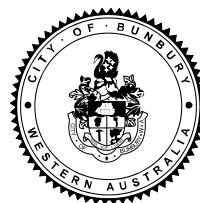




City of Bunbury Council

Minutes

26 September 2023



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
Post Office Box 21
Bunbury WA 6231

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Acknowledgement of Country

We acknowledge the traditional 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:	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>
Information Purposes:	Includes items provided to Council for information purposes only which do not require direction from Council (that is for 'noting').

1. Declaration of Opening / Announcements of Visitors

The Mayor declared the meeting open at 5.30pm and in doing so acknowledged the traditional 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.

The Mayor advised that he had approved Cr Yip's attendance at this meeting via electronic means.

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

Nil

4. Attendance

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor W Giles
	Councillor B Andrew
	Councillor C Kozisek
	Councillor K Turner
	Councillor G Ghasseb (left meeting at 5:46pm)
	Councillor A Yip
	Councillor M Quain
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr M Osborne
A/Director Sustainable Communities	Ms S Upton
Director Infrastructure	Mr G Harris
Director Strategy and Organisational Performance	Ms K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Manager Community Facilities	Mr D Russell
Senior Corporate Communications Officer	Ms K Fielding
Team Leader Strategy	Ms J Kelly
Governance Officer	Mr L Murphy
Others (Non-Voting)	
Members of the Public	10

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Cr Steele is on an approved leave of absence from 20 September to 4 October 2023.

Cr McCleary is on an approved leave of absence from 11 September to 20 October 2023.

Cr Steck is on an approved leave of absence from 14 to 28 September 2023.

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	10/11	10/11	11/11	3/11	10/11	10/11	8/11	9/11	7/11	9/11	11/11	7/11
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 Events 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	1/2	1/1 (as deputy)	1/1 (as deputy)	0/2	N/A	2/2	N/A	1/2	0/2	1/2	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.”*

Mal Osborne declared a financial interest in item 10.1.14 *CEO Performance and Remuneration Review* as it affects his employment.

Councillor Ghasseb declared a financial interest in item 15.1.2 *Application for Payment of Legal Representation*.

6. Public Question Time

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

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

6.1 Public Question Time

Nil

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held 5 September 2023 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 5 September 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 26 September 2023

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

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

Council Decision 179/23

The minutes of the Ordinary meeting of the City of Bunbury Council held 5 September 2023 be confirmed as a true and accurate record.

CARRIED UNANIMOUSLY
9 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: PRDC Minutes 30 August 2023 Appendix 7.1.2-B CEO Performance Review Committee Minutes 20 September 2023						

Summary

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

- | | |
|-----------|---|
| Title: | Policy Review and Development Committee |
| Author: | Liam Murphy, Governance Officer |
| Appendix: | 7.1.2-A |
- | | |
|-----------|-----------------------------------|
| Title: | CEO Performance Review Committee |
| Author: | Greg Golinski, Manager Governance |
| Appendix: | 7.1.2-B |

Council Committee Recommendation

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

- Policy Review and Development Committee 30 August 2023
- CEO Performance Review Committee 20 September

Voting Requirement: Simple Majority

Outcome of Meeting 26 September 2023

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

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

Council Decision 180/23

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

- 1. Policy Review and Development Committee 30 August 2023**
- 2. CEO Performance Review Committee 20 September**

CARRIED UNANIMOUSLY
9 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 29 August 2023 have been circulated.

Recommendation

The minutes of the Special meeting of the City of Bunbury Council held 29 August 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 26 September 2023

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

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

Council Decision 181/23

The minutes of the Special meeting of the City of Bunbury Council held 29 August 2023 be confirmed as a true and accurate record.

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

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Greg Navarro requested to address council in relation to item *10.4.1 Proposed Scheme Amendment No.9 to City of Bunbury LPS No.8*.

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

Council Decision 182/23

Pursuant to clause 6.9 (2)(b) of Council's Standing Orders, Council approves Greg Navarro's deputation request to address item 10.4.1 Proposed Scheme Amendment No.9 to City of Bunbury LPS No.8 and allows a period of up to 10 minutes to present to Council.

CARRIED UNANIMOUSLY
9 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 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.9, 10.1.10, 10.1.11, 10.1.12, 10.1.13, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.4.2 and 10.4.3.

Items 10.1.8, 10.1.14, 10.3.1 and 10.4.1 were discussed and voted on separately. All items have been renumbered in the order they were considered with the items voted "*by exception*" listed first.

The items "*adopted by exception*" were moved by Cr Andrew and seconded by Cr Turner.

10. Reports

10.1 Review of Council Policy: Public Art (listed as 10.1.1 in the agenda)

File Ref:	COB/306		
Applicant/Proponent:	Policy Review and Development Committee		
Responsible Officer:	Michael Bianco, BRAG Director and Team Leader		
Responsible Manager:	Elizabeth Denniss, Manager Community Connection		
Executive:	Gary Barbour, Director Sustainable Communities		
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 10.1.1-A: Revised Council Policy Public Art		

Summary

At the Policy Review and Development Committee (PRDC) meeting held 28 June 2023, the committee resolved to defer the Review of Council Policy: Public Art until the 30 August 2023 meeting. This report is now presented to Council by the PRDC to facilitate a review of existing Council Policy Public Art. A copy of the revised policy is presented at Appendix 10.1.1-A.

Committee Recommendation

That Council adopt the revised Public Art Council Policy as presented as appendix 10.1.1-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

There will not be any regional impact by endorsing the revised Policy.

Background

The Public Art Council Policy is reviewed every two years to reflect any updates and amendments to ensure it is relevant in delivering a successful Public Art program. The policy was last reviewed at the Ordinary Council Meeting held 29 September 2023.

Council Policy Compliance

Public Art Council Policy

Legislative Compliance

There is no advertising period required for this item as once a Council has initially endorsed a Public Art Council Policy (where advertising is required), further amendments can be made at any time without an advertising or notification period.

Officer Comments

The Bunbury Regional Art Gallery Advisory Group in consultation with City staff have reviewed the City of Bunbury Public Art Council Policy. A copy of the revised policy with tracked changes showing the revisions is presented at appendix 10.1.1-A.

Language in policy was revised in part to update titles in accordance with shifts in operations and staff. Language pertaining to Murals and Street Art was adjusted to mitigate unnecessary expenditure on temporary artworks. Additional language provides clarity on COB procurement processes to mitigate confusion and to provide clarity on responsibilities on task management. Further, a revision of language pertaining to De-Accessioning of artworks was provided to create clarity on process.

Section 7.5 *Heritage Interpretation, Memorials and Monuments* has been removed from this policy as it contradicts section 3.1.1b which notes that for the purposes of this policy “public art does not include monuments or memorials.”

Analysis of Financial and Budget Implications

All monies spent on the maintenance and acquisition of public art is done so in line with approved adopted budgets on an annual basis.

Community Consultation

Nil

Elected Member/Officer Consultation

Consultation took place with the Bunbury Regional Art Gallery Advisory Group and City officers. The revised policy is now presented to Council by the Policy Review and Development Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 26 September 2023

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

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 183/23

That Council adopt the revised Public Art Council Policy as presented as appendix 10.1.1-A.

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

10.2 Review of Council Policy: BRAG Exhibitions (listed as 10.1.2 in the agenda)

File Ref:	COB/306						
Applicant/Proponent:	Policy Review and Development Committee						
Responsible Officer:	Michael Bianco, BRAG Director and Team Leader						
Responsible Manager:	Elizabeth Denniss, Manager Community Connection						
Executive:	Gary Barbour, Director Sustainable Communities						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 10.1.2-A: Revised Council Policy: BRAG Exhibitions						

Summary

At the Policy Review and Development Committee (PRDC) meeting held 28 June 2023, the committee resolved to defer the Review of Council Policy: BRAG Exhibitions until the 30 August 2023 meeting. This report is now presented to Council by the PRDC to facilitate a review of existing Council Policy Bunbury Regional Art Gallery Exhibitions. A copy of the revised policy is attached at Appendix 10.1.2-A.

Committee Recommendation

That Council adopt the revised Bunbury Regional Art Gallery Exhibitions Council Policy as presented at appendix 10.1.2-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

This policy applies only within the City of Bunbury.

Background

This Policy was adopted in May 2018 and is presented to Council by the Policy Review and Development Committee for its first review since adoption.

The adoption of the existing policy incorporated an element of stakeholder consultation, with the then draft having been circulated to all artists and gallery stakeholders on the BRAG database for comment, as well as a forum being held to discuss any concerns. The Policy was last reviewed at the Ordinary Council Meeting held 23 June 2023.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

N/A

Officer Comments

To assist with budget planning and to provide transparency and consistency around BRAG programming decisions, it is considered appropriate to have such a policy in place. The existence of the policy has enabled alignment and consistency with the City's current processes and procedures as well as professional art museum standards.

The Bunbury Regional Art Gallery Advisory Group in consultation with City staff have reviewed the City of Bunbury Public Art Council Policy. A copy of the revised policy with tracked changes showing the revisions is presented at appendix 10.1.2-A.

Language in policy was revised in part to update titles in accordance with shifts in operations and staff. Further, adjustments were made in alignment with the new BRAG mission statement as outlined in the terms of reference for the formation of the BRAG advisory group. New language also makes a special point to acknowledge the traditional custodians of the land and the formation of a reference group in alignment with national industry standards. Additional language also clarifies communication between gallery and artists/lenders; and BRAG's stance on artist fees in accordance with national industry standards.

Analysis of Financial and Budget Implications

Nil.

Community Consultation

Nil

Councillor/Officer Consultation

Consultation took place with the Bunbury Regional Art Gallery Advisory Group and City officers. The revised policy is now presented to Council by the Policy Review and Development Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Once adopted by Council, any revisions to the Policy become effective immediately.

Outcome of Meeting 26 September 2023

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

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 184/23

That Council adopt the revised Bunbury Regional Art Gallery Exhibitions Council Policy as presented at appendix 10.1.2-A.

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

10.3 Review of Council Policy: City of Bunbury Art Collection (listed as 10.1.3 in the agenda)

File Ref:	COB/306						
Applicant/Proponent:	Policy Review and Development Committee						
Responsible Officer:	Michael Bianco, BRAG Director and Team Leader						
Responsible Manager:	Elizabeth Denniss, Manager Community Connection						
Executive:	Gary Barbour, Director Sustainable Communities						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 10.1.3-A: Revised City of Bunbury Art Collection Policy						

Summary

At the Policy Review and Development Committee (PRDC) meeting held 28 June 2023, the committee resolved to defer the Review of Council Policy: City of Bunbury Art Collection until the 30 August 2023 meeting. This report is now presented to Council by the PRDC to facilitate the review of the existing City of Bunbury Art Collection Policy. Staff have reviewed the policy with changes recommended and simplified where appropriate (see proposed revisions at Appendix 10.1.3-A).

Committee Recommendation

That Council adopt the revised City of Bunbury Art Collection Policy as presented at 10.1.3-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

There will not be any regional impact by endorsing the revised Policy.

Background

The Art Collection Council Policy is reviewed every two years to reflect any updates and amendments to ensure it is relevant in providing appropriate management of the City of Bunbury Art Collection. The policy was last reviewed at the Ordinary Council Meeting held 27 April 2021.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

N/A

Officer Comments

The Bunbury Regional Art Gallery Advisory Group in consultation with City staff have reviewed the City of Bunbury Art Collection Council Policy. A copy of the revised policy with tracked changes showing the revisions is presented at appendix 10.1.3-A

Language in policy was revised in part to update titles in accordance with shifts in operations and staff. Further, adjustments were made in alignment with the new BRAG mission statement as outlined in the terms of reference for the formation of the BRAG advisory group. Additional text included a summary of new major donations to the collection and a revision of language for the Acquisition and Approval process to mitigate any issues which may prevent service delivery as a result of staff taking leave or vacancies in positions in the future. A key text was inserted in regards to the Cultural Gifts program in compliance with regulations to enable the benefits from the scheme.

Analysis of Financial and Budget Implications

All monies spent on the maintenance and acquisition of the art collection is done so in line with approved adopted budgets on an annual basis.

Community Consultation

Nil

Elected Member/Officer Consultation

Consultation took place between the Bunbury Regional Art Gallery Advisory Group and City officers. The revised policy is now presented to Council by the Policy Review and Development Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 26 September 2023

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

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 185/23

That Council adopt the revised City of Bunbury Art Collection Policy as presented at 10.1.3-A.

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

10.4 Proposed Council Policy: Financial Hardship (listed as 10.1.4 in the agenda)

File Ref:	COB/306						
Applicant/Proponent:	Policy Review and Development Committee						
Responsible Officer:	David Ransom, Manager Finance						
Responsible Manager:	David Ransom, Manager Finance						
Executive:	Karin Strachan, Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input checked="" type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input checked="" type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input checked="" type="checkbox"/> Legislative							
Attachments:	Appendix 10.1.4: Proposed Financial Hardship Council Policy Appendix 10.1.4-B Revoked COVID-19 Financial Hardship Policy						

Summary

At the Council Meeting 23 May 2023, Council resolved to revoke Council Policy: COVID-19 Financial Hardship Council Policy following an end to the Western Australian Government's State of Emergency on 4 November 2022 (Council Decision, 074/23). A copy of the revoked policy is presented at appendix 10.1.4-B,

Subsequently, at the Special Council Meeting to adopt the 2023/24 Annual Budget on 25 July 2023, Council resolved the following (Council Decision 139/23):

That Council request the CEO present a draft Hardship Council Policy to the Policy Review and Development Committee at the earliest possible opportunity.

This report is presented to Council by the Policy Review and Development Committee (PRDC) for consideration to introduce a new Financial Hardship Council Policy as presented at appendix 10.1.4-A.

Committee Recommendation

That Council adopt the proposed Financial Hardship Council Policy as presented at Appendix 10.1.4-A.

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

Whilst financial hardship can affect all ratepayers, this Council policy can only apply within the jurisdiction of the City of Bunbury.

Background

This new Hardship Policy has been based on Council's previous COVID-19 Financial Hardship Policy that was adopted by Council on 14 April 2020. Officers have also reviewed Hardship Policies from 15 other councils to determine 'best practice'. While the policies from other councils were similar in many aspects e.g. what is financial hardship, payment arrangements and suspending debt recovery processes; they also had differences, e.g. the evidence required to prove financial hardship, and waiving interest charges.

Officers found that the City of Fremantle's policy had the following aspects that we have included in the draft policy:

- Financial hardship is determined, 'In the opinion of the Chief Executive Officer'.
- Penalty interest is ceased for up to 6 months.
- The establishment of a known end date for payment arrangements that are realistic and achievable.

Council Policy Compliance

Council Policy: Corporate Revenue Debt Collection

Legislative Compliance

The policy was developed within the relevant parameters of the following legislation:

- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996

Officer Comments

This policy applies to ratepayers who are experiencing genuine financial hardship where the ratepayer is willing but unable to pay their rates due to unforeseen and unexpected events.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.

When ratepayers are determined to be in Financial Hardship the City will offer on a case by case basis to:

- Temporarily accept reduced payments and establish an alternative payment arrangement plan, or
- Temporarily pause payment of rates, administration fees and charges.
- Cease any penalty interest for up to 6 months.
- Suspend any debt recovery action subject to adherence with the agreed payment arrangement plan.

Analysis of Financial and Budget Implications

During the last three (3) financial years (2020/21 – 2022/23) the City received only seven (7) applications under the City's previous COVID-19 Financial Hardship Policy. All applications were accepted. The loss of penalty interest from these seven applications was \$804.

The introduction of this policy is expected to have a similar impact and will therefore not have any material financial or budget implications.

Community Consultation

N/A

Elected Member/Officer Consultation

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

Applicant Consultation

N/A

Timeline: Council Decision Implementation

The Policy would become effective immediately following adoption by Council.

Outcome of Meeting 26 September 2023

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

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 186/23

That Council adopt the proposed Financial Hardship Council Policy as presented at Appendix 10.1.4-A.

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

10.5 Review of Council Policy: Street Addressing (listed as 10.1.5 in the agenda)

File Ref:	COB/306		
Internal	Policy Review and Development Committee		
Responsible Officer:	David Ransom, Manager Finance		
Responsible Manager:	David Ransom, Manager Finance		
Executive:	Karin Strachan, Director Strategy and Organisational Performance		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
Attachments:	Appendix 10.1.5-A: Council Policy: Street Addressing		

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Street Addressing. The policy was last reviewed in August 2021 and is now due for its biennial review.

Committee Recommendation

That Council note the review of existing Council Policy – Street Addressing, with no changes recommended.

Voting Requirement: Simple Majority Vote

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

N/A

Background

The Street Addressing Policy was developed to establish a clearly documented policy position rather than an otherwise unidentified process which residents can relate to when seeking advice or opposing proposed re-allocation of street numbers. The Policy defines the standards and procedures for the assignment and amendment of street numbering within the City of Bunbury.

This policy was last reviewed by Council in August 2021 and is presented to Council by the Policy Review and Development Committee for review as part of Council's policy review schedule.

Council Policy Compliance

This report facilitates the review of existing Council Policy Street Addressing.

Legislative Compliance

N/A

Officer Comments

Officers have undertaken a review of the Council Policy Street Addressing as presented at Appendix 10.1.5-A and suggest that the content of the current policy is appropriate.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any revisions to the policy will take effect immediately following Council's determination.

Outcome of Meeting 26 September 2023

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

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 187/23

That Council note the review of existing Council Policy – Street Addressing, with no changes recommended.

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

10.6 Review of Council Policy: Bushfire Inspection and Mitigation (listed as 10.1.6 in the agenda)

File Ref:	COB/306		
Applicant:	Policy Review and Development Committee		
Responsible Officer:	Mark Allies, Team Leader Rangers and Emergency Management		
Responsible Manager:	Sarah Upton, Manager Community Services		
Executive:	Gary Barbour, Director Sustainable Communities		
Authority/Discretion	<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	
Attachments:	Appendix 10.1.6-A: Council Policy Bushfire Inspection and Mitigation		

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Bushfire Inspection and Mitigation.

Committee Recommendation

That the Policy Review and Development Committee recommend that Council adopt revised Council Policy Bushfire Inspection and Mitigation as presented at Appendix 10.1.6-A.

Voting Requirement: Simple Majority Vote

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

Not applicable.

Background

The Council Policy Bushfire Inspection and Mitigation was adopted on 2 September 2014, refer Council Decision 334/14. It was last reviewed on 31 August 2021 and is now due for its biennial review.

The Policy provides how the City of Bunbury will assess the risk of bush fire to properties, apply treatments, and collaborate with the Department of Fire and Emergency Services to engage and educate the community.

Council Policy Compliance

This report facilitates the review of existing Council Policy Bushfire Inspection and Mitigation.

Legislative Compliance

Pursuant to section 33 of the *Bush Fires Act 1954* local governments can develop local laws, being customised strategies to reduce the risk and impact from bush fire.

Officer Comments

Officers have undertaken a comprehensive review of the Council Policy Bushfire Inspection and Mitigation and proposed significant changes as presented in Appendix 10.1.6-A.

The review has enabled officers to consider best practice processes based on Australian Standards and which are supported by current data. The Policy has been revised to ensure the City's practices and procedures in engaging with the community, assessing risks and applying treatments are consistent and lawful with the intent to reduce risk from individual properties, leading to a reduction of risk of bush fire to the whole community and surrounding local governments.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any revisions to the policy will take effect immediately following Council's determination.

Outcome of Meeting 26 September 2023

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

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 188/23

That the Policy Review and Development Committee recommend that Council adopt revised Council Policy Bushfire Inspection and Mitigation as presented at Appendix 10.1.6-A.

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

10.7 Review of Council Policy: Closed Circuit Television System (listed as 10.1.7 in the agenda)

File Ref:	COB/306						
Applicant:	Policy Review and Development Committee						
Responsible Officer:	Mark Allies, Team Leader Rangers and Emergency Management						
Responsible Manager:	Sarah Upton, Manager Community Services						
Executive:	Gary Barbour, Director Sustainable Communities						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Review</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input type="checkbox"/> Legislative</td><td><input type="checkbox"/> Information Purposes</td></tr></table>	<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
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<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial						
<input type="checkbox"/> Legislative	<input type="checkbox"/> Information Purposes						
Attachments:	Appendix 10.1.7-A: Council Policy Closed Circuit Television System CCTV						

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Closed Circuit Television System (CCTV).

Committee Recommendation

That Council note the review of existing Council Policy Closed Circuit Television System, with no changes recommended.

Voting Requirement: Simple Majority Vote

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

Not applicable.

Background

This policy was significantly reviewed by Council on 30 August 2021 and is presented to Council by the PRDC for discussion and review as part of Council's policy review schedule.

The purpose of the Policy is to guide and direct the Council regarding its Closed-Circuit Television System.

Council Policy Compliance

This report facilitates the review of existing Council Policy Closed Circuit Television System.

Legislative Compliance

The following legislation applies to this Policy:

- *WA Criminal Code Act Compilation Act 1913*

- *Criminal Procedures Act 2004*
- *Freedom of Information Act 1992*
- *State Records Act 2000 and General Disposal Authority 2015*
- *Surveillance Devices Act 1998*

Officer Comments

Officers have undertaken a review of the Council Policy Closed Circuit Television System as presented at Appendix 10.1.7-A and suggest that the content of the current policy is appropriate.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any revisions to the policy will take effect immediately following Council's determination.

Outcome of Meeting 26 September 2023

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

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 189/23

That Council note the review of existing Council Policy Closed Circuit Television System, with no changes recommended.

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

10.8 Review of Council Policy: Execution of Documents (listed as 10.1.9 in the agenda)

File Ref:	COB/306						
Applicant/Proponent:	Policy Review and Development Committee						
Responsible Officer:	Leanne French, Senior Governance & Risk Officer						
Responsible Manager:	Greg Golinski, Manager Governance						
Executive:	Karin Strachan Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input checked="" type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input checked="" type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input checked="" type="checkbox"/> Legislative							
Attachments:	Appendix 10.1.9-A Revised Council Policy Execution of Documents						

Summary

This report is presented to Council by the Policy Review and Development Committee to facilitate a review of the current Council Policy – Execution of Documents.

Committee Recommendation

That Council adopt the revised Council Policy Execution of Documents as presented at Appendix 10.1.9-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

Not applicable.

Background

The Execution of Documents Council Policy was adopted on 26 June 2018, refer Council Decision 184/18. For a document to be signed on behalf of Council, the common seal has to be affixed unless a person has been otherwise authorised by Council to do so. This is prescribed by section 9.49A of the *Local Government Act 1995*.

Existing Council Policy Execution of Documents governs the overarching authorisations to various City officers so that Council approval is not required every time a document needs to be signed. This power is different from a delegation, which enables any officer to exercise an express power or duty. The authorisations within the Policy set out the City officer who can sign the class of documents identified as part of fulfilling their duties.

Council Policy Compliance

This report facilitates the review of existing Council Policy Execution of Documents.

Legislative Compliance

Section 9.49A (4) of the *Local Government Act 1995* states that a local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Officer Comments

The administrative burden of coordinating the affixing of the common seal is significant and inflexible, particularly when there is urgency to the execution of a document. Officers consider the reliance on the seal to execute documents as too great, and unnecessary in the modern organisational context. This Policy has enabled Council to move away from relying on the seal except for situations prescribed by law or where there is customary or political significance in doing so.

Documents are identified in the current system as Category 1A, 1B, 2 or 3 documents, depending on their significance.

The two amendments recommended are:

- Section 2: update the title of the Director Sustainable Communities; and
- Section 3: remove the words ‘corporate guideline’, as this reference is no longer applicable.

Analysis of Financial and Budget Implications

Not applicable

Community Consultation

Not applicable

Councillor/Officer Consultation

Feedback is received from officers on the Policy and its implementation throughout the year.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Once adopted by Council, any changes to the Policy will become effective immediately.

Outcome of Meeting 26 September 2023

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

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 190/23

That Council adopt the revised Council Policy Execution of Documents as presented at Appendix 10.1.9-A.

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

10.9 Review of Council Policy: Council Delegate Reports (listed as 10.1.10 in the agenda)

File Ref:	COB/306						
Applicant:	Policy Review and Development Committee						
Responsible Officer:	Greg Golinski, Manager Governance						
Responsible Manager:	Greg Golinski, Manager Governance						
Executive:	Karin Strachan, Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 10.1.10-A: Revised Council Policy Council Delegate Reports						

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Council Delegate Reports. The policy was last reviewed in August 2021 and is now due for its biennial review.

Committee Recommendation

That Council revoke existing Council Policy – Council Delegate Reports.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Pillar:	Performance
Aspiration:	Leading with purpose and robust governance
Outcome 14:	A well informed community that is deeply engaged in decision-making
Outcome 14.1:	Effectively inform and engage the community about local issues, facilities, services and events

Regional Impact Statement

N/A

Background

This policy was last reviewed by Council in August 2021, and is presented to Council by the PRDC for discussion and review as part of Council's policy review schedule.

Council Policy Compliance

This report facilitates the review of existing Council Policy Council Delegate Reports.

Legislative Compliance

N/A

Officer Comments

The Council Delegate Reports policy stipulates circumstances where Council delegates to external committees/organisations are to provide reports back to Council on the deliberations of the

external committee/organisation. This ensures that Council is kept abreast of any issues that may have the potential to affect the City in future. This typically applies to external groups to which Councillors are appointed following each election.

Officers question the application of this policy, given that no record in recent history can be found of such reports being provided to Council. Note that delegate reports when an Elected Member attends a conference or similar are covered under the Professional Development of Council Members policy.

Accordingly, Officers recommend that this policy be revoked. Given the workload of elected members, it is considered prudent for subsequent discussion to be held in relation to Council representation on certain external committees, and what value this brings to the Council. This matter will be raised at the strategic workshop scheduled for 22 August 2023.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any revisions to the policy will take effect immediately following Council's determination.

Outcome of Meeting 26 September 2023

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

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 191/23

That Council revoke existing Council Policy – Council Delegate Reports.

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

10.10 Review of Council Policy: Civic Commendations (listed as 10.1.11 in the agenda)

File Ref:	COB/306						
Applicant:	Policy Review and Development Committee						
Responsible Officer:	Greg Golinski, Manager Governance						
Responsible Manager:	Greg Golinski, Manager Governance						
Executive:	Karin Strachan, Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 10.1.11-A: Council Policy Civic Commendations						

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Civic Commendations. The policy was last reviewed in June 2021 and is now due for its biennial review.

Committee Recommendation

That Council adopt the revised Council Policy – Civic Commendations, as presented at Appendix 10.1.11-A.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Pillar:	Performance
Aspiration:	Leading with purpose and robust governance
Outcome 14:	A well informed community that is deeply engaged in decision-making
Outcome 14.1:	Effectively inform and engage the community about local issues, facilities, services and events

Regional Impact Statement

N/A

Background

This policy was last reviewed by Council in June 2021, and is presented to Council by the PRDC for discussion and review as part of Council's policy review schedule.

Council Policy Compliance

This report facilitates the review of existing Council Policy Civic Commendations.

Legislative Compliance

N/A

Officer Comments

The Policy provides a process for the receipt and assessment of civic commendation and other award nominations on behalf of the City of Bunbury, to enable Council to recognise the efforts and achievements of community members who have contributed to the City.

Officers have undertaken a review of the Council Policy Civic Commendations, and suggest that the content of the current policy is appropriate, although some minor grammatical changes have been recommended as per Appendix 10.1.11-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any revisions to the policy will take effect immediately following Council's determination.

Outcome of Meeting 26 September 2023

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

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 192/23

That Council adopt the revised Council Policy – Civic Commendations, as presented at Appendix 10.1.11-A.

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

10.11 Review of Council Policy: Media Statements (listed as 10.1.12 in the agenda)

File Ref:	COB/306						
Applicant:	Policy Review and Development Committee						
Responsible Officer:	Kate Fielding, Senior Corporate Communications Officer						
Responsible Manager:	Lucy Owen-Conway, Team Leader Marketing and Communications						
Executive:	Karin Strachan, Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 10.1.12-A: Revised Council Policy Media Statements						

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Media Statements. The policy was last reviewed in June 2021 and is now due for its biennial review.

Committee Recommendation

That Council adopt the revised Council Policy – Media Statements, as presented at Appendix 10.1.12-A.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Pillar:	Performance
Aspiration:	Leading with purpose and robust governance
Outcome 14:	A well informed community that is deeply engaged in decision-making
Outcome 14.1:	Effectively inform and engage the community about local issues, facilities, services and events

Regional Impact Statement

N/A

Background

This policy was last reviewed by Council in June 2021, and is presented to Council by the PRDC for discussion and review as part of Council's policy review schedule. The policy provides guidance and procedures as to how the City of Bunbury manages its media processes.

Council Policy Compliance

This report facilitates the review of existing Council Policy Media Statements.

Legislative Compliance

Section 2.8 of the *Local Government Act 1995* defines the role of a Mayor, which in part extends to speaking on behalf of the local government. The Media Statements policy expands on the processes around engagement with the media.

Officer Comments

Although the *Local Government Act 1995* already prescribes that the Mayor will be the spokesperson for the local government, the policy is a useful resource for external parties wishing to undertake media-related enquiries with the City.

Officers have undertaken a review of the Council Policy Media Statements as presented at Appendix 10.1.12-A and recommend only minor changes relating to updated officer titles. The balance of the content is considered appropriate.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any revisions to the policy will take effect immediately following Council's determination.

Outcome of Meeting 26 September 2023

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

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 193/23

That Council adopt the revised Council Policy – Media Statements, as presented at Appendix 10.1.12-A.

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

10.12 Proposed Council Policy: Council Polls (listed as 10.1.13 in the agenda)

File Ref:	COB/306						
Applicant:	Policy Review and Development Committee						
Responsible Officer:	Liam Murphy, Governance Officer						
Responsible Manager:	Greg Golinski, Manager Governance						
Executive:	Karin Strachan, Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 10.1.13-A Proposed Council Policy Council Polls						

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) for consideration of new Council Policy – Council Polls. The proposed policy is presented at appendix 10.1.13-A

Committee Recommendation

That Council adopt the revised Council Policy – Council Polls, as presented at Appendix 10.1.13-A.

Voting Requirement: 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.

Regional Impact Statement

N/A

Background

Where Council appoints members to a committee, working group or panel, typically a poll is conducted by the Council to determine the appointments if there are more nominees than vacancies. Historically, the method of conducting a poll has been in line with the method of conducting an election under the *Local Government Act 1995*. With recent amendments to the *Local Government Act 1995* introducing Optional Preferential Voting as the system of elections, officers are suggesting the introduction of this policy to simplify the poll process.

Historically, if a Council Member is attending the meeting electronically they were unable to participate in a poll as there is no practical way for them to vote “in secret.”

Council Policy Compliance

This report proposes the introduction of a new Council Policy.

Legislative Compliance

Local Government Act 1995

Officer Comments

The proposed Council Polls Council Policy is presented at appendix 10.1.13-A.

This policy applies to polls undertaken at meetings of the Council that are not otherwise enshrined in legislation. For example, this typically includes situations where a poll is required due to surplus nominations where Council is making appointments to its committees, working groups, panels and the like. Elections of Deputy Mayor and Committee Presiding Members are outside of the scope of this policy as they are conducted in accordance with Schedules 2.3 and 4.1 of the Local Government Act 1995.

Officers are proposing that council polls be conducted using a “first past the post” system wherein the nominee with the most votes will be selected to fill a vacancy. The method of counting votes is outlined within the policy and the wording of which is influenced by the former version of the *Local Government Act* prior to amendments introducing optional preferential voting.

The proposed policy also includes a clause to allow the CEO, Mayor and any Councillor who may be attending electronically to determine an appropriate mechanism for them to participate in a poll.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council’s determination.

Outcome of Meeting 26 September 2023

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

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 194/23

That Council adopt the revised Council Policy – Council Polls, as presented at Appendix 10.1.13-A.

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

10.13 Council Meeting Schedule for 2024 (listed as 10.3.2 in the agenda)

File Ref:	COB/3667						
Applicant/Proponent:	Internal						
Responsible Officer:	Liam Murphy, Governance Officer						
Responsible Manager:	Greg Golinski, Manager Governance						
Executive:	Mal Osborne, Chief Executive Officer Karin Strachan, Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input checked="" type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input checked="" type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input checked="" type="checkbox"/> Legislative							
Attachments:	Nil						

Summary

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* requires a local government to each year give public notice of the dates on which Ordinary Council Meetings are to be held for the next twelve (12) months. The purpose of this report is for Council to consider the meeting schedule for 2024.

Executive Recommendation

That Council:

1. Adopt a three-weekly Council Meeting Schedule for 2024, beginning 23 January 2024 and ending 17 December 2024, incorporating a two-week recess period aligning with the Term 2 school holidays, in the following pattern:
Week 1: Agenda Briefing
Week 2: Ordinary Council Meeting
Week 3: No meeting
2. Note that all meetings will take place in the Council Chambers, 4 Stephen Street Bunbury commencing at 5.30pm.
3. Request that the Chief Executive Officer undertake all statutory advertising in this regard.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Nil

Background

Council currently operates on a three-weekly meeting schedule, incorporating Elected Member Strategic Briefings (week 1), Council Agenda Briefing Sessions (week 2) and Ordinary Meetings

(week 3). Council has historically gone into recess over the Christmas / New Year period, with the last Ordinary Meeting of Council typically being held in mid-December, reconvening in mid-January.

At the Ordinary Council Meeting held on 10 November 2020, Council resolved to move from a fortnightly cycle of meetings to a three-weekly meeting cycle. This decision was made given the decline in items and duration of meetings, and the ability for the third week to be utilised for information strategic meetings between the Council and the Executive.

The 2023 Council Meeting Schedule, based on a rolling three-weekly cycle, also included a two-week mid-year recess, which aligned with the mid-year school holidays.

Council Policy Compliance

Nil

Legislative Compliance

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* requires local governments to give public notice of the dates on which it intends to hold its Ordinary Council meetings for the ensuing twelve (12) month period.

Officer Comments

The 2024 Council Meeting Schedule was discussed with Council at the Strategic Briefing held 22 August 2023. At this briefing, Officers felt that there was general agreement to continue the three-weekly schedule, incorporating a mid-year recess aligning with the term 2 school holidays (29 June to 14 July 2024).

Currently, an informal Strategic Workshop is held in the first week of the three-weekly cycle, as well as on Agenda Briefing days. It is suggested that a discussion be held with the incoming Council following the 2023 Local Government Elections to determine the Strategic Workshop format for 2024. There is no requirement for Strategic Workshop dates to be advertised to the public and they will not be included in the public schedule.

Analysis of Financial and Budget Implications

All advertising costs can be accommodated within the 2023/24 budget.

Community Consultation

Not Applicable

Elected Member/Officer Consultation

The meeting schedule was discussed with Council at a strategic briefing session held 22 August 2023 and is now presented to Council for consideration.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

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

Outcome of Meeting 26 September 2023

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

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 195/23

That Council:

- 1. Adopt a three-weekly Council Meeting Schedule for 2024, beginning 23 January 2024 and ending 17 December 2024, incorporating a two-week recess period aligning with the Term 2 school holidays, in the following pattern:***

Week 1: Agenda Briefing

Week 2: Ordinary Council Meeting

Week 3: No meeting

- 2. Note that all meetings will take place in the Council Chambers, 4 Stephen Street Bunbury commencing at 5.30pm.***

- 3. Request that the Chief Executive Officer undertake all statutory advertising in this regard.***

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

10.14 City of Bunbury Parking Local Law Undertakings (listed as 10.3.3 in the agenda)

File Ref.	COB/365						
Applicant/Proponent:	Joint Standing Committee on Delegated Legislation						
Responsible Officer:	Mark Allies, Team Leader Rangers and Emergency Management						
Responsible Manager:	Sarah Upton, Manager Community Wellbeing Greg Golinski, Manager Governance						
Executive:	Gary Barbour, Director Sustainable Communities						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Nil						

Summary

The purpose of this report is for Council to consider undertakings requested by the Joint Standing Committee on Delegated Legislation (the Committee) in relation to the recently gazetted City of Bunbury Parking Local Law 2023 (the Local Law).

The Committee identified some minor amendments to the Local Law that it requires be made within 6 months, and is requesting a formal commitment from Council that it will consider these changes within the timeframe stipulated.

Executive Recommendation

That Council undertakes to the Joint Standing Committee on Delegated Legislation in relation to the Parking Local Law 2023 that the City will:

1. Within 6 months:
 - a. State how Australian standard 1742.11-2016 can be accessed by the public free of charge.
 - b. Amend the definition of 'parking area' in clause 1.4 by including two sets of quotation marks around the phrase "No Standing".
 - c. Amend the definition of 'parking session' in clause 1.4 so that 'User' starts with a lower case 'u'.
 - d. Amend clause 3.2(1)(d) to delete the full stop and insert'; or'.
 - e. Amend clause 3.2(1)(e)(ii) so that the word The' at the start of the clause starts with a lower case 't' and delete the full stop and replace it with '; or'.
 - f. Amend clause 4.2(1)(b) to delete the full stop and replace it with '; or'.
 - g. Amend clause 4.2(1)(c) so that the word 'On' starts with a lower case 'o' and insert a full stop at the end of the clause.
 - h. Amend clause 4.4(3)(i) to delete the full stop and replace it with '; or'.
 - i. Amend clause 4.4(3)(j) so that the word 'Within' starts with a lower case 'w' and insert a full stop at the end of the clause.
 - j. Amend clause 6.1(1)(e) to insert a full stop at the end of the clause.
 - k. Amend clause 6.2(1)(b) so that it starts with a lower case 'a', the full stop after the word 'restriction' is deleted, and the word The' at the start of subclause (i) starts with a lower case 't'.
 - l. Amend clause 7.3(2) so that the word The' at the start of each subclause starts with a lower case 't'.
 - m. Amend clause 7.8(1) to delete the reference to Part 8 and replace it with Part 7.
 - n. Amend clause 9.2(3)(b) to replace the word 'mend' with 'amend'.

2. Not enforce the local law to the contrary before it is amended in accordance with undertaking 1.
3. Ensure all consequential amendments arising from the undertakings will be made.
4. Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings.

Voting Requirements: Simple Majority Required

Strategic Relevance

Pillar: Place
Aspiration: An integrated, vibrant and well-planned City
Outcome 9: A City that is easy to get around safely and sustainably
Objective 9.4: Provide sufficient parking

Regional Impact Statement

The Local Law is enforceable only within the City of Bunbury.

Background

At its ordinary meeting held on 23 May 2023, Council resolved to make the City of Bunbury Parking Local Law 2023 (refer decision 080/23). The Local Law was gazetted on 19 June 2023 and came into operation on 3 July 2023.

As required by the *Local Government Act 1995*, the Committee has final veto of all local laws once enacted, and on this occasion has requested the City make some amendments to the Parking Local law within 6 months as follows:

Access to Australian Standards

The Local Law refers to Australian Standard 1742.11-2016. As this standard has been adopted as part of the Local Law, residents should be able to access it easily and without charge. This derives from the principle that citizens should be able to access the law. Any barriers to access, including cost and not being aware about the availability of free access, undermines the rule of law.

Please ensure these standards can be accessed by the public free of charge. How the City makes the standards available for public access, whether in hard copy form or on its website, is a matter for the City.

Drafting and typographical errors

Clause 1.4 – missing quotation marks

'Parking area' is defined in clause 1.4 as a portion of a carriageway—

(b) extending, from a sign inscribed with the word, "Parking" in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words "No Parking" or "No Standing or to a dead end or an area in which the parking or standing of vehicles is prohibited and is in that half of the carriageway nearest to the sign;

The phrase "No Standing should include two sets of quotation marks as follows: "No Standing".

Clause 1.4 – unnecessary capital letter

'Parking session' is defined in clause 1.4 as:

parking session means the period in which a user is parked at a parking location and is measured from when a User starts parking in a parking location and stops parking in a parking location, or the time paid for by a user expires.

User is not a defined term and should start with a lower case 'u'.

Clause 3.2(1)(d) – full stop instead of semi colon

Clause 3.2(1) contains subclauses (a) to (f) however a full stop appears at the end of subclause (d).

(d) otherwise than in accordance with a sign applying to the place where the vehicle is stopping or parked.

The full stop should be replaced with '; or'.

Clause 3.2(1)(e)(ii) – unnecessary capital letter and full stop instead of semi colon

Clause 3.2(1)(e)(ii) states:

(ii) The vehicle displays a current permit issued by the City.

'The' at the start of the clause should start with a lower case 't' and the full stop should be replaced with '; or'.

Clause 4.2(1)(b) – full stop instead of semi colon

Clause 4.2(1) states:

4.2 Median strips and traffic islands

(1) A person must not stop or park a vehicle on any part of a road so that any portion of the vehicle is-

(a) on a median strip; or

(b) adjacent to a median strip other than in a parking bay or metered space.

(c) On or within 10 metres of any portion of a carriageway bounded by a traffic Island

The full stop in subclause (b) should be replaced with '; or'.

Clause 4.2(1)(c) – unnecessary capital letter and missing full stop

Clause 4.2(1)(c) is copied above. 'On' should start with a lower case 'o' and a full stop at the end of the clause should be inserted.

Clause 4.4(3)(i) – full stop instead of semi colon

Subclauses 4.4(3)(i) and (j) state:

(i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line.

(j) Within the head of a cul-de-sac

The full stop in subclause (i) should be replaced with '; or'.

Clause 4.4(3)(j) – unnecessary capital letter and missing full stop

Clause 4.4(3)(j) is copied above. 'Within' should start with a lower case 'w' and a full stop at the end of the clause should be inserted.

Clause 6.1(1)(e) – missing full stop

Clause 6.1(1) contains subclauses (a) to (e). Subclause (e) states:

(e) the parking session is not in excess of the time permitted by a sign

A full stop at the end of the clause should be inserted.

Clause 6.2(1)(b) – two unnecessary capital letters and unnecessary full stop

Clause 6.2(1) states:

6.2 Stopping or parking in a parking station

(1) A person must not stop or park a vehicle in-

*(a) a paid parking station, unless the appropriate fee as indicated by a sign is paid;
or*

*(b) A parking station with a posted time restriction, for any period exceeding the
time allowable on the sign, unless;*

(i) The vehicle has left the parking station for at least one hour; or

*(ii) the parking station allows additional time beyond the time restriction
posted when a fee is payable for additional time and the fee has been paid.*

The capital 'A' at the start of clause 6.2(1)(b) should be a lower case 'a'.

The full stop after the word 'restriction' in clause 6.2(1)(b) should be deleted.

The word 'The' at the start of clause 6.2(1)(b)(i) should start with a lower case 't'.

Clause 7.3(2) – unnecessary capital letters

Clause 7.3(2) states:

(2) Subject to clause 7.4 –

*(a) The local government shall not issue more than two residential parking permits
or two visitor parking permits to any single house occupier where the single house is
situated on land having no provision for parking;*

*(b) The local government shall not issue more than one residential parking permit
or one visitor parking permit to any single house occupier where the single house is
situated on land which has provision of parking of one vehicle only; and*

*(c) The local government shall not issue a residential parking permit or a visitor
parking permit to any single house occupier where the single house is situated on
land having provision for parking of two or more vehicles.*

The word 'The' at the start of each subclause should start with a lower case 't'.

Clause 7.8(1) – incorrect clause reference

Clause 7.8(1) states:

*Where the local government is satisfied that a parking permit is not being used in
accordance with Part 8 of this local law, the local government may revoke a permit.*

The reference to Part 8 should be to Part 7.

Clause 9.2(3)(b) – typographical error

Clause 9.2(3)(b) states:

(3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to —

(b) mend the proposed parking policy, in which case subclause (5) will apply; or

The word 'mend' should be 'amend'.

Council Policy Compliance

N/A

Legislative Compliance

Section 3.12 of the *Local Government Act 1995* outlines the local law process.

Officer Comments

The undertakings requested by the Committee are effectively non-negotiable, and the City's failure to implement these changes within 6 months may result in the disallowance of the Local Law.

The drafting errors will be amended via the implementation of an amendment local law.

The access to Australian Standard 1742.11-2016 will be implemented as soon as practicable, with the standard to be available on the City's website alongside the local law.

Analysis of Financial and Budget Implications

There are no financial or budget implications arising from the recommendations within this report. Any future amendment local law as a result of these undertakings can be accommodated within the 2023/24 budget.

Community Consultation

Nil

Timeline: Council Decision Implementation

Pending Council endorsement of the Executive Recommendation, an amendment local law will be presented to Council by the 7 November 2023 Ordinary Council Meeting.

Outcome of Meeting 26 September 2023

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

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 196/23

That Council undertakes to the Joint Standing Committee on Delegated Legislation in relation to the Parking Local Law 2023 that the City will:

1. Within 6 months:

- a. State how Australian standard 1742.11-2016 can be accessed by the public free of charge.***
 - b. Amend the definition of 'parking area' in clause 1.4 by including two sets of quotation marks around the phrase "No Standing".***
 - c. Amend the definition of 'parking session' in clause 1.4 so that 'User' starts with a lower case 'u'.***
 - d. Amend clause 3.2(1)(d) to delete the full stop and insert'; or'.***
 - e. Amend clause 3.2(1)(e)(ii) so that the word The' at the start of the clause starts with a lower case 't' and delete the full stop and replace it with '; or'.***
 - f. Amend clause 4.2(1)(b) to delete the full stop and replace it with '; or'.***
 - g. Amend clause 4.2(1)(c) so that the word 'On' starts with a lower case 'o' and insert a full stop at the end of the clause.***
 - h. Amend clause 4.4(3)(i) to delete the full stop and replace it with '; or'.***
 - i. Amend clause 4.4(3)(j) so that the word 'Within' starts with a lower case 'w' and insert a full stop at the end of the clause.***
 - j. Amend clause 6.1(1)(e) to insert a full stop at the end of the clause.***
 - k. Amend clause 6.2(1)(b) so that it starts with a lower case 'a', the full stop after the word 'restriction' is deleted, and the word The' at the start of subclause (i) starts with a lower case 't'.***
 - l. Amend clause 7.3(2) so that the word The' at the start of each subclause starts with a lower case 't'.***
 - m. Amend clause 7.8(1) to delete the reference to Part 8 and replace it with Part 7.***
 - n. Amend clause 9.2(3)(b) to replace the word 'mend' with 'amend'.***
- 2. Not enforce the local law to the contrary before it is amended in accordance with undertaking 1.***
- 3. Ensure all consequential amendments arising from the undertakings will be made.***
- 4. Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings.***

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

10.15 Evolve Transformation Program Update (listed as 10.3.4 in the agenda)

File Ref:	DOC/1171563		
Applicant/Proponent:	Internal		
Responsible Officer:	Kristina Knight, Team Leader Project Management Office		
Responsible Manager:	Jordan Hunt, 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 checked="" type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
Attachments:	Appendix 10.3.4-A Evolve Program Update – September 2023		

Summary

The attached report provides an update on the progress of the City's Evolve Transformation Program for the past quarter. It details the progress against the schedule, key achievements and intended activities for the next period, proportion of budget spent, benefits achieved, and details of the social responsibility agreement with technology partner Mastek (previously Evolutionary Systems, "Evosys").

Executive Recommendation

That Council receive and note the Evolve Transformation Program Update, as provided at Appendix 10.3.4-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust performance.
Outcome 13	A leading local government.
Objective 13.2	Adopt innovations to improve business efficiencies and the customer experience.

Regional Impact Statement

The Evolve Transformation Program ("Evolve") will make the City of Bunbury the best local government in regional WA and enable us to build a Better Bunbury now and into the future.

Background

The Evolve Transformation Program will significantly enhance the City's ability to meet our strategic anchors of improved community impact, enhanced reputation and ensuring the sustainability of our services. Changes made through the Evolve Transformation Program will revitalise internal processes, helping us to achieve our organisational purpose of building a better Bunbury through continuous improvements to the way we work.

The Evolve Transformation Program will also build organisational adaptability, enabling a 7% organisational capacity increase equivalent to more than 36,000 hours a year of productivity which can be further invested in offsetting future costs, enhancing service delivery or building further efficiencies. This will allow for greater innovation, enterprise and ongoing improvement within a rapidly and continuously changing social and economic environment.

The successful implementation of the Evolve Transformation Program will achieve significant benefits to the organisation and its community. The extent of these benefits will be tracked and measured as the project is rolled out.

Council Policy Compliance

Tendering for goods and services is conducted in accordance with:

- Purchasing Council Policy; and
- Access and Inclusion Policy.

Legislative Compliance

All elements of the Evolve Transformation Program are developed and rolled out in line with or exceeding the required Legislation.

Officer Comments

Key achievements for the previous period are detailed in the report for the technology and business streams of the program.

Analysis of Financial and Budget Implications

N/A

Community Consultation

N/A

Councillor/Officer Consultation

Ongoing

Applicant Consultation

N/A

Timeline: Council Decision Implementation

It is anticipated that all elements of the Evolve Transformation Program will be implemented over the next 12-18 months, with ongoing culture and change management in the 24 months following to ensure the acquired processes and tools are embedded into the organisation.

Outcome of Meeting 26 September 2023

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

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 197/23

That Council receive and note the Evolve Transformation Program Update, as provided at Appendix 10.3.4-A.

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

10.16 Schedule of Accounts Paid for the period 1 August 2023 to 31 August 2023 (listed as 10.3.5 in the agenda)

File Ref:	COB/4736	
Applicant/Proponent:	Internal Report	
Responsible Officer:	David Ransom, Manager Finance	
Responsible Manager:	David Ransom, Manager Finance	
Executive:	Karin Strachan, Director Strategy & Organisational Performance	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
Attachments:	Appendix 10.3.5-A: Schedule of Accounts Paid	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 August 2023 to 31 August 2023 is attached at Appendix 10.3.5-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$7,246,144.06
2. Trust Account – payments totalling \$19,606.83
3. Visitor Information Centre Trust Account – payments totalling \$3,941.00

Executive Recommendation

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

Voting Requirement: Simple Majority

Outcome of Meeting 26 September 2023

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

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 198/23

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

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

10.17 Bunbury Football Club - Community Sporting and Recreation Facilities Fund Program (CSRFF) – September 2023 Forward Planning Round (listed as 10.4.2 in the agenda)

File Ref:	COB/6066
Applicant/Proponent:	Bunbury Football Club
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"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.4.2-A Bunbury Football Plans Appendix 10.4.2-B Support Letters

Summary

The Bunbury Football Club are seeking the City's support to enable a Community Sporting and Recreation Facilities Fund (CSRFF) forward planning round grants application for the September 2023 round of funding submissions. This is for works to be carried out in the 2024/2025 financial year. The application is for the refurbishment of the existing changerooms/ablutions to be unisex and suitable for female usage as well as construction of an additional female accessible changeroom.

Executive Recommendation

That Council:

1. Support the Bunbury Football Club Community Sporting and Recreation Facilities Fund (CSRFF) forward planning grant application.
2. Approve a self-supporting loan for an amount of up to \$100, 000 subject to meeting the requirements of the Self Supporting Loan Council Policy and the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSC).
3. Rank the Bunbury Football Club CSRFF Grant Application as 2nd in CSRFF Grant Priority submission to DLGSC.

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 Bunbury Football Club plays in the regional South West Football League (SWFL) competition at a Senior and Junior Level with clubs from the South West region accessing the facilities during the winter playing season. The South West Football League Teams will receive some benefit for the proposed facility upgrades in addition to the local community.

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 forward planning round for projects that are over \$500, 000. Applications for the forward planning grant round are to be submitted to the DLGSC Southwest Regional Office by 29 September 2023. Successful applications are expected to be advised by the end of January 2024.

The Bunbury Football Club CSRFF grant application is currently being prepared in conjunction with the Bunbury Football Club in preparation for submission prior to 29 September 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.

Council Policy Compliance

There are no Council policies applicable to CSRFF Program applications.

Legislative Compliance

Not applicable.

Officer Comments

The Bunbury Football Club in consultation with the City have advised the City of Bunbury their intention to submit a CSRFF forward planning grant application in the September 2023 round of funding for the refurbishment of the existing changerooms/ablutions to be unisex and suitable for female usage as well as construction of an additional female accessible changeroom.

The request is due to enable the club to upgrade the existing facilities to be suitable for female usage in line with the growth of female participants in the sport. The additional changeroom proposal is to be able to maintain suitable facilities in line with the current demands of growth within the sport and to ensure that future facilities are built in a manner that is accessible for both

genders. The total cost of this project is \$614, 437 excluding GST through a quantitative surveyor estimate from March 2023. The project is to be expended in the 2024/2025 financial year. It should be noted that the club are not requesting financial assistance from the City other than enabling a self supporting loan up to the value of \$100, 000 subject to both the grant being successful and meeting the requirements of the Self Supporting Loans Council Policy.

In 2015 the club undertook an internal review of the operations of the club and determined the vision, mission and core values for the next 15 years. Since the 2015 review and Strategic Plan, the club has grown from nine junior teams to twenty in addition to the Auskick junior program regularly exceeding 140 participants. In addition to the junior growth, there has been the introduction of female participation in the SWFL and growth in female participation. The Bunbury Football Club currently has 630 active members/players registered playing over the winter season of AFL.

This project will ensure that the facilities are maintained with the Club having further opportunity to increase participation and continue to retain and attract new members. The proposed upgrade will have some ancillary benefit to other groups as the club also share/provide facilities with Isports disability sports/activities group, Relay for Life and two darts associations. This will provide a benefit to the wider community to increase physical activity and utilisation in what is a growth sport.

The Executive Recommendation seeks approval to firstly support the CSRFF application as well as approving a self supporting loan up to \$100, 000 subject to meeting the requirements of the Self Supporting Loan Council Policy and the grant being approved. DLGSC are expected to announce successful grant applications by the end of January 2024.

The Bunbury Football Club will continue to own the refurbished changerooms/ablutions as well as the completed newly constructed changeroom. The Club is experienced in asset management and has prepared life cycle cost analysis to ensure that the proposed construction is well maintained to ensure longevity and has funds that it collects from members to place in a reserve for future replacement.

A quotation received on in March 2023 provided a total cost for the project of \$614, 437 excluding GST that covers all components of the work proposed. A price escalation and contingency for contract variation has been allowed for in the amount of 5%.

The source of funds for the project is as follows (which does not require City funding support);

DLGSC	\$204, 437
Club Cash	\$290, 000
Volunteer Labour	\$10, 000
Donated Materials	\$20, 000
WA Football Commission	\$70, 000
Private Donor	\$20, 000
Total (ex GST)	\$614, 437

The CSRFF forward planning grant has gained interest from one other club (Bunbury Netball Association) who wish to refurbish and upgrade the existing outdoor netball court surfaces, drainage and lighting with the existing netball court surface and lights having reached the end of their useful life. Their proposal is provided as a separate agenda Item and the recommendation is to support the Bunbury Netball Association application to be ranked 1st in priority when submitting to DLGSC.

Analysis of Financial and Budget Implications

The funding request from the Bunbury Football Club does not have any financial impact for the City other than providing the mechanism for a self-supporting loan up to the value of \$100, 000 in the 24/25 financial year for an agreed term of repayment subject to meeting the requirements of the Self Supporting Loan Council Policy.

Community Consultation

Nil

Councillor/Officer Consultation

The Chief Executive Officer, Director Sustainable Communities, Manager Community Facilities and Recreation Development Officer were consulted as part of this process.

Applicant Consultation

The Bunbury Football 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 forward planning grants funding round prior to the 29 September 2023 closing date.

As per the DLGSC website, applicants will be notified of the outcome of the application by the end of January 2024 with work to be completed by 15 June 2025.

Outcome of Meeting 26 September 2023

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

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 199/23

That Council:

- 1. Support the Bunbury Football Club Community Sporting and Recreation Facilities Fund (CSRFF) forward planning grant application.***
- 2. Approve a self-supporting loan for an amount of up to \$100, 000 subject to meeting the requirements of the Self Supporting Loan Council Policy and the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSC).***
- 3. Rank the Bunbury Football Club CSRFF Grant Application as 2nd in CSRFF Grant Priority submission to DLGSC.***

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

10.18 Bunbury Netball - Community Sporting and Recreation Facilities Fund Program (CSRFF) – September 2023 Forward Planning Round (listed as 10.4.3 in the agenda)

File Ref:	COB/6065
Applicant/Proponent:	Bunbury Netball Association
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"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.4.3-A Site Location Map – Bunbury Netball

Summary

The Bunbury Netball Association are seeking the City's support to enable a Community Sporting and Recreation Facilities Fund (CSRFF) forward planning round grants application for the September 2023 round of funding submissions. This is for works to be carried out in the 2024/2025 financial year. The application is for the refurbishment and upgrade of the existing outdoor netball court surfaces, drainage and lighting with the existing netball court surface and lights having reached the end of their useful life.

Executive Recommendation

That Council:

1. Support the Bunbury Netball Association Community Sporting and Recreation Facilities Fund (CSRFF) forward planning grant application.
2. Support the allocation of \$994,631 excluding GST from the 2024/2025 budget subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSC).
3. Rank the Bunbury Netball Association CSRFF Grant Application as Number 1 in CSRFF Grant Priority submission to DLGSC.

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 Bunbury Netball Association is the host association for ten clubs that encompass Bunbury, Dalyellup, Gelorup and Collie. While the bulk of the clubs are from Bunbury, the outdoor netball courts located at Hay Park provide facilities that benefit the greater Bunbury area which also plays host to hosted regional competitions during the netball season over winter.

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 forward planning round for projects that are over \$500, 000. Applications for the forward planning grant round are to be submitted to the DLGSC Southwest Regional Office by 29 September 2023. Successful applications are expected to be advised by the end of January 2024.

The Bunbury Netball Association CSRFF grant application is currently being prepared in conjunction with the Bunbury Netball Association in preparation for submission prior to 29 September 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 Bunbury Netball Association request support for the refurbishment and upgrade of the existing outdoor netball court surfaces, drainage and lighting with the existing netball court surface and lights having reached the end of their useful life.

Council Policy Compliance

There are no Council policies applicable to CSRFF Program applications.

Legislative Compliance

Not applicable.

Officer Comments

The Bunbury Netball Club in consultation with the City have advised the City of Bunbury their intention to submit a CSRFF forward planning grant application in the September 2023 round of funding for the refurbishment and upgrade of the existing outdoor netball court surfaces, drainage and lighting with the existing netball court surface and lights having reached the end of their useful life in addition to not meeting the current standards. Normally this application would be covered

across two grants (CSRFF and Club Night Lights Grant), however due to the scope of the refurbishment and after discussion with the Peel/South West Regional Manager for DLGSC it was advised that in this instance that one grant be placed for the forward planning grant application process for consideration.

The project would cover the following elements:

- Replacement and upgrade of drainage
- Replacement of subbase and reconfiguration of courts to current standards
- Re-surface sports court surface/line markings
- Replace fencing/path reinstatement.
- Lighting upgrade to LED technology

The total cost of this project is estimated to be \$1,611 141 excluding GST through quotations and cost estimates provided by the City and external contractors. The proposed project is to be expended in the 2024/2025 financial year and will be partly funded by the City, Bunbury Netball Association, Federal Grant and DLGSC (pending grant approval).

Originally the project was to encompass a surface re-seal and lighting upgrade, however once the Netball Australia Facility Guidelines were provided it showed that the existing court size configurations did not reflect the current court layout. This is due to the age of the existing netball courts not undergoing a subbase refurbishment since they were 1st sealed (1970's) and standards changing over this period. The main difference highlighted within the guidelines showed that the court run off dimension for players, umpires and spectators is not sufficient.

The increased run off requirements require alteration to the configuration of the courts which would result in fencing, drainage and subbase work to be carried out that was not previously planned as part of the original project. These elements have had a significant influence on the overall cost.

Of the existing fourteen courts, two of them have been deemed not suitable for use and have not been utilised over the last six years. The eleven light towers that are currently in use are 35 years old and utilise the now redundant halogen light technology.

Once completed the project will provide twelve compliant outdoor netball courts with all spectator/player run offs, new fencing and upgrade to LED lighting as well as refurbishment of the below ground infrastructure. Of the courts, two of them will be dual purposed for outdoor basketball usage as well as netball. The lighting upgrade will be more efficient for the future and has been economised to have a design that only requires six light poles rather than the eleven that currently exists.

The Bunbury Netball Association is most active as a winter sport as is normal for the netball season where the association hosts a district competition with ten clubs participating. The Bunbury Netball Association recently celebrated its 75th anniversary of operation in 2022 and has a membership base of approximately 500 registered players between 5-16 years. The association also conducts spring and summer competitions for participants of all ages.

This project will ensure that the facilities are maintained with the association having further opportunity to increase participation and maintain a safe playing environment. 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 a contribution of \$994, 631 ex GST for the 2024/2025 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 January 2024. Currently the funding is not contained within the 2024/2025 budget/long term financial plan. The Club will provide a contribution of \$80, 000 towards this project which represents all available funds that the club can currently offer.

There will be further quantitative surveying (QS) work undertaken to refine costings for this project prior to the grant being submitted. Some quotations have been received for lighting and sports court surfacing from contractors for inclusion in the grant submission. Other cost estimates have been provided by the infrastructure team and will be further validated. A price escalation and contingency for contract variation has been allowed for in the financial figures provided.

The CSRFF forward planning grant has gained interest from one other club (Bunbury Football Club) who wish to upgrade one of their existing changerooms to unisex and provide female change room facilities. Their proposal is provided as a separate agenda Item and while the recommendation is to support their application, the recommendation is for the Bunbury Netball Association application be ranked 1st in priority when submitting to DLGSC.

Analysis of Financial and Budget Implications

The funding request from the Bunbury Netball Association is not included in the current long term financial plan. The proposed funding sources is as follows.

-	DLGSCI	\$536,510	
-	City of Bunbury	\$994,631	
-	Bunbury Netball Association	<u>\$80,000</u>	
	TOTAL	\$1,611,141	excluding GST

Community Consultation

Nil

Councillor/Officer Consultation

The Chief Executive Officer, Mayor, Director Infrastructure, Director Sustainable Communities, Manager Community Facilities, Manager Infrastructure Maintenance Services and Manager Projects and Asset Maintenance were consulted as part of this process.

Applicant Consultation

The Bunbury Netball Association 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 forward planning grants funding round prior to the 29 September 2023 closing date.

As per the DLGSC website, applicants will be notified of the outcome of the application by the end of January 2024 with work to be completed by 15 June 2025.

Outcome of Meeting 26 September 2023

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

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 200/23

That Council:

- 1. Support the Bunbury Netball Association Community Sporting and Recreation Facilities Fund (CSRFF) forward planning grant application.***
- 2. Support the allocation of \$994,631 excluding GST from the 2024/2025 budget subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSC).***
- 3. Rank the Bunbury Netball Association CSRFF Grant Application as Number 1 in CSRFF Grant Priority submission to DLGSC.***

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

10.19 Proposed City of Bunbury Bush Fire Brigade Local Law 2023 (listed as 10.1.8 in the agenda)

File Ref:	COB/5421
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Mark Allies, Team Leader Rangers & Emergency Management
Responsible Manager:	Sarah Upton, Manager Community Wellbeing Greg Golinski, Manager Governance
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.8-A: Proposed City of Bunbury Bush Fire Brigade Local Law 2023 Appendix 10.1.8-B: Bunbury Bush Fire Brigade Operating Procedures

Summary

The purpose of this item is for Council to consider submissions received in relation to the previously advertised draft City of Bunbury Bush Fire Brigade Local Law 2023 (the local law).

Committee Recommendation

That Council:

1. Notes that one submission was received during the statutory advertising period regarding the draft City of Bunbury Bush Fire Brigade Local Law 2023.
2. Agrees to make minor amendments to the draft City of Bunbury Bush Fire Brigade Local Law 2023 as detailed within this report and reflected in Appendix 10.1.8-A.
3. Agrees that the amended City of Bunbury Bush Fire Brigade Local Law 2023 is not significantly different from what was previously proposed (reference Council Decision 035/23).
4. Adopts the City of Bunbury Bush Fire Brigade Local Law 2023 as presented at Appendix 10.1.8-A.
5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.

*Voting Requirements: **Absolute Majority required***

Strategic Relevance

Pillar	Planet
Aspiration	A healthy and sustainable ecosystem
Outcome No. 6	An aware and resilient community equipped to respond to natural disasters and emergencies
Objective No. 6.1	Minimise risks and impacts from fires, floods, heatwaves, and other natural disasters

Regional Impact Statement

Fire and other emergencies are prevalent right across Western Australia, particularly the Southwest due to its high density of rural spaces and natural bushland. BFB's are necessary to minimise the impact of fire and other natural disasters within our community and the Greater Bunbury/Geographe regions.

Creation of a relative local law ensure the BFBs have the necessary guidance, and personal liability protection, to ensure continuity of service in addition to the health & wellbeing of all volunteers.

Background

The City of Bunbury Establishment, Maintenance and Equipment of Bush Fire Brigades Local Law was first adopted by Council on 20 July 1992. Since that time the Local Law has not seen any amendments made to it.

In reviewing the existing Local Law, Officer's consider that the additions required to modernise this local law are substantial enough to require the previous version be repealed and a new Local Law created.

At its meeting held on 14 March 2023, Council agreed to give public notice of its intention to make a new Bush Fire Brigade Local Law (refer Council Decision 035/23). The proposed local law was advertised in the prescribed manner between 15 March 2023 and 31 May 2023, far exceeding the minimum statutory advertising period of 42 days.

Council Policy Compliance

Reviewing local laws is within the terms of reference of the Policy Review and Development Committee.

Legislative Compliance

Section 3.12 of the *Local Government Act 1995* outlines the process for the creation of a new local law and is applicable.

Officer Comments

Elected Members will note that the **purpose** of the proposed local law is to repeal the existing Establishment, Maintenance and Equipment of Bush Fire Brigades Local Law and to establish the requirements and conditions with which any volunteers acting on behalf of the Bush Fire Brigade must comply.

The **effect** of the proposed local law is to provide for the regulation, control and management of Bush Fire Brigades within the City of Bunbury.

The City received one formal submission during the consultation period, being from the Department of Local Government, Sport and Cultural Industries (DLGSCI). The comments and officer response is summarised in the table below.

Furthermore, Officers have initiated one administrative change, changing the reference within the local law from the "Brigade Rules" to the "Bunbury Bushfire Brigade Operating Procedures". The operating procedures are effectively a more comprehensive version of the previous Brigade Rules, as they also now incorporate DFES Standard Operating Procedures, as well as applicable procedures from the City of Bunbury (ie the City of Bunbury code of conduct), resulting in a single

comprehensive document. The Bunbury Volunteer Bush Fire Brigade was involved in the drafting of the operating procedures, which are attached at Appendix 10.1.8-B.

#	DLGSCI Comment	CoB Officer Response
1	DLGSCI suggested that an application clause be included in the local law, to clarify that the local law applies only within the district.	Accept. The local law has been updated to include a new subclause 1.1(2), which reads <i>"This local law applies throughout the district"</i> .
2	Minor edits – DLGSCI suggests some minor typographical edits relating specifically to how parentheses are used.	Accept. Document amended accordingly.

Notwithstanding the proposed amendments listed above, DLGSCI has found no major problems with the proposed local law. It is therefore recommended that Council adopts the proposed City of Bunbury Bush Fire Brigade Local Law 2023 as presented at Appendix 10.1.8-A (noting this incorporates any changes noted in the table above).

Analysis of Financial and Budget Implications

Advertising and gazettal costs can be accommodated within the 2023/24 budget.

Community Consultation

To fulfil the statutory requirements of the Local Government Act and enable the community to contribute to the Council's decision making, through open and accountable processes, the City of Bunbury offered the proposed Local Law to 75 days of community consultation which is in excess of the 42 days prescribed in the *Local Government Act 1995*.

Councillor/Officer Consultation

This matter is presented to Council by the PRDC for consideration. The proposed local law review was generated following an audit commenced by the Department of Fire and Emergency Services (DFES) who noted numerous local governments did not have compliant local laws. The new local law is presented to the PRDC for consideration and recommendation to Council.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

30 August 2023: Review by PRDC

26 September 2023: Consideration at OCM

Outcome of Meeting 26 September 2023

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

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

Council Decision 201/23

That Council:

- 1. Notes that one submission was received during the statutory advertising period regarding the draft City of Bunbury Bush Fire Brigade Local Law 2023.***
- 2. Agrees to make minor amendments to the draft City of Bunbury Bush Fire Brigade Local Law 2023 as detailed within this report and reflected in Appendix 10.1.8-A.***
- 3. Agrees that the amended City of Bunbury Bush Fire Brigade Local Law 2023 is not significantly different from what was previously proposed (reference Council Decision 035/23).***
- 4. Adopts the City of Bunbury Bush Fire Brigade Local Law 2023 as presented at Appendix 10.1.8-A.***
- 5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.***

CARRIED BY ABSOLUTE MAJORITY
9 votes “for” / Nil votes “against”

10.20 City of Bunbury Advocacy Priorities (listed as 10.3.1 in the agenda)

File Ref:	COB/5571						
Applicant/Proponent:	Internal Report						
Responsible Officer:	Coni Zangari - Senior Strategic Partnerships, Advocacy and Funding Officer						
Responsible Manager:	Jordan Hunt, Acting Manager Strategy, Projects and Communication						
Executive:	Karin Strachan, Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input checked="" 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 checked="" type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input checked="" type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Nil						

Summary

The purpose of this report is for Council to endorse the City of Bunbury's strategic advocacy priorities. The quantity of priorities identified is in-line with the agreed CEO KPI requirements and will be reported on quarterly as part of these requirements.

Executive Recommendation

That Council:

1. Endorse the City of Bunbury's strategic advocacy priorities (Phase 1) as presented in this report.
2. Endorse Advocacy Topic "Advocate for a pilot project for the installation of artificial reef/s along Bunbury's coastline to support environmental outcomes including coastal protection, as well as providing surfing and recreational fishing opportunities and economic development benefits" to be added to Phase 2 Advocacy priority list and to be workshopped and Council endorsed by July 2024.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Our advocacy efforts to Federal and State governments will influence and raise awareness of the strategic advocacy priorities noted in this report. These priorities provide a unified approach, seeking to influence key stakeholders around matters critical to helping Bunbury fulfil our vision of being 'welcoming and full of opportunities.'

Background

Council were presented with the City of Bunbury strategic advocacy priorities at a workshop held 1 August 2023. The purpose of the workshop was to provide clarity to Elected Members on how the City of Bunbury's advocacy priorities were determined and the advocacy approach moving forward.

The strategic advocacy priorities presented at the workshop are noted in the table below.

Advocacy Topic	The City of Bunbury is advocating for
Advocate for sustainability and climate change initiatives.	The City to be a leader in sustainability and achieve corporate net zero emissions whilst supporting and encouraging the community to live in an environmentally sustainable way.
Advocate for increased financial support of regional sporting, arts and cultural facilities.	The City to drive State and Federal policy discussion around the equitable funding and support for regional infrastructure as well as working collaboratively with surrounding Bunbury-Geographe Councils to solve the funding inequities in the region.
Advocate for funding for a Bunbury destination marketing campaign to counteract the potential loss of visitation from the BORR.	State government commitment of capital to fund tourism and signage infrastructure with the goal of building awareness of Bunbury as a preferred visitation destination for those using the completed Bunbury Outer Ring Road.
Advocate for the Kemerton Strategic Industrial Area to be development ready.	Land to be more readily available for significant users, leading to stronger economic growth and opportunity across the City.
Advocate for increased affordable housing options in the City of Bunbury.	State and Federal government to commit direct investment into affordable housing options within the City of Bunbury, including where state government funded projects impact on housing availability in Bunbury.
Advocate for the City of Bunbury to be the preferred site for economic development outside of the Perth metropolitan area.	Further diversification of Bunbury's economic base thus providing access to infrastructure, technology, training, education and research.
Advocate for Stanley Road to be a key element of the South West regional waste management solution.	The City to seek that the BHRC Stanley Road Waste Management Facility is incorporated into the State's Waste Infrastructure Strategy as a key regional solution for the South West, and that funding is provided by the State government for this outcome.

Council Policy Compliance

No Council Policy applies in this instance.

Legislative Compliance

Not applicable.

Officer Comments

It is requested that Council endorses the strategic advocacy priorities noted in this report on the basis that to formally advocate priorities as a City, we are supporting the needs, desires and wants of our Bunbury community by being their voice. The City advocates daily across all pillars of the Corporate Business Plan, to support achieving the outcomes of our Strategic Community Plan.

Analysis of Financial and Budget Implications

Not applicable.

Community Consultation

Community priorities as identified in the *MARKYT® Community Scorecard*.

Councillor/Officer Consultation

Elected Members were presented with the City of Bunbury's strategic advocacy priorities for feedback and consultation at a workshop held 1 August 2023. The priorities referenced within this report form 'Phase 1' of the City of Bunbury strategic advocacy priorities.

During the 1 August 2023 workshop, Council identified additional draft strategic advocacy priorities for consideration as part of a 'Phase 2' focus. Future Council consultation will take place at a strategic workshop scheduled for July 2024 where further discussion and prioritisation of 'Phase 2' draft strategic advocacy priorities will occur.

Applicant Consultation

The Chief Executive Officer, Director Strategy and Organisational Performance, Director Sustainable Communities and Director Infrastructure have participated in several advocacy workshops with the Manager Strategy, Projects and Communications, Team Leader Strategy and the Senior Strategic Partnerships, Advocacy and Funding Officer.

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 26 September 2023

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

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

Council Decision 202/23

That Council:

- 1. Endorse the City of Bunbury's strategic advocacy priorities (Phase 1) as presented in this report.***
- 2. Endorse Advocacy Topic "Advocate for a pilot project for the installation of artificial reef/s along Bunbury's coastline to support environmental outcomes including coastal protection, as well as providing surfing and recreational fishing opportunities and economic development benefits" to be added to Phase 2 Advocacy priority list and to be workshopped and Council endorsed by July 2024.***

CARRIED

8 votes "for" / 1 vote "against"

Cr Ghasseb voted against, all other Councillors and the Mayor voted for.

10.21 Proposed Scheme Amendment No.9 to City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses at Lot 8 (#59) Stirling Street, Bunbury (listed as 10.4.1 in the agenda)

File Ref:	DD/12/2023/2/1
Applicant/Proponent:	Kanella Hope, Planned Focus
Responsible Officer:	Alice Baldock, Senior Planning Officer
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.4.1-A: Scheme Amendment No.9 Report Appendix 10.4.1-B: Proposed Modifications Appendix 10.4.1-C: Schedule of Submissions

Summary

Scheme Amendment No.9 has been prepared by Planned Focus on behalf of the landowner of Lot 8 (#59) Stirling Street, Bunbury. At its Ordinary Meeting of 23 May 2023, Council resolved to adopt and advertise the proposed standard scheme amendment for public comments.

The amendment has been publicly advertised and referred to the relevant service authorities for comment. The proposed standard amendment is now presented to Council in order to seek a resolution to support the amendment subject to the recommended modifications prior to being referred to the Western Australian Planning Commission (WAPC) for its consideration and recommendation to the Minister.

Officers recommend an additional condition is required to limit the number of on-street car bays available to the service the development to 10 bays or at the discretion of the local government, to limit the impact on the amenity of surrounding residents.

Executive Recommendation

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

1. Advise the Western Australian Planning Commission that the local government resolves to support the proposed standard Scheme Amendment No. 9 to the City of Bunbury Local Planning Scheme No. 8 subject to modifications contained in Appendix 10.4.1-B.
2. Provide the advertised scheme amendment documentation to the Western Australian Planning Commission.

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.
Pillar	Prosperity

Aspiration	A strong and diversified economy.
Outcome 11	A strong, resilient and diverse economic hub for the South West.
Objective 11.3	Support local business innovation and success.

Regional Impact Statement

The proposed amendment will not have a regional impact.

Background

The subject land is zoned Residential R15/40 under Local Planning Scheme No.8 (LPS8 or the Scheme) and is located within the East Bunbury Heritage Area. The subject site is bounded by residential properties on all sides and is located 300m east of the Bunbury Regional Centre Zone.

The subject site is listed on the Local Heritage List and State Heritage Register (Place No. 05710), with the original building constructed in 1897 being later as used and a hardware store and dwelling. The building was used as a general store and bakery for 81 years with a replica windmill being placed on the roof at the front of the building, resulting in the name of the 'Red Mill Store'.

The building is a Victorian style two-storey terrace store and residence (1897) with a single-storey shop extension (1927) to its eastern side. A ground floor residential wing is located behind the commercial ground floor tenancies, including a garage, carport and rear yard.

The two commercial ground floor tenancies currently have approval for an 'Exhibition Centre' and are used by Studio Milton and Reside Studio. The intent of the scheme amendment is to facilitate several additional uses of a commercial and tourism related nature to enable the continued occupation and preservation of this heritage listed building.

The Studio Milton tenancy wishes to broaden the scope of their business model by offering a broader range of items for purchase. This may include a small boutique style liquor store with a broader range of artisan and convenience items. The current land use for the subject site has non-conforming use rights, however any additional commercial based land uses outside the scope of the non-conforming use rights is currently not permissible based on the 'Residential' zoning of the land.

Prior to submitting the scheme amendment, the applicant met with City Officers onsite and sought preliminary comments with regards to the proposed additional land uses and associated conditions. Advice was provided regarding the proposed land uses and potential impacts on car parking and residential amenity. Whilst Officers are supportive of additional uses for the subject site, this needs to be balanced with potential impacts on surrounding residents.

A full copy of the Scheme Amendment report can be found at Appendix 10.4.1-A.

Council Policy Compliance

There is no Council policy that relates to the assessment of the Scheme Amendment.

Legislative Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are of relevance to considering this proposed standard amendment to the Scheme:

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015;

- City of Bunbury Local Planning Strategy 2018; and
- City of Bunbury Local Planning Scheme No. 8 (LPS8).

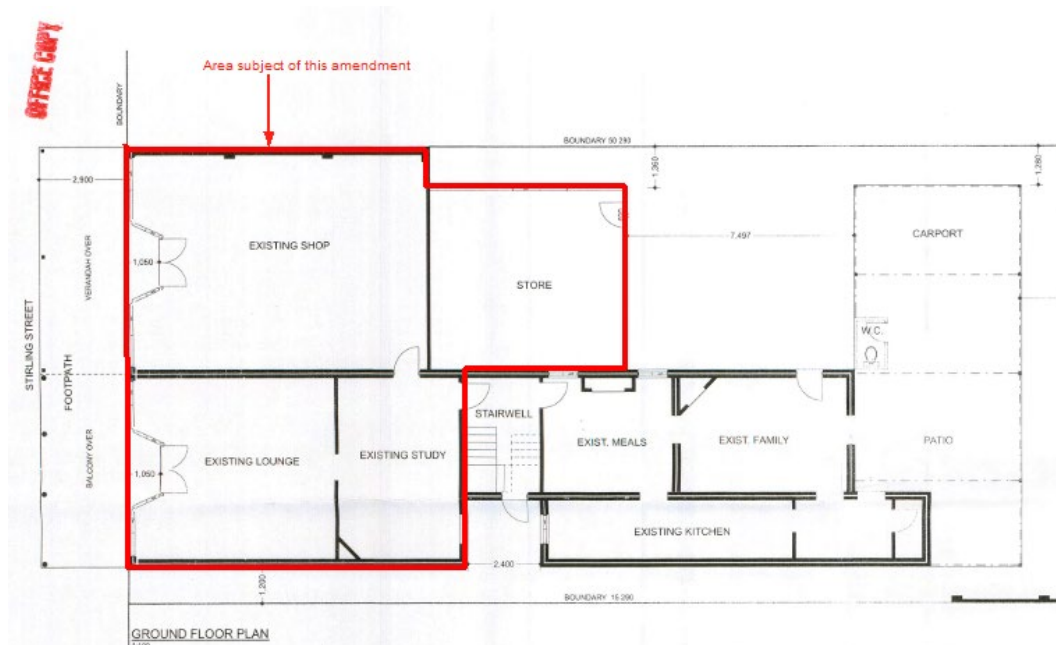
Officer Comments

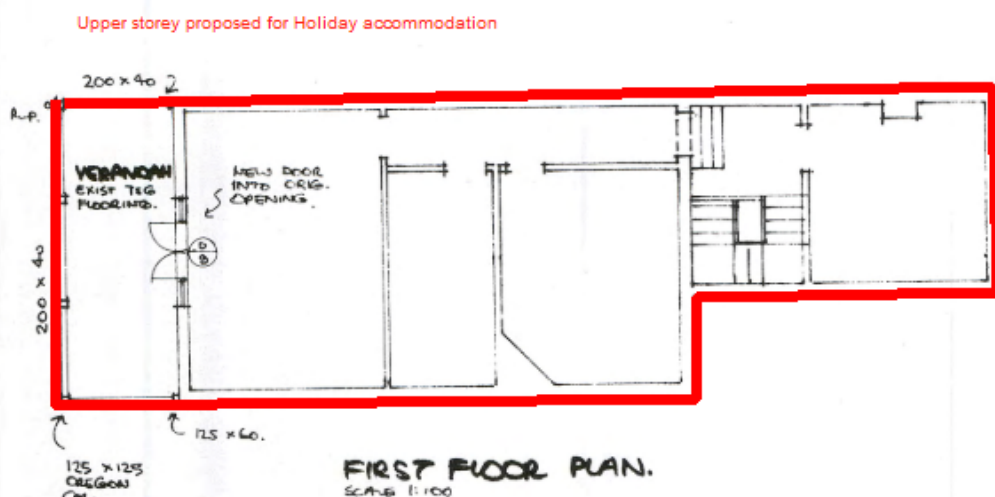
The proposed scheme amendment has been assessed against the relevant State and Local policy framework and is consistent with the framework. The amendment is therefore considered to be a standard scheme amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

As part of the scheme amendment application the applicant has proposed to introduce Additional Uses as follows which are all, other than the 'Liquor store – small', limited to a maximum net lettable area (NLA) of 180m²:

- 'Art gallery'
- 'Holiday accommodation'
- 'Office'
- 'Shop',
- 'Educational establishment'
- 'Exhibition centre'
- 'Liquor store – small' (limited to a maximum NLA of 70m²) and
- 'Restaurant/café'

These Additional Uses are proposed to apply to the building's existing commercial area, subject to obtaining relevant development approvals as required. The amendment includes potential for a single 'Holiday accommodation' apartment above the commercial floor area, whilst preserving the existing dwelling at the rear.





The proposed Additional Uses include conditions which restrict the size of the land uses and requires an Operational Management Plan (OMP) for each proposal to control the number of patrons, noise, waste and hours of operation. An OMP would be required to be submitted at the development application stage and would be appropriately conditioned to reflect each business model.

Upon assessment of the proposed land uses, City Officers recommend a restriction on the maximum number of on-street car parking bays that can be utilised.

Residential Zone Objectives

The proposed additional land uses have been assessed against the objectives of the 'Residential' zone under LPS8 and are considered to be appropriate, subject to the modified scheme amendment conditions. In addition, it is noted that an application for development approval would be required prior to any of the land uses occupying the site. Through this process, each business model will be assessed against the requirements of the Scheme and matters to be considered under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Objective	Assessment
To provide for a range of housing and a choice of residential densities to meet the needs of the community.	Not applicable.
To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.	Not applicable. The original two-storey terrace shop and residence building was constructed in 1897 and the single storey shop addition in 1927. The proposal does not involve any material changes to the building, however facilitates the ongoing use of the site for commercial purposes.
To provide for a range of non-residential uses, which are compatible with and complementary to residential development.	Meets objective. The subject site has accommodated non-residential land uses for a number of decades, including a general store for 80 years and more recently an 'exhibition centre'. The proposed scheme amendment is to

	<p>facilitate the continued use of the original ground floor building for commercial uses that are compatible with surrounding residential dwellings.</p> <p>The proposed land uses and associated conditions restricting the NLA floor space and requirement for an OMP addressing hours of operation, maximum number of patrons and the management of noise and waste, shall adequately mitigate potential amenity impacts to ensure the land uses are compatible with the zone.</p> <p>It is noted that a development application would be required to be lodged to consider the proposed land uses. It is considered at this stage a more detailed assessment of the proposed business model would occur against the matters to be considered under clause 67 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
To preserve and enhance residential amenity in relation to competing land uses and urban design issues within residential neighbourhoods through appropriate housing types, forms and densities, and provision of private and public open spaces that contribute to the city's landscape character.	<p>Meets objective.</p> <p>Whilst the scheme amendment is seeking additional commercial uses within the Residential zoned lot, the conditions are considered to appropriately control the scale and impact of the proposed land uses to preserve the residential amenity of the area.</p>

Car Parking

In considering the proposed land uses, an assessment against the Scheme's minimum car parking requirements have been undertaken against the maximum proposed NLA restrictions (see table below) proposed by the applicant.

Car parking requirement	Assessment on Proposed NLA
Art Gallery As determined by the local government.	Unable to determine at this stage. Determination is based on the business model and would be assessed at the development application stage.
Holiday Accommodation In accordance with the Residential Design Codes for grouped and/or multiple dwelling.	Maximum 2 bays.
Educational establishment (Tertiary) 1 bay per 4 students the premises is designed and approved to accommodate; plus 1 bay per employee.	Unable to determine at this stage. To be assessed at the development application stage. The number of patrons could be restricted through the OMP to ensure it reflects the immediately available on street parking.
Exhibition centre 1 bay per 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.	Unable to determine at this stage. The number of patrons could be restricted through the OMP to ensure it reflects the immediately available on street parking.

Liquor store – small 1 bay per 20 square metres of nla; plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.	4 car bays required for an NLA of 70m ² .
Office 1 bay per 30 square metres of nla.	6 car bays required for an NLA of 180m ² .
Restaurant/café 1 bay per 15 square metres of nla.	12 car bays required for an NLA of 80m ² .
Shop 1 bay per 20 square metres of nla.	9 car bays required for an NLA of 180m ² .

It is acknowledged that the NLA for each proposed land use in practicality should be smaller than 180m², as the definition of NLA does not include toilets, cleaners cupboards, tea rooms and other service area. A floor plan would be submitted at the development application stage to accurately assess the NLA for each proposed land use.

It is noted that there is no parking provided on site and it is acknowledged that at the time the building was constructed no onsite parking was required. There are currently 7 on-street parking bays directly fronting the subject site and 10 bays in the immediate area (see aerial image below) which are proposed to be retained in the proposed Safe Active Streets upgrade by the City.



Based on the above maximum car parking calculations for the NLA floor area proposed by the applicant, the maximum car parking generation for the proposed land uses (including a mix of land uses) would be 12 bays. It is noted that an educational establishment or exhibition centre would generate more than 12 bays depending on the number of students/patrons.

Officers are recommending a modification to the scheme amendment to include a condition that will limit the number of on-street car parking bays along Stirling Steet to service the development to 10 bays, or at the discretion of the local government. It is considered that by limiting the number of car bays that it will suitably control the NLA for the proposed land uses. Any variation to the 10 bays would need to demonstrate at the development application stage that it does not adversely impact the owners/occupiers in the general locality.

Car parking requirements and traffic for each land use would be considered at the development application stage and may require a Traffic Impact Statement to be submitted if there is more than 10 vehicle trips in a peak hour associated with the use.

Amenity and Character of the Area

The proposed land uses have been assessed in terms of their appropriateness and scale for the existing character of the area, which is characterised by single dwelling development in a heritage area.

It is considered that each land use meets the objectives of the Residential Zone and will be considered in more detail at the development application stage. Each proposal will be assessed against the Scheme requirements and relevant matters to be considered under clause 67 of the *Planning and Development (Local Planning Schemes) Regulation 2015* which addresses traffic, amenity impacts and compatibility of the development in its setting.

Analysis of Financial and Budget Implications

There are no known financial or budgetary implications of progressing a standard amendment to the Local Planning Scheme.

Community Consultation

The scheme amendment was advertised to surrounding landowners/occupiers and the State Heritage office. A notice was placed on the website and newspaper and a sign was placed onsite in accordance with clause 64 of the deemed provisions.

Public Submissions

A total of 45 submissions were received during public advertising, with 2 submissions of objection and 43 submissions of support for the proposal. The main issues of objection raised in the submission for the scheme amendment related to increased traffic, concerns regarding car parking and impact on residential amenity. It is noted that no submissions of objection were received from neighbours directly abutting or adjacent to the proposal.

A full copy of the submissions are contained in Appendix 10.4.1-C.

State Heritage Office

The proposal was referred to Department of Planning, Lands and Heritage (DPLH) for comment, particularly with regards to the state heritage listing of the building. DPLH raised no objections to the proposal and advised that the additional uses are generally compatible with the heritage values of the place.

Councillor/Officer Consultation

The proposal has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report. The City's Engineering and Environmental Health departments raised no comments. Officers liaised with the Building department to ensure that the proposed ground floor commercial uses did not require building alterations or a change of building classification under the Building Code of Australia.

It is noted that the proposed 'Holiday accommodation' land use on the upper floor would likely require a change of classification and building alteration to provide equal access. It is considered that this could be appropriately managed through a development application to ensure the original building fabric is not damaged.

Applicant Consultation

A copy of the Officer's recommended modifications have been provided to the applicant.

Timeline: Council Decision Implementation

Council's resolution (recommendations) together with the amendment documentation will be submitted to the WAPC. Referral to the Commission can be expected to be undertaken within 21 days of the Council decision.

Outcome of Meeting 26 September 2023

Greg Navarro provided a deputation to Council in relation to this item.

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

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

Council Decision 203/23

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

- 1. Advise the Western Australian Planning Commission that the local government resolves to support the proposed standard Scheme Amendment No. 9 to the City of Bunbury Local Planning Scheme No. 8 subject to modifications contained in Appendix 10.4.1-B.***
- 2. Provide the advertised scheme amendment documentation to the Western Australian Planning Commission.***

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

11. Applications for Leave of Absence

Nil

12. Motions on Notice

Nil

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

The following questions were taken on notice at the 5 September 2023 Ordinary Council Meeting and are presented with responses from the Chief Executive Officer.

Councillor Andrew

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.

Response

The City owns a number of facilities and has undertaken a program of accessibility improvements as part of its MARCIA program. In addition to the City owned buildings, there are a number of ground leases where the City owns the land but the buildings are owned by the lessor. Under these lease arrangements the City does not have control over the building maintenance and cannot force Lessees with privately owned buildings to make their premises more accessible.

In circumstances where the City is not the building owner, and in the absence of any regulatory breaches, the City takes an educational approach and encourages the Lessees to assess their buildings for accessibility and make improvements where possible. The City has recently written to all leaseholders advising that the City of Bunbury’s Disability Access and Inclusion Plan (DAIP) 2023-2028 had recently been endorsed by Council and provided a copy of this document. Lessees were also encouraged to take advantage of a free service from Advocacy WA to undertake accessibility audits. The City will continue to work with lessees to educate them on the benefits and opportunities to create more accessible spaces.

13.2 Questions from Members

Nil

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

Nil

15. Meeting Closed to Public

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

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

Council Decision 204/23

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

15.1.1 Request for Tender RFT2324/016 Leschenault Marine Wall Renewal

15.1.2 Application for Payment of Legal Representation Costs

10.1.14 CEO Performance and Remuneration Review July 2022 – June 2023

CARRIED UNANIMOUSLY

9 votes "for" / Nil vote "against"

Councillor Yip made a declaration of confidentiality pursuant to regulation 13CA(5) stating that she would be able to maintain confidentiality for the duration of the closed part of the meeting.

The meeting was closed to the public at 5:45pm.

15.1 Matters for which the Meeting may be Closed

15.1.1 Request for Tender RFT2324/016 Leschenault Marine Wall Renewal

File Ref:	RFT2324/016
Applicant/Proponent:	Internal
Responsible Officer:	Jenelle O'Reilly, Contracts and Procurement Officer Alec Williams, Contracts and Procurement Officer Coleen Smythe, Project Coordinator
Responsible Manager:	David Ransom, Manager Finance Aaron Lindsay, Manager Projects and Asset Management
Executive:	Gavin Harris, Director Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix CRUSC- 1: RFT2324/016 Leschenault Marine Wall Renewal

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

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

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

Outcome of Meeting 26 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 to become the Council's decision on the matter.

Council Decision 205/23

That the Council:

- 1. Approve the increase to the budget for PR-5105 Renew Foreshore Marine Walls 2023/24 from \$1.2M up to \$1.4M, with the additional \$200K to be reallocated from PR-4877 Renew/Upgrade Local Roads Strickland Street.***
- 2. Pursuant to RFT2324/016 - Leschenault Marine Wall Renewal, accept the tender from SMC Marine Pty Ltd (ABN 48 096 465 333) for the price of \$1,194,787.97 excluding GST, subject to minor variations to be negotiated in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996 (FG Regulations);***
- 3. Delegates power and authority to the Chief Executive Officer to negotiate and agree with SMC Marine Pty Ltd (ABN 48 096 465 333) minor variations in accordance with Regulation 20 of the FG Regulations, subject to there being sufficient funds available within the approved expenditure budget;***
- 4. Subject to resolutions 1 and 2, authorise the Chief Executive Officer to enter into a contract with SMC Marine Pty Ltd (ABN 48 096 465 333) to provide the Leschenault Marine Wall Renewal.***

- 5. *Following entry into the contract, negotiate variations with SMC Marine Pty Ltd (ABN 48 096 465 333) to the respective Contracts, subject to there being sufficient funds available within the approved budget expenditure for that project or line item.***

CARRIED BY ABSOLUTE MAJORITY
9 votes “for” / Nil votes “against”

15.1.2 Application for Payment of Legal Representation Costs

File Ref:	RFT2324/016
Applicant/Proponent:	Internal
Responsible Officer:	Mal Osborne, Chief Executive Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<div><input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial</div> <div><input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes</div> <div><input checked="" type="checkbox"/> Legislative</div>
Attachments:	Appendix CRUSC- 2: Application for Payment of Legal Representation Costs

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

(b) the personal affairs of any person

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 26 September 2023

Councillor Ghasseb left the chamber at 5:46pm and did not return for the remainder of the meeting.

The following motion was moved by Cr Kozisek and seconded by Cr Quain:

That Council approve the payment of legal representation costs as detailed within Confidential Report CRUSC-2 to the value of \$6,000.

The Mayor put the motion to the vote, and it was LOST 2 votes for / 6 votes against.
Councillors Kozisek and Quain voted for.
Mayor Miguel and Councillors Andrew, Giles, Smith, Turner and Yip voted against.

Councillor Yip moved a motion that she had foreshadowed during debate as follows:

That Council approve the payment of legal representation costs as detailed within Confidential Report CRUSC-2 to the value of \$3,000.

The motion was seconded by Cr Kozisek.

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

Council Decision 206/23

That Council approve the payment of legal representation costs as detailed within Confidential Report CRUSC-2 to the value of \$3,000.

CARRIED

5 votes "for" / 3 votes "against"

Councillors Andrew, Kozisek, Quain, Smith and Yip voted "for"

Mayor Miguel and Councillors Giles and Turner voted "against"

15.1.3 CEO Performance and Remuneration Review July 2022 – June 2023 (listed as 10.1.14 in the agenda)

File Ref:	COB/515						
Applicant/Proponent:	CEO Performance Review Committee						
Responsible Officer:	Greg Golinski, Manager Governance						
Responsible Manager:	Greg Golinski, Manager Governance						
Executive:	Karin Strachan, Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Review</td></tr><tr><td><input type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Legislative</td><td><input type="checkbox"/> Information Purposes</td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Review	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Information Purposes
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Review						
<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Information Purposes						
Attachments:	Confidential Appendix 10.1.14-A Summary Report CEO Performance and Remuneration Review (under separate cover)						

Summary

This report considers the annual review of performance and remuneration for Mr Mal Osborne, Chief Executive Officer (CEO), for the period 1 July 2022 to 30 June 2023, which has been carried out in accordance with Council's statutory and contractual obligations. A summary report of the review has been prepared for Council and is presented at **Confidential Appendix 10.1.14-A**.

Committee Recommendation

That Council:

1. Notes that the appraisal of Mr Mal Osborne, Chief Executive Officer, has been completed for the period of July 2022 to June 2023.
2. Endorses by absolute majority the findings of the Summary Report as presented by Price Consulting (Confidential Appendix 10.1.14-A) and thanks Mr Osborne for his efforts.
3. Approves retaining the CEO's TRP at 90% for Band 1 entities set by the SAT for the 2023-24 financial year.

*Voting Requirement: **Absolute 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

Price Consulting Group Pty Ltd has been engaged by the City of Bunbury to conduct the CEO's Performance and remuneration review for the period July 2022 to June 2023.

The CEO Performance Review Committee members and CEO met with the consultant in June 2022 to clarify the process that had been agreed by Council. A copy of the timeline and process is embedded within **Confidential Appendix 10.1.14-A**. The Committee further met on 20 September 2023 to formalise its acceptance of the review undertaken by Price Consulting.

An online feedback questionnaire was developed for Councillors and telephone interviews undertaken regarding assessment and feedback for:

- key performance indicators;
- contract key duties and responsibilities criteria, and
- the CEO's strengths and development needs, as well as an overall rating of his performance in delivering the City's objectives

Two further feedback questionnaires were developed for:

- (i) key staff (those key members reporting to/working with the CEO), which sought feedback on the contract key duties and responsibilities criteria, the CEO's strengths and development needs as well as an overall rating of his performance in delivering the City's objectives.
- (ii) key stakeholders which sought feedback on the CEO's performance regarding promoting the City, effective communication and engagement, provision of information and relationships.

Copies of the questionnaires are also embedded within **Confidential Appendix 10.1.14-A**.

Council Policy Compliance

The Council Policy CEO Performance and Salary Review authorises the CEO Performance Review Panel to undertake the CEO Performance Review and report findings and recommendations to Council.

Legislative Compliance

The review process was undertaken in accordance with Schedule 2 of the Local Government (Administration) Regulations 1996, being the *Model standards for CEO recruitment, performance and termination*.

Officer Comments

Confidential Appendix 10.1.13-A details the outcomes of the CEO Performance Review process for 2022/23. The report was compiled by the consultant following feedback received and subsequent informal meetings between the Consultant, CEO Performance Review Committee and the CEO on 12 September 2023.

Analysis of Financial and Budget Implications

Officer remuneration is budgeted within Council's current 2023/24 budget.

Community Consultation

Not applicable.

Elected Member/Officer Consultation

The CEO Performance Review Committee has presented this recommendation to Council for consideration.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Pursuant to clause 19 of the *Model standards for CEO recruitment, performance and termination*, Council must inform the CEO in writing of:

- The results of the review; and
- If the review identifies any issues about the performance of the CEO – how the local government proposes to address and manage those issues.

Outcome of Meeting 26 September 2023

The Chief Executive Officer declared a financial interest in this item and left the chamber at 6.29pm, and did not return for the remainder of the meeting.

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

The Mayor advised he would put each point of the motion to the vote separately. The outcomes for each point are listed below:

Point 1

[That Council] Notes that the appraisal of Mr Mal Osborne, Chief Executive Officer, has been completed for the period of July 2022 to June 2023.

CARRIED UNANIMOUSLY

8 votes “for” / Nil votes “against”

Point 2

[That Council] Endorses by absolute majority the findings of the Summary Report as presented by Price Consulting (Confidential Appendix 10.1.14-A) and thanks Mr Osborne for his efforts.

CARRIED BY ABSOLUTE MAJORITY

8 votes “for” / Nil votes “against”

Point 3

[That Council] Approves retaining the CEO’s TRP at 90% for Band 1 entities set by the SAT for the 2023-24 financial year.

CARRIED

7 votes “for” / 1 vote “against”

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

Councillor Quain voted “against.”

Council Decision 207/23

That Council:

- 1. Notes that the appraisal of Mr Mal Osborne, Chief Executive Officer, has been completed for the period of July 2022 to June 2023.***
- 2. Endorses by absolute majority the findings of the Summary Report as presented by Price Consulting (Confidential Appendix 10.1.14-A) and thanks Mr Osborne for his efforts.***
- 3. Approves retaining the CEO's TRP at 90% for Band 1 entities set by the SAT for the 2023-24 financial year.***

CARRIED

A procedural motion to reopen the meeting was moved by Cr Kozisek and seconded by Cr Andrew.

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

Council Decision 208/23

That the meeting be reopened to the public.

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

The meeting was reopened to the public at 6:44pm.

15.2 Public Reading of Resolutions that may be made Public

The Mayor read aloud the decisions relating to the following items:

15.1.1 Request for Tender RFT2324/016 Leschenault Marine Wall Renewal

That the Council:

1. *Approve the increase to the budget for PR-5105 Renew Foreshore Marine Walls 2023/24 from \$1.2M up to \$1.4M, with the additional \$200K to be reallocated from PR-4877 Renew/Upgrade Local Roads Strickland Street.*
2. *Pursuant to RFT2324/016 - Leschenault Marine Wall Renewal, accept the tender from SMC Marine Pty Ltd (ABN 48 096 465 333) for the price of \$1,194,787.97 excluding GST, subject to minor variations to be negotiated in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996 (FG Regulations);*
3. *Delegates power and authority to the Chief Executive Officer to negotiate and agree with SMC Marine Pty Ltd (ABN 48 096 465 333) minor variations in accordance with Regulation 20 of the FG Regulations, subject to there being sufficient funds available within the approved expenditure budget;*
4. *Subject to resolutions 1 and 2, authorise the Chief Executive Officer to enter into a contract with SMC Marine Pty Ltd (ABN 48 096 465 333) to provide the Leschenault Marine Wall Renewal.*
5. *Following entry into the contract, negotiate variations with SMC Marine Pty Ltd (ABN 48 096 465 333) to the respective Contracts, subject to there being sufficient funds available within the approved budget expenditure for that project or line item.*

15.1.2 Application for Payment of Legal Representation Costs

That Council approve the payment of legal representation costs as detailed within Confidential Report CRUSC-2 to the value of \$3,000.

15.1.3 CEO Performance and Remuneration Review July 2022 – June 2023

That Council:

1. Notes that the appraisal of Mr Mal Osborne, Chief Executive Officer, has been completed for the period of July 2022 to June 2023.
2. Endorses by absolute majority the findings of the Summary Report as presented by Price Consulting (Confidential Appendix 10.1.14-A) and thanks Mr Osborne for his efforts.
3. Approves retaining the CEO's TRP at 90% for Band 1 entities set by the SAT for the 2023-24 financial year.

16. Closure

The Mayor declared the meeting closed at 6:47pm.

Confirmed this day, 17 October 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 26 September 2023.

Jaysen de San Miguel
Mayor