.1 in the agenda)

File Ref:	COB/5037		
Applicant/Proponent:	CEO Performance Review Panel		
Responsible Officer:	Mal Osborne, Chief Executive Officer		
Responsible Manager:	Mal Osborne, Chief Executive Officer		
Executive:	Mal Osborne, Chief Executive Officer		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
Attachments:	Appendix 10.2.1-A: CEO KPIs Report – Period ending 30 June 2023		

Summary

Each year the CEO Performance Review Committee, in consultation with the Chief Executive Officer, meets and develops Key Performance Indicators (KPIs) for the City of Bunbury to adopt and report on.

The purpose of this report is to provide an update on the KPIs for Quarter 4, 2022-23.

Executive Recommendation

That Council notes the CEO KPIs Report, Quarter 4, 2022-23. For the period ending 30 June 2023, as presented in Appendix 10.2.1-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Nil

Background

Council resolved to endorse the CEO KPIs for 2022-23FY and noted the key points for action by the Chief Executive Officer. Council last considered and endorsed the CEO KPIs Quarterly Report at the Ordinary Council Meeting held in May 2023.

All CEO KPIs are to be formally reported to Council via an Agenda Item every quarter and this report serves to present to Council an update as of Quarter 4, 2022-23 (period ending 30 June 2023).

Council Policy Compliance

No Council Policy applies in this instance.

Legislative Compliance

No Legislative Compliance applies in this instance.

Officer Comments

The next CEO KPIs Report is scheduled to be presented in the Council Agenda at the first Ordinary Council Meeting in November 2023. Which will be reporting on Quarter 1, 2023-24.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

Elected Members adopted the 2022-23 KPI's at the Ordinary Council Meeting, held on 7 June 2022 and Officers have assisted with the compilation of the Quarter 4 Report.

Outcome of Meeting 15 August 2023

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

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

Council Decision 151/23

That Council notes the CEO KPIs Report, Quarter 4, 2022-23. For the period ending 30 June 2023, as presented in Appendix 10.2.1-A.

CARRIED

10 votes "for" / nil votes "against"

10.2 Retrospective Development Application for Fence Extension at STRATA LOT 3 (#3/25) Austral Parade (listed as 10.4.1 in the agenda)

File Ref:	DD5.2023.51.1						
Applicant/Proponent:	Giuseppe Catalano						
Responsible Officer:	Matilda Hodge, Senior Planning Officer						
Responsible Manager:	Felicity Anderson, Manager of City Growth						
Executive:	Gary Barbour, Director Sustainable Communities						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input checked="" type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input checked="" type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input checked="" type="checkbox"/> Quasi-Judicial	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input checked="" type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input checked="" type="checkbox"/> Quasi-Judicial						
<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input checked="" type="checkbox"/> Legislative							
Attachments:	Appendix 10.4.1-A: Location Map and Site Photos Appendix 10.4.1-B: Objector's Submission						

Summary

Retrospective development approval is sought for an unauthorised fence extension located along the rear boundary of Strata Lot 3, #3/25 Austral Parade.

The unauthorised fence addition was installed by the applicant to increase privacy in their backyard and pool area. The over height fence extension has been constructed on the lot boundary of #3/25, directly abutting the adjoining vehicle access area for landowner of #1/25 and #2/25 Austral Parade.

As the unauthorised fencing varies the height requirements of the Private Property Local Law, the application was referred for comment to the neighbouring properties and two objections were received.

Officers do not have delegation to determine applications that have a valid objection on planning grounds, and therefore, the application has been referred to Council for its determination.

The style and materials of construction of the fencing is considered inconsistent with the existing brick fence and presents a negative impact on the neighbouring properties. The application is therefore recommended for refusal.

Executive Recommendation

That Council resolves to:

1. In accordance with the *Planning and Development Act 2005* (as amended), refuse the application for retrospective development approval of the fence extension at Strata Lot 3 (#3/25) Austral Parade, Bunbury, for the following reasons:
 - 1.1 The proposed fence does not meet the requirements of a 'sufficient fence' and proposes a height of 2.4m In lieu of the 2m permissible in accordance with Part 2.1 (6) of the City of Bunbury Private Property Local Law.
 - 1.2 The proposed fence extension does not meet Cl 67 (2) (m) of the Planning and Development (Local Planning Schemes) Regulations 2015. The fencing materials and standard of construction does not reflect a satisfactory level of quality to be compatible with the visual amenity of adjoining land.

2. Advise the applicant that the unauthorised fencing must be removed within 21 days from the date of determination.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The proposal will have no regional impact.

Background

A summary table of details relating to the subject site is as follows:

Property Address:	Lot 200 (#103) Stirling Street, Bunbury
Zoning:	'Residential' (R40/80)
Existing Land Use:	Grouped Dwelling
Lot Area:	334 m ²
Heritage:	N/A

A location plan and photographs of the unauthorised fencing are **attached** at Appendix 10.4.1-A.



The application seeks retrospective development approval for the addition of composite wood panels erected atop of the existing 1.8m brick fence directly facing the adjoining property. The panels have been installed for a 11m long section of fencing at the rear of the property.

The additional panel infill brings the total height of the fence up to 2.4m above natural ground level. The fence is constructed from horizontal timber look panels supported by 400mm vertical posts that have been attached to the existing fencing. The supporting posts are not visible from the applicant's own lot and instead directly faces the adjoining landowners at #1/25 and #2/25 Austral Parade.

The City of Bunbury was made aware of the unauthorised fence after receiving a complaint from the neighbouring landowner. As a result, the applicant sought retrospective approval for the unauthorised fence.

The City has liaised with both the applicant and the landowners of the neighbouring properties to determine if the fence extensions can be appropriately upgraded to a standard considered appropriate by all parties. Attempts for a negotiated solution have been unsuccessful with no suggested treatment/upgrade to the fence extension being mutually agreeable.

It is noted that the City would be supportive of the over height fence extension if it could be demonstrated that the extension was of a standard as to not affect the visual amenity of the neighbour. It is noted that if development approval was granted by the City, this does not extinguish the required to seek approvals under other legislation such as the Dividing Fences Act 1961 and/or and the Strata Titles Act.

Fence extension viewed from #3/25 Austral PDE	Fence extension viewed from #1 & 2/25 Austral PDE
	

The applicant's justification for the unauthorised fence is that it allows for increased privacy to their pool area. The applicant has advised that they are willing to paint the supporting panels to match timber look infill panels.

Two objections were received from the neighbouring landowner, requesting the removal of the fence extension for the reasons summarised below (a full copy of the submission is **attached** at Appendix 10.4.1-B):

- the fence extension varies significantly from the statutory requirements under the City of Bunbury Private Property Local Law; and
- the fence extension is not consistent with the existing brick fence and looks unfinished when viewed from the neighbouring properties.

The City did engage the neighbouring properties to attempt to mediate an acceptable outcome regarding upgrading the fence extension materials. No agreed upon outcome could be reached.

Council Policy Compliance

Not applicable.

Legislative Compliance

The following statutory planning instruments of the State and local planning framework are applicable to the assessment of this application for development approval:

- *Planning and Development Act 2005* (as amended);
- Planning and Development (Local Planning Schemes) Regulations 2015;
- City of Bunbury Local Planning Scheme No. 8 (LPS8 or the 'Scheme');
- State Planning Policy 7.3: Residential Design Codes Volume 1 (R-Codes); and
- City of Bunbury Private Property Local Law.

Officer Comments

City of Bunbury Private Property Local Law

The City of Bunbury Private Property Local Law (Local Law) specifies that a person shall not erect a dividing fence or a boundary fence on a residential property that is not a sufficient fence in accordance with the specifications and requirements of the Second Schedule. The Second Schedule

indicates what constitutes a sufficient fence, specifying a maximum of 1.8m in height for a fence constructed of brick or a composite fence.

In addition to this, Part 2.1(6) of the Local Law specifies that a sufficient fence shall not exceed 2m in height unless the Local Government has approved such fence.

Part 2.5 of the Local Law outlines that the local government has discretion to consider the erection of a fence that does not comply with the requirements of the local law, where there is written agreement between the owners of the adjoining properties and that the fence does not have an adverse effect on the visual amenity of the locality.

In this instance the unauthorised fence has received objections from the adjoining properties, who have requested that the unauthorised portion of the fence be removed. In addition, it is considered that the fencing appears 'unfinished' when viewed from the neighbouring property and as such adversely impacts on the visual amenity of the properties.

Clause 67 (2) Matters to be considered Planning and Development (Local Planning Schemes) Regulations 2015.

The proposal has been assessed against the relevant matters to be considered in regard to Clause 67 (2)(m) of *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) as set out below:

In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application –

(m) the compatibility of the development with its setting, including –

- (i) the compatibility of the development with the desired future character of its setting; and*
- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

Whilst it is acknowledged that the fence when viewed #3/25 is compatible with its setting, the fence extension appears unfinished when viewed from the neighbouring side. In addition, the materials used for the extension are not considered consistent with the existing brick fence. Thereby being incompatible with its setting by way of appearance and failing to meet clause 67 (2)(m) of the Regulations.

Conclusion

The fence extension is a departure from the allowable heights under the Local Law with no written agreement from the neighbouring properties being provided. The materials used for the fence extension are considered to be incompatible with amenity of the adjoining land.

The City has liaised with both the applicant and the neighbouring properties to determine if the fence extensions can be appropriately upgraded to a standard considered appropriate by all parties. No treatment/upgrade to the fence extension has been considered appropriate.

Analysis of Financial and Budget Implications

This application for planning approval relates to private property, and therefore, the effect of the recommendation has no direct budgetary or financial implications for the City of Bunbury.

If the applicant is aggrieved by Council's decision they may apply for a review of the decision through State Administrative Tribunal (SAT). If the decision is forwarded to SAT for appeal, the City of Bunbury may incur legal costs.

Community Consultation

The application was referred to the immediate neighbouring landowners and occupiers of #1/25 and #2/25 Austral Parade. Two submissions of objection were received from the neighbouring properties attached at Appendix SC3.

Councillor/Officer Consultation

The proposal has been referred to the City of Bunbury's Internal Departments for professional advice and technical assessment prior to the finalisation of this report.

Applicant Consultation

The applicant has met with City of Bunbury staff to discuss the application and was advised of the City's requirements, the retrospective approval process and the need to consult with the adjoining landowners. The planning officer's assessment and draft recommendation has been communicated to the applicant.

Timeline: Council Decision Implementation

Should Council refuse the application the applicant will be formerly notified in writing within five business days, and has the option to lodge an appeal with 28 days of the date of the Council decision to the SAT.

Outcome of Meeting 15 August 2023

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

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

Council Decision 152/23

That Council resolves to:

- 1. In accordance with the Planning and Development Act 2005 (as amended), refuse the application for retrospective development approval of the fence extension at Strata Lot 3 (#3/25) Austral Parade, Bunbury, for the following reasons:***

1.1 The proposed fence does not meet the requirements of a 'sufficient fence' and proposes a height of 2.4m In lieu of the 2m permissible in accordance with Part 2.1 (6) of the City of Bunbury Private Property Local Law.

1.2 The proposed fence extension does not meet Cl 67 (2) (m) of the Planning and Development (Local Planning Schemes) Regulations 2015. The fencing materials and standard of construction does not reflect a satisfactory level of quality to be compatible with the visual amenity of adjoining land.

- 2. Advise the applicant that the unauthorised fencing must be removed within 21 days from the date of determination.***

CARRIED

10 votes "for" / nil votes "against"

10.3 Department of Local Government, Sport and Cultural Industries Club Night Lights Program – August 2023 (listed as 10.4.2 in the agenda)

File Ref:	COB/3023
Applicant/Proponent:	Carey Park Football Sporting and Community Club Incorporated
Responsible Officer:	Dave Russell, Manager Community Facilities
Responsible Manager:	Dave Russell, Manager Community Facilities
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<div><input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative</div>
Attachments:	Appendix 10.4.2-A Letter of Support – SWFL Appendix 10.4.2-B Lighting Plan

Summary

The Carey Park Football Sporting and Community Club Incorporated (Club) are seeking the City's support to enable a Club Nights Lights Program small grants application for the August 2023 round of funding submissions. This is for works to be carried out in the 2023/2024 financial year. The application is for replacement of the existing oval light fittings including installation of new cables and lighting control equipment (not lighting towers) due to the light fittings needing upgrade to LED technology.

Executive Recommendation

That Council:

1. Support the Carey Park Football Sporting and Community Club Incorporated Club Night Lights Program Grant application.
2. Support the allocation of \$62,640 excluding GST (one-third of the funding) from the 2023/2024 budget at the February 2024 budget review subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome 3	A healthy and active community
Objective 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 3	Maintain quality community buildings, halls and toilets

Regional Impact Statement

The Carey Park Football Sporting and Community Club Incorporated participate in the Southwest Football League so there will be a benefit to those teams that utilise the facilities that attend from outside the City of Bunbury during the football season.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSC) administer the Club Night Lights Program funding for small, annual, and forward planning grants. This category of grant focuses on assisting to replenish older lighting infrastructure and technology that has reached end of life with a focus on assisting clubs to increase participation levels. The funding includes a small grant round for projects that are under \$500, 000. Applications for the small grant round are to be submitted to the DLGSC Southwest Regional Office by 31 August 2023. Successful applications are expected to be advised by the end of November 2023.

The City's Club Night Lights Program application is currently being prepared in conjunction with the Carey Park Football Sporting and Community Club Incorporated in preparation for submission prior to 31 August 2023 pending Council approval.

The Club Night Lights Program operates on a reimbursement system with grants paid to the grantee only. The maximum grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's and/or local governments own cash or in-kind contribution.

It is a requirement that the applicant first discuss their proposal with the DLGSC Regional Manager to enable the receipt of the formal Club Nights Lights Program application. This process includes the DLGSC assistance to support the application meeting the required application criteria.

The DLGSC requires the Council to provide its support for any project to be considered in the application process.

The Carey Park Football Sporting and Community Club Incorporated wish to upgrade their lighting system to the standard technology of LED lighting, replacing the existing halogen lights that are significantly more expensive to operate given the rising costs of electricity and are not economical to maintain and repair in comparison to LED technology.

Council Policy Compliance

There are no Council policies applicable to Club Lights Program applications.

Legislative Compliance

Not applicable.

Officer Comments

The Carey Park Football Sporting and Community Club Incorporated have advised the City of Bunbury their intention to submit a Club Night Lights Program minor grant application in the August 2023 round of funding for the replacement of their existing oval light fittings including installation of new cables and lighting control equipment. The request is due to the light fittings being cost prohibitive to maintain and repair in comparison to LED technology in addition to the expense to operate (electricity usage) given the technology is now redundant. The total cost of this

project including a 20% contingency/escalation allowance is \$187,920 excluding GST to be expended in the 2023/2024 financial year.

The current halogen ground lighting at the Carey Park Football Sporting and Community Club Incorporated was constructed in 2014 in a joint project between the Club and the City. The club own the lighting and have covered all maintenance costs associated with the light towers over this period. Fortunately, as identified from an engineering report the poles are suitable to have LED lights fitted and have enough useful life remaining in them to facilitate the proposed upgrade. The proposed lighting will be 100 lux to ensure compliance with the current standards. The re-use of the existing poles means that this upgrade can be carried out at a minimal cost as opposed to replacing the poles and associated infrastructure. The proposed lighting plan is presented at appendix 10.4.2-A.

The Club is most active as a winter sport as is normal for this AFL sport across both senior and junior levels. The Club currently has expanded the number of teams that participates to 9 (from 3) with a focus on trying to increase night fixturing in the Southwest Junior Football League as well as hosting evening fixtures in the SWFL. The Southwest Football League have provided a letter of support for this project based on the club being one of the most proactive in terms of increasing twilight and night fixturing giving a real alternative to day matches. The Club is also looking at exploring AFL's nines in the summer months further activating the facility.

This project will ensure that the facilities are maintained with the Club having further opportunity to increase participation and maintain a safe playing environment. Over the years the Club has been proactive in upgrading their off-field facilities with the club now turning to improve the on field facilities as the club describe this as "where all the action happens".

The Executive Recommendation seeks approval to firstly support the Club Night Lights Program application as well as supporting one-third funding contribution of \$62,640 ex GST for the 2023/2024 financial year. This is subject to the club being successful in obtaining funding from DLGSCI with announcements expected to be made by the end of November 2023. Currently the funding is not contained within the 2023/2024 budget/long term financial plan, and it is proposed for this to be approved in the February 2024 budget review pending the grant approval. The Club will provide a contribution of one-third funding to contribute towards the project.

The Club own the existing light towers and any future maintenance requirements of the LED lighting shall be met by the Club in maintaining the asset once installed.

A quotation received on 3 March 2023 provided a total cost of \$156,600 excluding GST. A 20% price escalation and contingency for contract variation has been allowed for in the budgeting and application process due to the project not commencing until the end of the 2023 calendar year as well as the quotation being 5 months old. The Club will refresh this quote as part of the application process and it is hoped that the 20% contingency budgeted for has been generous in nature.

While there were other sporting clubs that indicated their interest to place a Club Night Lights Program application, these clubs did not meet the requirements of DLGSCI or the City by being positioned to proceed in time for the requirements for progression to Council for consideration. Based on this, there is no conflict or competition from other clubs or associations. A letter of support from the South West Football League is presented at appendix 10.4.2-B.

Analysis of Financial and Budget Implications

The funding request from the Carey Park Football Sporting and Community Club Incorporated is not included in the current long term financial plan. The proposed funding sources is as follows.

- DLGSCI	\$62, 640	
- City of Bunbury	\$62, 640	
- Carey Park Football Sporting and Community Club Inc.	<u>\$62, 640</u>	
TOTAL	\$187, 920	excluding GST

Community Consultation

Nil

Councillor/Officer Consultation

The Director Sustainable Communities, Manager Community Facilities, and the Team Leader South West Sports Centre were consulted as part of this process.

Applicant Consultation

The Carey Park Football Sporting and Community Club Incorporated have liaised with the City and the Department of Local Government, Sport and Cultural Industries in this application process.

Timeline: Council Decision Implementation

If approved by Council, the application will be submitted to the Club Night Lights Program small grants funding round prior to the 31 August 2023 closing date.

As per the DLGSC website, applicants will be notified of the outcome of the application by the end of November 2023 with work to be completed by 15 June 2024.

Outcome of Meeting 15 August 2023

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

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

Council Decision 153/23

That Council:

- 1. Support the Carey Park Football Sporting and Community Club Incorporated Club Night Lights Program Grant application.***
- 2. Support the allocation of \$62,640 excluding GST (one-third of the funding) from the 2023/2024 budget at the February 2024 budget review subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).***

CARRIED

10 votes "for" / nil votes "against"

10.4 Corporate Business Plan - Quarter 4, 2022-23 Report (listed as 10.3.1 in the agenda)

File Ref:	COB/5037		
Applicant/Proponent:	Internal		
Responsible Officer:	Beth Perry, Corporate Reporting Officer		
Responsible Manager:	Jordan Hunt, Acting Manager Strategy, Projects and Communications		
Executive:	Karin Strachan, Director Strategy and Organisational Performance		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
Attachments:	Corporate Business Plan Report – Period ending 30 June 2023		

Summary

The Corporate Business Plan 2022-23 to 2025-26 provides the Bunbury community with a plan to deliver the vision, goals, and objectives of the Strategic Community Plan.

The purpose of this report is to provide Council with an update on the progress toward key objectives outlined in the Corporate Business Plan for Quarter 4, 2022-23.

Executive Recommendation

That Council notes the Corporate Business Plan - Quarter 4, 2022-23 Report. For the period ending 30 June 2023, as presented in Appendix 10.3.1-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The Corporate Business Plan impacts the actions undertaken by the City of Bunbury and therefore has a direct impact on the work of the City, including facility and service management. As many of the City's services and facilities are accessed by residents from surrounding local areas, this resulting indirect regional impact of this plan is also substantial.

Background

The Corporate Business Plan 2022-2026 was adopted at the 26 July 2022 Special Council Meeting (Council Decision 151/22). Quarterly reporting against progress toward the Corporate Business Plan is undertaken as part of the City's Integrated Strategic Planning and Reporting Framework.

Council Policy Compliance

Not applicable.

Legislative Compliance

Regulation 19DA of the Local Government (Administration) Regulations outlines the requirements for a Corporate Business Plan.

Officer Comments

The Corporate Business Plan communicates the City's plan for the next four years for delivering the aspirations and objectives of the community as set out in the Strategic Community Plan.

A report on progress toward achieving the outcomes of the Corporate Business Plan is presented to Council quarterly. This is intended to ensure transparency to Council and the community, and that implementation is done on time and on budget thereby maximising effectiveness and positive community impact.

The report is organised by each of the core performance area pillars - People, Plant, Place, Prosperity, and Performance - and includes for each action the overall status; budget and budget status indicator; the quarter in the financial year by which the action is due to be completed; and an officer comment.

The report outlines progress towards actions scheduled for completion within the 2022-2023 financial year.

Analysis of Financial and Budget Implications

Budget figures included in the Report are aligned with the operating and capital project expenditure outlined in the Corporate Business Plan 2022-2026, and Annual Budget 2022-23.

Community Consultation

Nil

Councillor/Officer Consultation

The Corporate Business Plan was developed in consultation with Executives, Managers, and Officers. Executive and Managers were engaged in completing the quarterly report.

Outcome of Meeting 15 August 2023

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

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

Council Decision 154/23

That Council notes the Corporate Business Plan - Quarter 4, 2022-23 Report. For the period ending 30 June 2023, as presented in Appendix 10.3.1-A.

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

10.5 Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund Program (CSRFF) – August 2023 (listed as 10.4.3 in the agenda)

File Ref:	COB/3023		
Applicant/Proponent:	Colts Cricket Club Bunbury		
Responsible Officer:	Dave Russell, Manager Community Facilities		
Responsible Manager:	Dave Russell, Manager Community Facilities		
Executive:	Gary Barbour, Director Sustainable Communities		
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy	<input type="checkbox"/> Review	
	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial	
	<input type="checkbox"/> Legislative	<input type="checkbox"/> Information Purposes	
Attachments:	Nil		

Summary

The Colts Cricket Club are seeking the City's support to enable a Community Sporting and Recreation Facilities Fund (CSRFF) small grants application for the August 2023 round of funding submissions. This is for works to be carried out in the 2023/2024 financial year. The application is for replacement and upgrade from three to five cricket practice nets with the three current nets having reached the end of their useful life.

Executive Recommendation

That Council:

1. Support the Colts Cricket Club Community Sporting and Recreation Facilities Fund (CSRFF) Grant application.
2. Support the allocation of \$57, 808 excluding GST (one-third of the funding) from the 2023/2024 budget at the February 2024 budget review subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome 3	A healthy and active community
Objective 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 3	Maintain quality community buildings, halls and toilets

Regional Impact Statement

The Colts Cricket Club participate in the Bunbury and Districts Cricket Association so there will be a benefit to those teams that utilise the facilities that attend from outside the City of Bunbury during the cricket season.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSC) administer the CSRFF grants for small, annual, and forward planning grants. This category of grant focuses on providing financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well utilised facilities. The funding includes a small grant round for projects that are under \$500, 000. Applications for the small grant round are to be submitted to the DLGSC Southwest Regional Office by 31 August 2023. Successful applications are expected to be advised by the end of November 2023.

The Colts Cricket Club CSRFF grant application is currently being prepared in conjunction with the Colts Cricket Club in preparation for submission prior to 31 August 2023 pending Council approval.

The CSRFF Program operates on a reimbursement system with grants paid to the grantee only. The maximum grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's and/or local governments own cash or in-kind contribution.

It is a requirement that the applicant first discuss their proposal with the DLGSC Regional Manager to enable the receipt of the formal CSRFF application. This process includes the DLGSC assistance to support the application meeting the required application criteria.

The DLGSC requires the Council to provide its support for any project to be considered in the application process.

The Colts Cricket Club request support for replacement and upgrade from three to five cricket practice nets with the three current nets having reached the end of their useful life after at least 20 years of utilisation.

Council Policy Compliance

There are no Council policies applicable to CSRFF Program applications.

Legislative Compliance

Not applicable.

Officer Comments

The Colts Cricket Club have advised the City of Bunbury their intention to submit a CSRFF minor grant application in the August 2023 round of funding for the replacement and upgrade of five cricket practice nets. The request is due to the current nets having reached an age where they are no longer viable to repair and are needing replacement and upgrade to reflect the increasing participation in the sport since the nets were originally installed over 20 years ago. The total cost of this project is \$173 424 excluding GST through a quotation received on 3 August 2023. The project is to be expended in the 2023/2024 financial year.

The current practice nets were installed approximately 20 years ago with the Colts Cricket Club carrying out the majority of maintenance and repair work (estimate \$10k in the last 5 years) with the City providing some contributions towards their maintenance to keep them to an appropriate standard. Due to the age of the current practice nets, it is both costly and challenging to maintain them in a safe condition for players and the general public including passing traffic on the Symmons St/Ocean Drive roundabout. Since the nets were first installed in their current location the precinct is now a lot busier for automobile and pedestrian traffic.

The proposal is to replace the existing three practice nets with five practice nets to cater for the Colts Cricket Club expanding growth in programs and for the practice nets to be re-located to the northern side of the Recreation Ground for improved safety. The current Symmons St/Ocean Drive roundabout is not suitable due to the proximity to automobile and pedestrian traffic, so the replacement of the practice nets represents a good opportunity to change to a more suitable location within the Recreation Ground. This will additionally have some safety and access benefits to the Bunbury Runners Club as both clubs currently share usage on a Thursday evening. The proposed increase to five practice nets will enable the Colts Cricket Club to discontinue their Thursday night usage. The Bunbury Runners Club are supportive of this proposal in principle.

The Colts Cricket Club is most active as a summer sport as is normal for the cricket season where the club compete in the Bunbury District Cricket Association competition at both senior and junior levels. The Colts Cricket Club was established in 1955 and currently has the highest participation that it has had in the last ten years with 5 men's teams, a women's team and 126 junior registered players. The club has 80 registered senior players and a social membership in addition to the registered junior/ senior players.

This project will ensure that the facilities are maintained with the Club having further opportunity to increase participation and maintain a safe playing environment. It should be noted that the proposed practice nets will still be available to the general public to utilise outside of club usage times. This will continue to provide a benefit to the wider community to increase physical activity and utilisation.

The Executive Recommendation seeks approval to firstly support the CSRFF application as well as supporting one-third funding contribution of \$57,808 ex GST for the 2023/2024 financial year. This is subject to the club being successful in obtaining funding from DLGSCI with announcements expected to be made by the end of November 2023. Currently the funding is not contained within the 2023/2024 budget/long term financial plan, and it is proposed for this to be approved in the February 2024 budget review pending the grant approval. The Club will provide a contribution of one-third funding to contribute towards the project.

The City will own the new practice nets once installed and intend to enter an arrangement to share maintenance costs of the new practice nets with the Colts Cricket Club. This is largely due to the nets being freely accessible to the public and the City recognising that it is not just the club that benefit from utilising the upgraded facilities or contribute to the overall wear and tear of the practice nets.

A quotation received on 3 August 2023 provided a total cost for the project of \$173,424 excluding GST that covers all components of the work proposed. A price escalation and contingency for contract variation has not been allowed for in this instance as the club is confident that it can project manage this work and carry out some work therefore negating any need for an escalation component to be included. The quotation received is also very recent reducing the risk of any contingency or escalation to be included.

While there were other sporting clubs that indicated their interest to place a CSRFF application, these clubs did not meet the requirements of DLGSCI or the City by being positioned to proceed in time for the requirements for progression to Council for consideration. Based on this, there is no conflict or competition from other clubs or associations.

Analysis of Financial and Budget Implications

The funding request from the Carey Park Football Sporting and Community Club Incorporated is not included in the current long term financial plan. The proposed funding sources is as follows.

- DLGSCI	\$57,808		
- City of Bunbury	\$57,808		
- Colts Cricket Club	<u>\$57,808</u>		
	TOTAL	\$173,424	excluding GST

Community Consultation

Nil

Councillor/Officer Consultation

The Director Infrastructure and the Manager Community Facilities were consulted as part of this process.

Applicant Consultation

The Colts Cricket Club have liaised with the City and the Department of Local Government, Sport and Cultural Industries in this application process.

Timeline: Council Decision Implementation

If approved by Council, the application will be submitted to the CSRFF small grants funding round prior to the 31 August 2023 closing date.

As per the DLGSC website, applicants will be notified of the outcome of the application by the end of November 2023 with work to be completed by 15 June 2024.

Outcome of Meeting 15 August 2023

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

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

Council Decision 155/23

That Council:

- 1. Support the Colts Cricket Club Community Sporting and Recreation Facilities Fund (CSRFF) Grant application.**
- 2. Support the allocation of \$57, 808 excluding GST (one-third of the funding) from the 2023/2024 budget at the February 2024 budget review subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).**

CARRIED

10 votes “for” / nil votes “against”

11. Applications for Leave of Absence

11.1 Cr Steck

Cr Steck requests a leave of absence from all Council-related business from 14 to 28 September 2023 inclusive.

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

Executive Recommendation

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Steck is granted leave of absence from all Council-related business from 14 to 28 September 2023 inclusive.

Outcome of Meeting 15 August 2023

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

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

Council Decision 156/23

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Steck is granted leave of absence from all Council-related business from 14 to 28 September 2023 inclusive.

CARRIED

10 votes "for" / nil votes "against"

11.2 Cr Smith

Cr Smith requests a leave of absence from all Council-related business from 7 to 16 September 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 Smith is granted leave of absence from all Council-related business from 7 to 16 September 2023 inclusive.

Outcome of Meeting 15 August 2023

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

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

Council Decision 157/23

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Smith is granted leave of absence from all Council-related business from 7 to 16 September 2023 inclusive.

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

12. Motions on Notice

Nil

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

Cr Ghasseb asked a question at the 25 July 2023 Ordinary Council Meeting in regard to homelessness, which was taken on notice by the CEO. The question and response is presented below:

Question 1

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

Response

There were **53** new houses approved by the City of Bunbury in the 2022/23 Financial year.

Information is available on REMPLAN for the previous year at: <https://app.remplan.com.au/bunbury/community/trends/building-approvals-count?state=rL86Tg!Myo9IaM71TO6pLDhmmnkOsdI2uqvQSzumu7BF6uKsgF6rZ>.

Information on approvals in neighbouring local government authorities is not provided to the City and none were available by time of printing.

13.2 Questions from Members

Cr Ghasseb asked the following question:

Question

Can the City invest its cash in a non-cash deposit such as a diversified index fund.

Response

The CEO advised that no, a Local Government can not invest in a diversified fund.

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

Councillor Steck requested that the Deputy Mayor move a motion pursuant to part 5.4 of the Standing Orders to consider a matter of urgent business to add a new traffic count machine on both sides of Beach Road and Carey Street.

The Deputy Mayor determined not move the motion pursuant to part 5.4 of the Standing Orders as she did not consider this matter to be of such urgency that it had to be considered at this Council meeting.

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

Nil

15.2 Public Reading of Resolutions that may be made Public

Nil

16. Closure

The Deputy Mayor declared the meeting closed at 6:12pm.

Confirmed this day, 5 September 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 15 August 2023.



Jaysen de San Miguel
Mayor