



City of Bunbury Council

Minutes

7 November 2023



CITY OF BUNBURY

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Bunbury WA 6230
Western Australia

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Acknowledgement of Country

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

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

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

WE ARE OPEN

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

WE ARE BRAVE

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

Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.
- Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes:** Includes items provided to Council for information purposes only which do not 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 acknowledged that that this meeting was the first of the new Council following the 2023 City of Bunbury election and welcomed the new and returning Councillors.

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.

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Recording and Webstreaming of Meetings

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

3. Announcements from the Presiding Member

The Mayor noted the recent negative publicity that the City had received over the past week regarding the playing of music at the Graham Bricknell Memorial Music Shell. The Mayor noted that this was an administrative decision with the intent of deterring anti-social behaviour in the area. The Mayor apologised on behalf of the City to anyone who may have experienced distress over this period. The Mayor noted the City looks forward to continuing to work with the various State and Federal agencies to collaboratively address the homelessness issue.

4. Attendance

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor T Brown
	Councillor B Andrew
	Councillor C Kozisek
	Councillor K Turner
	Councillor G Ghasseb
	Councillor P Ramesh
	Councillor M Quain
	Councillor K Steele
	Councillor M Steck
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr M Osborne
Director Sustainable Communities	Mr G Barbour
Director Strategy and Organisational Performance	Ms K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
Team Leader Strategy	Ms J Kelly
Senior Corporate Communications Officer	Ms K Fielding
Senior Planning Officer	Ms A Baldock
Project Support Officer	Ms R Randall
Planning Officer	Mr G Webber
Governance Officer	Mr L Murphy
Others (Non-Voting)	
Members of the Public	18

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

5. Declaration of Interest

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

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

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

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

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

Cr Steele declared an impartiality interest in item 10.3.6 *Appointments to Council Committees* as she is acquainted with one of the nominees.

Cr Brown declared an impartiality interest in item 10.3.6 *Appointments to Council Committees* as he has 2 daughters that are nominated to be on one of the committees.

Cr Steck declared a financial interest in item 10.4.1 *Proposed Scheme Amendment No.11 to City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses at Lot 150 (#1) Austral Parade, East Bunbury.*

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

Prior to the meeting, the CEO received notice of questions from various persons. The questions and responses are provided below:

Cliff Wilsonham – 2/24 Minninup Road, South Bunbury

Question 1

Why is there no shower on beach access next to carpark north of Hungry Hollow?

Response - CEO

There are 2 showers at the stairs just north of the carpark and 2 showers on the external walls of the Public Toilets next to the carpark.

Question 2

Why are there not showers at all carparks along back beach?

Response - CEO

Showers have only been placed in areas of high usage and water service availability.

Brian Rettinger – 39 Hakea Crescent, South Bunbury

Question 1

Have the City's staff collected all the City's and other events in order to prepare an Annual Events Calendar?

Response - DSC

The list of events is being compiled and will be completed by Monday 13 November.

Question 2

Has the City identified a consultant or staff member who can facilitate a SWOT analysis and report?

Response - DSC

A SWOT workshop with the TWG is identified as an action in the RFQ for the consultant to facilitate.

Question 3

The Tourism Consultant is not required for the first 2 meetings of the tourism working group, but has the search for the consultant been started yet so they will be available immediately after the Christmas recess?

Response - DSC

The TWG meeting structure is to be determined by the working group once established and any consultant attendance is yet to be finalised between the City and the successful consultant.

Consultants have been sought for RFQ and the RFQ is being sent to consultants on Wednesday 8th November through Vendor Panel.

As highlighted in the Agenda of 17 October 2023, the industry is entering its peak period and industry consultants had indicated a heavy demand at this time, therefore the availability and start time of any consultant while being sought for a December 2023 commencement, will be subject to the response and availability of consultants.

Paul Zoccali – 274 Dardanup West Road, Crooked Brook

Question 1

If the music was meant to deter the homeless from staying there, where were they meant to go? Where are the homeless meant to sleep, shower and charge phones?

Response - CEO

The CEO noted that people have been sleeping at the Sound Shell for a number of years and in 2018 the City invested in a weather proof shelter which solved some issues, however created others. The City has also installed hot showers at Queens Park to allow the homeless to have showers at those facilities. The City, through advocacy by Bella Burgermeister (a former Youth Advisory Councillor) also installed lockers for homeless people to store their belongings. The lockers have experienced some incidents of damage, however have been utilised.

The CEO advised that ideally, the homeless would be sleeping safely in houses, noting that this is a significant problem that needs to be addressed by the community, the State Government, the agency charged with providing social housing, as well as the various other agencies that provide support.

Question 2

What is going to be done about the situation of what has happened the last 2 weeks?

Response - CEO

The CEO advised that the Music was initially being played to deter anti-social behaviour, noting the distinction between anti-social behaviour and people staying there. The intention was good at the time, however upon reflection, the City realised they got it wrong and recognise it probably should not have been initiated in the first place. The City now needs to work with other agencies to address this issue, which will require a whole of community approach.

Question 3

Is there going to be an apology put forward?

Response - CEO

The CEO noted that the Mayor provided an apology in this regard at the start of the meeting, and advised that he has also written to the Wiggles, providing them with background information, and also inviting them to come to Bunbury and help activate the space and provide a better outcome for the community. The space was originally designed for community events, however when it was built it was not considered to be homeless accommodation. Hopefully the City can, through the recently adopted Community Safety and Crime Prevention Plan, start to work on strategies with other parts of the community to work on a solution.

Garry Calgaret

Gary Calgaret provided notice of questions prior to the meeting, however advised that he would not be asking them and would seek a meeting with the Mayor and CEO outside of the Council meeting.

Bernardus Kemps – 44 Wilkerson Way, Withers

Question 1

Can the City provide facilities for the homeless to shower, use the toilet, clothes washing areas, shelter areas, and make it safe for them to camp up.

Question 2

Can the City show compassion, care and understanding to the homeless in Bunbury and also ask our State Government for support to form and finance a compassionate homeless committee, with compassionate members on the committee?

Response - CEO

The CEO advised that anti-social behaviour has been the catalyst for the City's action. Anti-social behaviour is sometimes joined to homelessness but sometimes not. Not everyone who is homeless is involved in anti-social behaviour, however the City has examples where this has been the case. There has been a death, a stabbing in the area and other issues in the past.

What the City is now trying to do, in acknowledging that the music needed to be turned off, is look forward and identify what solution the City can be part of as a local government. The CEO also noted that the Councillors had nothing to do with the use of the music; it was an operational decision made by City staff who believed they were doing the right thing. A decision was made to turn the music on, however upon reflection it has been turned off and the City will not be doing it again. Signs have been put up where the music system is, noting that music is only to be played at events.

The CEO advised that the City is involved with the homelessness issue, working with relevant agencies including being part of the Rough Sleeper Coordination Group, working in collaboration with local support agencies working with individuals to try to access the services they need and eventually provide accommodation to them.

The City is also part of the Bunbury Improvement Team, which is a leadership team looking at the larger strategies that need to be taken back into government agencies, including where do people go for housing, critical services, and intervention to help them.

The In Town centre provides food, support and social components to those sleeping rough, and the City has provided lockers for people to store their belongings.

The City will be part of a workshop by the WA Alliance to end homelessness which will be occurring in Bunbury on 7 December 2023. Several City of Bunbury staff will be participating.

The CEO stated that he believe Bunbury is a compassionate community, showing time and time again through fundraising efforts and support for everyone in need. Staff have at times looked after peoples pets while they have been unable, providing them back once they are able. Staff have created procedures to try and ensure there are support services and introducing those services to people sleeping rough. The City has built a shed for impounded belongings for people who have been unable to keep them secure, returning them when they would like them back. Staff have assisted to reunite rough sleepers with their pets and belongings, and recently even helped some youth to reassociate with their parents.

The City is seeking state support, noting that Hon. John Carey, Minister for Planning; Lands; Housing; Homelessness, had expressed his disappointment at the City. The CEO noted that this is now on his agenda and provides an opportunity for the City to reach out and seek his assistance in addressing the issue.

Question 3

Can the Council please have an agenda on homelessness at the next Ordinary Meeting where people can express, homeless people as well, to the Councillors?

Response - Mayor

The Mayor advised that the City is hosting its next Community Access Session next Tuesday, 14 November, which provides an opportunity for members of the public to address the Council directly on any matters they so wish.

Fares Haloud – 28 Payton Way, Usher

Question 1

What outcomes are we expecting to achieve from playing music 24/7 where the homeless people sleep?

Response - CEO

The CEO noted that on reflection, it is hard to justify turning on the music, however it was done with good intentions of trying to disseminate the anti-social behaviour at the Sound Shell. While not saying it is right, it is a commonly used practice in many social and public settings across the world.

The CEO acknowledges that the City could have done better, and music will now only be played at community gatherings and events.

Grahame Paull – 8 Jarrah Street, Bunbury

Question 1

Can you advise what strategies the City has and what ways the City is working with agencies to alleviate the homelessness crisis?

Response - CEO

The CEO advised that the State Government has introduced the Housing First Policy with the intention to provide those sleeping rough or homeless with the wrap around services and try and get them into accommodation. There has been some success with some of those who have previously slept at the Sound Shell and surrounding areas, who are now in accommodation.

The complexity of this issue is that over the last 4 years, the demand for housing is outstripping the supply of new housing. Construction is the answer, however construction is a problem. The City will continue to work with the State Government to look at alternatives such as modular construction. Bunbury hosted the first Tiny Houses project, which is a great example of what can be done. The Director Sustainable Communities and the Sustainable Community Directorate in 2021 launched the City's Housing Strategy, which shows opportunities for densification of housing, and mixed housing types to provide social and affordable housing. The City has put land on the market for development, and are currently in conversations in regard to the old depot site on Nuytsia Avenue to see if the City can attract investment to develop on that site.

None of these are a single answer or solution to the problem but the City will continue to work as best it can with all levels of government, stakeholders and agencies.

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 17 October 2023 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 17 October 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 7 November 2023

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

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

Council Decision 226/23

The minutes of the Ordinary meeting of the City of Bunbury Council held 17 October 2023 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Nil

7.1.3 Minutes – Special Council Meeting

The minutes of the special meeting of the City of Bunbury Council held 31 October 2023 have been circulated.

Recommendation

The minutes of the special meeting of the City of Bunbury Council held 31 October 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Council Decision 227/23

The minutes of the special meeting of the City of Bunbury Council held 31 October 2023 be confirmed as a true and accurate record.

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

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Bernardus Kemps requested to address council in relation to item 10.3.5 *Representation of City of Bunbury Working Groups*.

Council Decision 228/23

Pursuant to clause 6.9 (2)(b) of Council's Standing Orders, Council approves Bernardus Kemps' deputation request to address item 10.3.5 *Representation of City of Bunbury Working Groups* and allows a period of up to 10 minutes to present to Council.

CARRIED UNANIMOUSLY
11 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 10.3.1, 10.4.2 and 10.4.3.

Items 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6 and 10.4.1 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 Steck and seconded by Cr Brown.

10. Reports

10.1 Schedule of Accounts Paid for the period 1 September 2023 to 30 September 2023 (listed as 10.3.1 in the agenda)

File Ref:	COB/4736	
Applicant/Proponent:	Internal Report	
Responsible Officer:	David Ransom, Manager Finance	
Responsible Manager:	David Ransom, Manager Finance	
Executive:	Karin Strachan, Director Strategy & Organisational Performance	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
Attachments:	Appendix 10.3.1-A: Schedule of Accounts Paid	

Summary

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

1. Municipal Account – payments totalling \$22,816,586.32
2. Trust Account – payments totalling \$87,779.56
3. Visitor Information Centre Trust Account – payments totalling \$4,548.30

Executive Recommendation

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

Voting requirements: Simple Majority

Outcome of Meeting 7 November 2023

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

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 229/23

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

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

10.2 Proposed Scheme Amendment No. 12 to City of Bunbury Local Planning Scheme No. 8 at Lot 81 South Western Highway, Davenport (listed as 10.4.2 in the agenda)

File Ref:	DD/12/2023/5/1
Applicant/Proponent:	Stan Lawrence-Brown, LB Planning
Responsible Officer:	Gareth Webber, 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 10.4.2-A – Scheme Amendment No. 12 Report

Summary

Scheme Amendment No. 12 has been prepared by LB Planning on behalf of the landowner of Lot 81 South Western Highway, Davenport. The proposal is referred to Council for adoption for the purpose of advertising. Following advertising, the proposal will be referred back to Council along with any submissions for consideration.

The proposal seeks to amend the City of Bunbury’s Local Planning Scheme No. 8 (LPS8) by rezoning the subject site from ‘Industrial Development’ zone to ‘General Industry’ zone and insert additional development requirements under Schedule 3 – Additional Site and Development Requirements. The purpose of the amendment is to enable industrial development on the site in accordance with the endorsed Structure Plan for the site.

The amendment is considered a standard amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Executive Recommendation

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

1. Adopt for the purpose of advertising, modifications to the Scheme in accordance with the amending pages of the Scheme Amendment No. 12 Report.
2. Refer a copy of the proposed Standard Scheme Amendment No. 12 to the Department of Planning, Lands and Heritage (DPLH) for review in accordance with section 83A of the *Planning and Development Act 2005*.
3. Refer a copy of the proposed Standard Scheme Amendment No. 12 to the Environmental Protection Agency (EPA) for review in accordance with section 81 of the *Planning and Development Act 2005*.
4. Determine that the proposed Scheme Amendment No. 12 is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - (a) It is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - (b) It does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and

- (c) It is not a complex or basic amendment.

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 11.2	Attract diversified investment, industry and businesses.

Regional Impact Statement

The proposed amendment will not have a regional impact.

Background

The subject site is 41.83 hectares in area and located approximately 8 kilometres southeast of the Bunbury central business district. The subject site is bounded by South Western Highway to the west, the Bunbury Outer Ring Road to the south, Preston River to the east and the airport expansion area to the north. Further surrounding land uses include the Bunbury Speedway, Bunbury Airport, Motorcycle Club, Go-Kart Club, Bunbury Regional Prison and various rural activities. The subject site is also identified within the 'Preston Industrial Park' area.

A Structure Plan over the subject site was endorsed by the Western Australian Planning Commission (WAPC) on 11 January 2022. The Structure Plan consists of six lots ranging in size from 5 to 8 hectares for large scale industrial uses consistent with the General Industry zone under LPS8. Conditional subdivision approval for six lots in accordance with the Structure Plan was also granted by the WAPC on 27 April 2022.

The current zoning of the land provides a basis for future detailed planning in accordance with the structure planning provisions of LPS8. As an endorsed Structure Plan and conditional subdivision approval have been granted over the subject site, the proposed rezoning and additional provisions that form part of this amendment are the next step to facilitating industrial development.

A full copy of the scheme amendment report can be found at Appendix 10.4.2-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 or the Scheme).

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*.

The purpose of this amendment is to rezone the subject site from 'Industrial Development' zone to 'General Industry' zone. In addition, the amendment also proposes to insert specific site and development requirements which relate to onsite wastewater management and disposal. These additional development requirements from the endorsed Structure Plan are recommended to be inserted into Schedule 3 – Additional Site and Development Requirements of LPS8.

One of the proposed specific site and development requirements only allows 'dry industry' land uses where connection to reticulated sewer is not provided. It is acknowledged that the nearest sewer pressure main is approximately 2 kilometres away from the subject site and there are no plans for the area to be connected to sewer in the short to medium term. The transfer of the development requirements from the Structure Plan into the Scheme will reinforce that only 'dry industry' land uses will be permitted.

A 'dry industry' is deemed to be any industrial use permitted by LPS8 where it can be demonstrated that the quality and volume on site effluent disposal can be successfully disposed of without environmental or health effects. Examples of 'dry industry' land uses that can be considered in the General Industry zone and do not generate a high volume of wastewater onsite include 'warehouse / storage', 'transport depot' and 'trade displays'.

The proposed amendment will facilitate further industrial development and management of site constraints in a manner that is consistent with the relevant planning framework. The proposal is consistent with the objectives of the zone to enable use of the land for industrial purposes.

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

Standard amendments are publicly advertised for a period of not less than 42 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Following advertising, the amendment proposal would be returned to Council for its further consideration, together with any submissions received during the statutory advertising period.

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.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Subject to adoption by Council, the amendment documentation will be forwarded to the EPA and DPLH for 30 days for review and advertised for 42 days following their response.

Outcome of Meeting 7 November 2023

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

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 230/23

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

- 1. Adopt for the purpose of advertising, modifications to the Scheme in accordance with the amending pages of the Scheme Amendment No. 12 Report.**
- 2. Refer a copy of the proposed Standard Scheme Amendment No. 12 to the Department of Planning, Lands and Heritage (DPLH) for review in accordance with section 83A of the Planning and Development Act 2005.**
- 3. Refer a copy of the proposed Standard Scheme Amendment No. 12 to the Environmental Protection Agency (EPA) for review in accordance with section 81 of the Planning and Development Act 2005.**
- 4. Determine that the proposed Scheme Amendment No. 12 is a standard amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:**
 - (a) It is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
 - (b) It does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
 - (c) It is not a complex or basic amendment.**

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

10.3 Proposed Deed of Lease over portion of Lot 5 on Deposited Plan 5692 Wellington Street, Bunbury (listed as 10.4.3 in the agenda)

File Ref:	COB/6024
Applicant/Proponent:	Albemarle Lithium Pty Ltd
Responsible Officer:	Gemma Stewart, Senior Property Officer
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<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:	Appendix 10.4.3-A: Location Plan

Summary

Albemarle Lithium Pty Ltd (the ‘Applicant’) are seeking Councils consent to a new lease for a Term of three (3) years and six (6) months over the upper car park at Lot 5 on Deposited Plan 5692 Wellington Street, Bunbury (the ‘Premises’). A location plan is **attached** at Appendix 10.4.3-A.

Executive Recommendation

The Council agrees to granting a Deed of Lease to Albemarle Lithium Pty Ltd over portion of Lot 5 on Deposited Plan 5692, Wellington Street, Bunbury for a term of three (3) years and six (6) months with a further option four (4) years and nine (9) months, subject to the terms and conditions as specified in the report and the following:

1. The applicant agreeing to all costs associated with the lease application including document preparation and advertising; and
2. Advertise in accordance with 3.58 of the *Local Government Act 1995*.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Prosperity
Aspiration	A strong and diversified economy
Outcome 11	A strong, resilient, and diverse economic hub for the South West
Objective 11.2	Attract diversified investment, industry, and businesses.

Regional Impact Statement

The Applicant has created over 2000 job opportunities and an additional 1500 jobs available in the future due to the expansion of the plant, bringing huge economic benefits to local economies via jobs, community spending and contribution.

Background

The Applicant has invested around \$2 billion to build the world leading Kemerton lithium hydroxide processing plant near Bunbury, making it the most modern plant in the world and largest in Australia.

The Applicant has currently entered a sub-lessee agreement over the facility located at 7 Wellington Street, Bunbury. This will become the Applicant’s headquarters for their administration employees. This building is located on city-owned land, with the building reverting to the City ownership at the end of the current land lease.

The Applicant will accommodate approximately 185 employees within the facility with shuttle bus running daily from the headquarters to Kemerton lithium hydroxide processing plant.

New proposed lease:

Commencement:	15 January 2024
Expiry Date:	30 June 2027
Further Term:	Commencing on 31 July 2027 and ending on the date being one month prior to the end of the term of head Lease at 7 Wellington Street, Bunbury (being approximately 4 years and 9 months).
Area:	Total area of 1497m2 and comprising 61 car bays.
Rent fee and rent review:	\$59,880 exclusive of GST per annum payable annually in advance subject to: a) a fixed annual CPI increase of 3.5%; and b) A market rent review on the exercise of the Further Term, which is to be subject to a ratchet clause preventing the reviewed rental from being less than the rent payable immediately before the end of the initial term. Rent will be calculated pro-rata where the first and final lease year is not a full 12 months.
Permitted Use:	Car Parking
Outgoings:	Nil
Insurance:	The Applicant to maintain Public Risk Policy and General Insurance Policy over the premises with Public Liability to be set at \$20M
Special Conditions:	The Applicant may install a chain gate system to manage exclusive access. All costs associated with the system installation will be at the Applicants expense. The City may terminate this Lease by giving the Lessee not less than twelve months (“Notice Period”) written notice (“Termination Notice”) that the Lessor wishes to alter, extend, or redevelop the Land. The Applicant can install additional lighting at the Premises to meet SAA public lighting codes.

Council Policy Compliance

Not applicable.

Legislative Compliance

Advertise in accordance with section 3.58 of the *Local Government Act 1995*.

Officer Comments

The City and the Applicant have been in communication to develop a Heads of Agreement over the Premises which outlines term and condition of the proposed Lease.

The City's Director Sustainable Communities and Officers have met with the Applicant multiple times to discuss the practical and operational matters i.e., the Applicant wishing to install a chain gate system to provide exclusive access to the Premises subject to City approval.

Upon discussion, the Applicant has advised they agree to the Head of Agreement and would be entering a lease over the Premises, subject to Council consideration.

Analysis of Financial and Budget Implications

The City obtained a fair market valuation and the recommended rental fee is \$59,880 exclusive of GST per annum, with the Applicant being the responsible for all outgoings.

The Applicant will also be responsible for all costs associated with the preparation of the documentation associated with new lease and advertising.

Community Consultation

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

Councillor/Officer Consultation

The Director Infrastructure and the Team Leader Community Safety have been consulted during the negotiations to determine any relevant considerations of overall parking provision and maintenance requirements.

Applicant Consultation

The Applicant approached the City in June 2023 requesting the City to enter a commercial lease arrangement over the Premises to provide exclusive access to 61 bays. Since then, the City and Applicant have been in negotiations to form a Heads of Agreement prior to presenting the matter to Council for consideration.

The Applicant has advised the City they are agreeable to all the terms and condition outlined in this report.

Due to the requirement for access to the area for building works and fitout, the applicant is currently provided with a permitting arrangement until a formal lease can be established.

Timeline: Council Decision Implementation

The Applicant will be contacted immediately following the Council decision to implement the lease as soon as possible.

Outcome of Meeting 7 November 2023

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

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 231/23

The Council agrees to granting a Deed of Lease to Albemarle Lithium Pty Ltd over portion of Lot 5 on Deposited Plan 5692, Wellington Street, Bunbury for a term of three (3) years and six (6) months with a further option four (4) years and nine (9) months, subject to the terms and conditions as specified in the report and the following:

- 1. The applicant agreeing to all costs associated with the lease application including document preparation and advertising; and**
- 2. Advertising in accordance with 3.58 of the Local Government Act 1995.**

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

10.4 Proposed Scheme Amendment No.11 to City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses at Lot 150 (#1) Austral Parade, East Bunbury (listed as 10.4.1 in the agenda)

File Ref:	DD/12/2023/4/1
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.11 Report

Summary

Scheme Amendment No.11 has been prepared by Planned Focus on behalf of the landowner of Lot 150 (#1) Austral Parade, East Bunbury. The proposal is referred to Council for adoption for the purpose of advertising. Following advertising, the proposal will be referred back to Council along with any submissions for consideration.

The proposal seeks to amend the City of Bunbury’s Local Planning Scheme No.8 (LPS8) to include additional use rights for the subject site under Schedule 1 – Schedule of Additional Uses. The purpose of the amendment is to formalise the existing ‘Hotel’ (Parade Hotel) on the site which is currently a non-conforming use in the Local Centre zone under LPS8, as well as introducing uses of ‘Motel’ and ‘Serviced apartment’. The introduction of these new land uses is to align with the existing ‘Hotel’ use which has been in operation since 1897, alongside offering diversification of the business outside of hotel licensing requirements.

The amendment is considered a standard amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Executive Recommendation

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

1. Adopt for the purpose of advertising, modifications to the Scheme in accordance with the amending pages of the Scheme Amendment No.11 Report.
2. Refer a copy of the proposed Standard Scheme Amendment No.11 to the Department of Planning, Lands and Heritage (DPLH) for review in accordance with section 83A of the *Planning and Development Act 2005*.
3. Refer a copy of the proposed Standard Scheme Amendment No.11 to the Environmental Protection Agency (EPA) for review in accordance with section 81 of the *Planning and Development Act 2005*.
2. Determine that proposed Scheme Amendment No. 11 is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - (a) The amendment is not a complex or basic amendment; and
 - (b) it does not result in any significant environmental, social or economic impacts on

the land or surrounding area.

Voting Requirement: Simple Majority

Strategic Relevance

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

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

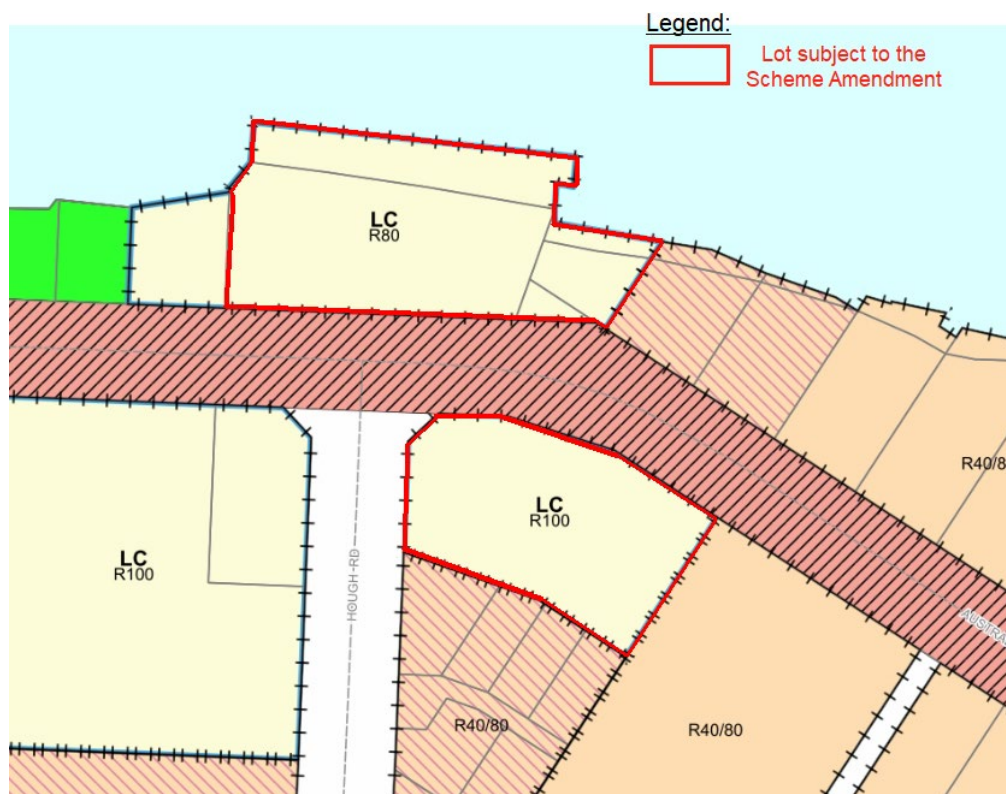
Regional Impact Statement

The proposed amendment will not have a regional impact.

Background

The subject land is zoned Local Centre with a residential density coding of R80 (to the north of Austral Parade) and R100 (to the south of Austral Parade). The subject land has been recently amalgamated into one title, with the lot being separated by Austral Parade. The northern portion of the lot contains the Parade Hotel which includes the hotel with bar and bistro, accommodation, bottle shop and associated car park. The southern portion of the lot contains the main hotel car park which provides 54 bays for the existing hotel use.

The subject site is surrounded by residential properties to the south and east which have a zoning of Mixed Use – Residential R40/80 and Residential R40/80. Local Centre zoned properties are located to the west (refer to figure below). It is acknowledged that the Additional Uses proposed through this amendment are being sought over the entire lot (the northern and southern portion).



The subject site is listed on the Local Heritage List (Place No. 05718), with the original Parade Hotel building constructed in 1897. The Parade Hotel was extended in 1947 with additions at each end of the hotel, with additional extensive renovations in 1966. The Parade Hotel is a Victorian Georgian style two-storey brick and iron hotel with painted render walls and a corrugated iron hipped roof.

Prior to the submission and acceptance of the scheme amendment, the applicant met with City officers and sought preliminary comments with regards to the proposed additional land uses and associated conditions. The proposed range of land uses has been refined to reflect the historic use of the site, and facilitate the development of the southern portion of the site for additional accommodation uses.

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;*
- State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes)
- 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*.

The purpose of this amendment is to introduce Additional Uses as follows:

- Hotel (Discretionary 'A' use);
- Motel (Discretionary 'A' use); and
- Serviced Apartment (Discretionary 'A' use).

It is acknowledged that the subject site has been used as a 'Hotel' land use since its construction. The introduction of the Additional Uses will formalise the currently non-conforming use of 'Hotel' and introduce 'Motel' and 'Serviced apartment' land uses which are considered to align with the existing tourist value of the site. The scheme amendment does not remove the Local Centre zoning and land use permissibility associated with this zone, with the additional uses facilitating an extension of how the site currently operates without the need for hotel licensing.

A condition of the scheme amendment states that any proposed 'Serviced apartment' developed in accordance with the R-Codes and Building Code of Australia, in the form of a 'Multiple dwelling' may be occupied permanently, or for short term purposes.

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

Standard amendments are publicly advertised for a period of not less than 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Following public advertising, the amendment proposal would be returned to Council for its further consideration, together with any submissions received during the statutory advertising period.

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.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Subject to adoption by Council, the amendment documentation will be forwarded to the EPA and DPLH for 30 days for review and advertised for 42 days following their response.

Outcome of Meeting 7 November 2023

Councillor Steck left the meeting at 6:11pm

The recommendation (as written) was moved by Cr Steele 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 232/23

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

- 1. Adopt for the purpose of advertising, modifications to the Scheme in accordance with the amending pages of the Scheme Amendment No.11 Report.**
- 2. Refer a copy of the proposed Standard Scheme Amendment No.11 to the Department of Planning, Lands and Heritage (DPLH) for review in accordance with section 83A of the *Planning and Development Act 2005*.**
- 3. Refer a copy of the proposed Standard Scheme Amendment No.11 to the Environmental Protection Agency (EPA) for review in accordance with section 81 of the *Planning and Development Act 2005*.**
- 4. Determine that proposed Scheme Amendment No. 11 is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - a. The amendment is not a complex or basic amendment; and**
 - b. it does not result in any significant environmental, social or economic impacts on the land or surrounding area.**

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

Councillor Steck returned to the chamber at 6:12pm.

10.5 One Team Business Improvement Strategy (listed as 10.3.2 in the agenda)

File Ref:	COB/5627
Applicant/Proponent:	Internal Report
Responsible Officer:	Kristina Knight, Senior Project Officer
Responsible Manager:	Jordan Hunt, A/Manager Strategy, Communication and Projects
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 10.3.2-A One Team Business Improvement Strategy

Summary

The purpose of this report is for Council to endorse the One Team Business Improvement Strategy which has been developed to meet CEO KPI 3.2.

Executive Recommendation

That Council endorse the One Team Business Improvement Strategy presented at appendix 10.3.2-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

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

Some of the objectives included in the One Team Business Improvement Strategy pertain to increased regional collaboration and advocacy for improved regional funding.

Background

An ‘Organisational Performance Strategy’ was one of the 6 key informing strategies identified in the CoB Strategic Map. The six informing strategies are developed to provide a strategic response to the community aspirations in the Strategic Community Plan. They are aligned with the five pillars of the SCP and are the only informing strategies developed across the City.

The One Team Business Improvement Strategy is the informing strategy for the Performance pillar and encapsulates objectives that will provide the overarching direction to teams, departments and directorates across the City of Bunbury.

The development and implementation of this informing strategy was also included as a CEO KPI for the 2023-24 financial year as per the below.

3. PERFORMANCE

Organisational Performance Strategy

- 3.1 Establish 5 key organisational performance metrics and undertake a thorough investigation and analysis of the metrics by November 2023
Responsibility: CEO and Director Strategy & Organisational Performance
- 3.2 Develop and implement strategies to address and improve performance by March 2024
Responsibility: CEO and Director Strategy & Organisational Performance

The One Team Business Improvement Strategy incorporates various efficiency improvements some of which will be delivered in the implementation of the Optimisation Plan. The development of an Optimisation Plan was identified in point 3 of Council Resolution 044/23 to 'Request the CEO prepare an optimisation plan that focuses on ways the City can reduce operating costs, maximise revenue sources and increase cost recovery'.

The One Team Business Improvement Strategy is provided as an attachment for review.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

Endorsement of the One Team Business Improvement Strategy will guide the City of Bunbury towards its aspiration of being a leading local government. It identifies areas for improvement across four pillars, Culture & Productivity, Process & Strategy, Community & Customers and Financial Sustainability. It will provide a simple framework to guide improvement over the next four years.

Analysis of Financial and Budget Implications

It is anticipated that achievement of the objectives within the One Team Business Improvement Strategy will deliver improved efficiencies and cost savings to the City. However, implementation of some actions will require additional budget allocations. Requests will be made through the annual budget processes.

Community Consultation

The community were not directly consulted on the One Team Business Improvement Strategy but the results of the MARKYT Community Scorecard were used in the development of the SWOT analysis.

Councillor/Officer Consultation

The One Team Business Improvement Strategy was developed through a collaborative process. Six initial workshops were held with Senior Officers, Team Leaders, Managers and Directors to develop the SWOT, vision, objectives and high-level actions. These were then refined through follow up meetings and discussion with Team Leaders, Managers and Directors. All workshop participants had the opportunity to review and provide feedback on the draft strategy.

The approach to the development of the document was discussed with Elected Members at an Elected Member Briefing workshop held on 24 October 2024.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Immediate. On endorsement of the One Team Business Improvement Strategy implementation will commence to meet the March 2024 deadline of the associated CEO KPI.

Outcome of Meeting 7 November 2023

The recommendation (as written) was moved by Cr Steele and seconded by Cr Ghaseb.

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

Council Decision 233/23

That Council endorse the One Team Business Improvement Strategy presented at appendix 10.3.2-A.

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

10.6 Performance Metrics Analysis Report 2023 (listed as 10.3.3 in the agenda)

File Ref:	COB/1586
Applicant/Proponent:	Internal Report
Responsible Officer:	Kristina Knight, Senior Project Officer
Responsible Manager:	Jordan Hunt, A/Manager Strategy, Communication and Projects
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.3.3-A Performance Metrics Analysis Report

Summary

The purpose of this report is for Council to receive the Performance Metrics Analysis Report 2023 which has been developed to meet CEO KPI 3.1.

Executive Recommendation

That Council receive the Performance Metrics Analysis Report 2023 as attached at appendix 10.3.3-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Monitoring and improving performance can only enhance the regional reputation of the City of Bunbury.

Background

The development of the attached Performance Metrics Analysis Report 2023 was identified as a CEO KPI for the 2023-24 financial year as per the below.

3. PERFORMANCE

Organisational Performance Strategy

- 3.1 Establish 5 key organisational performance metrics and undertake a thorough investigation and analysis of the metrics by November 2023
Responsibility: CEO and Director Strategy & Organisational Performance
- 3.2 Develop and implement strategies to address and improve performance by March 2024
Responsibility: CEO and Director Strategy & Organisational Performance

A performance metric was selected for each of the pillars of the One Team Business Improvement Strategy, except Financial Sustainability which has 2 measures. The pillars and the 5 key performance metrics are outlined below:

- Culture & Productivity
Organisational Culture Inventory
- Process & Strategy
Corporate Business Plan % Complete
- Financial Sustainability
Operating Surplus and Asset Sustainability Ratios
- Community & Customers
MARKYT Community Scorecard Customer Service Performance Index Score

The five key performance metrics will be reported to Council with the CEO's Key Performance Indicators report. However, it is important to note that these are only updated on an annual basis. A range of performance metrics have already been established within the CoB Reporting Dashboard which is updated on a monthly basis.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

To ensure the complex nature of the City of Bunbury is adequately reflected in the performance metrics, aligning them to each pillar of the One Team Business Improvement Strategy provides the most holistic overview. It will also assist in gauging the effectiveness of the Strategy's objectives.

Analysis of Financial and Budget Implications

There are no direct financial implications as a result of this report.

Community Consultation

The community were not consulted on the development of this report.

Councillor/Officer Consultation

The 5 key performance indicators were selected and analysed in consultation with Executive, Manager Finance, Manager People and Safety and Manager Strategy, Communication and Projects.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Not applicable.

Outcome of Meeting 7 November 2023

The recommendation (as written) was moved by Cr Ghasseb 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 234/23

That Council receive the Performance Metrics Analysis Report 2023 as attached at appendix 10.3.3-A.

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

10.7 Appointment to External Committees (listed as 10.3.4 in the agenda)

File Ref:	COB/386		
Applicant/Proponent:	Internal Report		
Responsible Officer:	Greg Golinski, Manager Governance		
Responsible Manager:	Greg Golinski, Manager Governance		
Executive:	Karin Strachan, Director Strategy and Organisational Performance		
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:	Nil		

Summary

The purpose of this report is to facilitate Council making appointments to external boards of management/external committees, which have Council representation.

Executive Recommendation

That Council:

1. Nominates Councillors _____, _____ and _____ as members of the Bunbury Harvey Regional Council, and Councillors _____, _____ and _____ as deputy members.
2. Nominates Councillor _____ as a member of the South West Country Zone of the Western Australian Local Government Association (WALGA), and Councillor _____ as a deputy member.
3. Nominates Councillor _____ as a member of the Bunbury Regional Theatre Inc, and Councillor _____ as a deputy member.
4. Nominates Councillor _____ as a member of the Bunbury Alcohol Accord, and Councillor _____ as a deputy member.
5. Nominates Councillor _____ as a member of the Bunbury Geographe Seniors and Community Centre Management Committee, and Councillor _____ as a deputy member.
6. Nominates Councillor _____ as a member of the Bunbury Port Community Consultation Committee, and the Chief Executive Officer as a deputy member.
7. Nominates Councillor _____ as a member of the Dolphin Discovery Centre Management Committee, and Councillor _____ as a deputy member.
8. Nominates Councillor _____ as a member of the Morrissey Homestead Board, and Councillor _____ as a deputy member.
9. Nominates Councillor _____ as a member of the Peron Naturaliste Partnership, and Councillor _____ as a deputy member.
10. Notes that Mayor Miguel is by position the City of Bunbury representative for Regional Capitals Australia WA.

11. Nominates Councillor _____ as a member of the South West Regional Road Group, and Councillor _____ as a deputy member.
12. Notes that Mayor Miguel is by position the City of Bunbury representative on the Bunbury-Geographe Economic Alliance and nominates Councillor _____ as a deputy member.
13. Nominates Councillor _____ as a member of the South 32 Community Liaison Committee, and Councillor _____ as a deputy member.
14. Requests the Chief Executive Officer advise the above groups accordingly.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

N/A

Background

The following groups are not committees of Council established pursuant to the provisions of section 5.8 of the *Local Government Act 1995* (the Act), but are external boards of management that are either constitutionally required to have City of Bunbury Councillors as members, or have requested that Council nominate an elected representative to become a member:

- Bunbury Harvey Regional Council
- South West Zone of WALGA
- Bunbury Regional Theatre Inc. (BREC Board)
- Bunbury Alcohol Accord
- Bunbury Geographe Seniors and Community Centre Management Committee
- Bunbury Port Community Consultation Committee
- Dolphin Discovery Centre Management Committee
- Morrissey Homestead Inc.
- Peron Naturaliste Partnership Inc
- Regional Capitals Australia WA
- South West Regional Road Group
- Bunbury-Geographe Economic Alliance
- South 32 Community Liaison Committee

It is important to note that as the groups above are not committees of Council, all secretariat work is administered by the relevant person/people within each respective committee/organisation.

The City had previously been represented on the South West Women's Health Information Centre Management Committee, however following consultation with this group, they indicated that ongoing representation was no longer necessary.

Council Policy Compliance

N/A

Legislative Compliance

N/A as these groups are all independent of the City of Bunbury.

Officer Comments

Bunbury Harvey Regional Council

The Bunbury Harvey Regional Council (BHRC) is a regional council formed between the City of Bunbury and the Shire of Harvey under the provisions of the Act. The BHRC comprises three (3) Councillor representatives and three (3) deputies from the City of Bunbury.

Prior to the 2023 Local Government elections, Councillors Andrew, Turner and Smith were the City's representatives on the BHRC.

As the BHRC is a regional local government constituted under the Act, sitting fees are applicable for BHRC members, the quantum of which is determined annually by the BHRC.

South West Country Zone of the Western Australian Local Government Association (WALGA)

Country Zones are part of the governance framework of WALGA. The South West Country Zone comprises one (1) Councillor representative and one (1) deputy from the City of Bunbury.

Prior to the 2023 Local Government elections, Mayor Miguel was the City's representative with Councillor Yip as the deputy.

Bunbury Regional Theatre Inc.

The Bunbury Regional Theatre Inc. is the Board that manages the Bunbury Regional Entertainment Centre, and is more commonly referred to as the BREC Board. The Constitution of this Board requires an Elected Member of the City of Bunbury to be a member.

Prior to the 2023 Local Government elections, Councillor Yip was the City's representative, with Cr Quain as the deputy.

Bunbury Alcohol Accord

Prior to the 2023 Local Government elections, Councillor Andrew was the City's representative on the Bunbury Alcohol Accord.

Bunbury Geographe Seniors and Community Centre Management Committee

Prior to the 2023 Local Government elections, Councillor Smith was the City's representative on the Bunbury Geographe Seniors and Community Centre Management Committee, with Cr Quain as the deputy.

Bunbury Port Community Consultation Committee

Prior to the 2021 Local Government elections, Councillor Steck was the City's representative on the Bunbury Port Community Liaison Committee, with the Chief Executive Officer or delegate as the deputy.

Dolphin Discovery Centre Management Committee

Prior to the 2023 Local Government elections, Councillor Andrew was the City's representative, with Cr Ghasseb as the deputy.

Morrissey Homestead Inc.

Prior to the 2023 Local Government elections, Councillor McCleary represented the City of Bunbury on the Board of Morrissey Homestead.

Peron Naturaliste Partnership Inc

Prior to the 2023 Local Government elections, Councillor Smith was the City's representative, with Cr McCleary as the deputy.

Regional Capitals Australia WA (RCAWA)

Prior to the 2023 Local Government elections, the Mayor was the City's representative on RCAWA, as this group is a gathering of representative Mayors/Shire Presidents and CEOs.

South West Regional Road Group

The South West Regional Road Group (SWRRG) comprises one (1) Councillor representative and one (1) deputy from the City of Bunbury.

Prior to the 2023 Local Government elections, Councillor McCleary was the City's representative , with Cr Steele as the deputy.

Bunbury-Geographe Economic Alliance

The constitution of the Bunbury-Geographe Economic Alliance requires each member to be represented on the Board of Management; either the Mayor/President or his or her delegate. The City of Bunbury is a current member.

South 32 Community Liaison Committee

The South 32 Community Liaison Committee comprises one (1) Councillor representative and one (1) deputy from the City of Bunbury.

Prior to the 2023 Local Government elections, Councillor Ghasseb was the City's representative with Cr Giles as the deputy.

Analysis of Financial and Budget Implications

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

Community Consultation

Dialogue has taken place with each of the external groups as to the continuation of Council representation.

Councillor/Officer Consultation

Nil

Applicant Consultation

N/A

Timeline: Council Decision Implementation

The respective organisations will be made aware of Council's appointments in this regard immediately following appointment.

Outcome of Meeting 7 November 2023

The Mayor advised that he will go through each point of the executive recommendation individually to determine the external committee nominees.

Bunbury Harvey Regional Council.

Councillors Quain, Smith and Steck nominated to be members of the Bunbury Harvey Regional Council and Mayor Miguel and Councillors Steele and Kozisek nominated to be deputy members.

South West Country Zone of WALGA

The Mayor nominated to be a member of the South West Country Zone of WALGA and Cr Smith nominated to be the deputy member.

Bunbury Regional Theatre Inc

Councillors Kozisek and Ramesh nominated to be the member of Bunbury Regional Theatre Inc. The Mayor called a poll and it was determined that Cr Ramesh would be the member and Cr Kozisek would be the deputy member.

Bunbury Alcohol Accord

Cr Ghasseb nominated to be a member of the Bunbury Alcohol Accord and Cr Kozisek nominated to be the deputy member.

Bunbury Geographe Seniors and Community Centre Management Committee

Cr Smith nominated to be a member of the Bunbury Geographe Seniors and Community Centre Management Committee and Cr Quain nominated to be the deputy member.

Bunbury Port Community Consultation Committee

Councillors Ghasseb, Quain, Brown and Steele nominated to be a member of the Bunbury Port Community Consultation Committee. The Mayor called for a poll and it was determined that Cr Brown would be the member.

Dolphin Discover Centre Management Committee

Cr Steck nominated to be a member of the Dolphin Discovery Centre Management Committee and Cr Brown nominated to be the deputy member.

Morrissey Homestead Board

Cr Steele nominated to be a member of the Morrissey Homestead Board, and Cr Turner nominated to be the deputy member.

Peron Naturaliste Partnership

Cr Smith nominated to be a member of the Peron Naturaliste Partnership and Cr Quain nominated to be the deputy member.

South West Regional Road Group

Cr Steele nominated to be a member of the South West Regional Road Group and Cr Ghasseb nominated to be the deputy member.

Bunbury Geographe Economic Alliance

Councillors Andrew, Brown and Ghasseb nominated to be the deputy member of the Bunbury Geographe Economic Alliance, noting that the Mayor is a member by designation. The Mayor called for a poll and it was determined that Cr Andrew would be the deputy member.

South 32 Community Liaison Committee

Councillors Quain and Ghasseb nominated to be a member of the South 32 Community Liaison Committee. The Mayor called for a poll and it was determined that Cr Quain would be the member and Cr Ghasseb would be the deputy member.

The recommendation (with nominees) was moved by Cr Andrew and seconded by Cr Brown.

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

Council Decision 235/23

That Council:

- 1. Nominates Councillors Quain, Smith and Steck as members of the Bunbury Harvey Regional Council, and Councillors Steele, Kozisek and Mayor Miguel as deputy members.**
- 2. Nominates Mayor Miguel as a member of the South West Country Zone of the Western Australian Local Government Association (WALGA), and Councillor Smith as a deputy member.**
- 3. Nominates Councillor Ramesh as a member of the Bunbury Regional Theatre Inc, and Councillor Kozisek as a deputy member.**
- 4. Nominates Councillor Ghasseb as a member of the Bunbury Alcohol Accord, and Councillor Steele as a deputy member.**
- 5. Nominates Councillor Smith as a member of the Bunbury Geographe Seniors and Community Centre Management Committee, and Councillor Quain as a deputy member.**
- 6. Nominates Councillor Brown as a member of the Bunbury Port Community Consultation Committee, and the Chief Executive Officer as a deputy member.**
- 7. Nominates Councillor Steck as a member of the Dolphin Discovery Centre Management Committee, and Councillor Brown as a deputy member.**
- 8. Nominates Councillor Steele as a member of the Morrissey Homestead Board, and Councillor Turner as a deputy member.**
- 9. Nominates Councillor Smith as a member of the Peron Naturaliste Partnership, and Councillor Quain as a deputy member.**
- 10. Notes that Mayor Miguel is by position the City of Bunbury representative for Regional Capitals Australia WA.**
- 11. Nominates Councillor Steele as a member of the South West Regional Road Group, and Councillor Ghasseb as a deputy member.**
- 12. Notes that Mayor Miguel is by position the City of Bunbury representative on the Bunbury-Geographe Economic Alliance and nominates Councillor Andrew as a deputy member.**

13. Nominates Councillor Quain as a member of the South 32 Community Liaison Committee, and Councillor Ghasseb as a deputy member.

14. Requests the Chief Executive Officer advise the above groups accordingly.

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

10.8 Representation on City of Bunbury Working Groups (listed as 10.3.5 in the agenda)

File Ref:	COB/386		
Applicant/Proponent:	Internal Report		
Responsible Officer:	Greg Golinski, Manager Governance		
Responsible Manager:	Greg Golinski, Manager Governance		
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:	Nil		

Summary

Although Working Groups are not formally constituted under the provisions of the *Local Government Act 1995* (the Act) like Council Committees, they still play an important role in streamlining the operations of the City.

The purpose of this report is for Council to consider appointments to existing City of Bunbury Working Groups.

Executive Recommendation

That Council:

1. Appoints Councillors _____, _____ and _____ as members of the Community Funding Panel, and all other Elected Members as deputy members.
2. Appoints Councillors _____, _____ and _____ as members of the Arts Development Grant Funding Panel, and all other Elected Members as deputy members.
3. Appoints Councillor _____ as a member of the Public Art Assessment Panel, and all other Elected Members as deputy members.
4. Appoints Councillor _____ as a member of the Art Collection Acquisition Panel, and all other Elected Members as deputy members.
5. Appoints Councillors _____, and _____ as members of the Bunbury Regional Art Gallery Advisory Group, and all other Elected Members as deputy members.
6. Appoints Mayor Miguel and Councillors _____, and _____ as members of the Community Safety Advisory Group, and all other Elected Members as deputy members.

Voting Requirement: Simple Majority

Strategic Relevance

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

Objective 13.1: Provide strong, accountable leadership and governance.

Regional Impact Statement

N/A

Background

The City of Bunbury currently operates six formalised Working Groups, which have a combination of Elected Member and Officer representation. These are:

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

Note that the City is currently also seeking external nominations for a newly established Tourism Working Group that was enacted by Council on 17 October 2023, with membership of that Group to be determined by Council following the completion of that process.

Council Policy Compliance

N/A

Legislative Compliance

N/A as these groups are not formal committees constituted under the *Local Government Act 1995*.

Officer Comments

Community Funding Panel

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

The Panel meets as required, and immediately prior to the 2023 City of Bunbury elections, Mayor Miguel and Councillors Turner and Quain were members of the Community Funding Panel.

Arts Development Grant Funding Panel

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

The Panel meets as required, and immediately prior to the 2023 City of Bunbury elections, Councillors Steele, Turner and Yip were members of the Arts Development Grant Funding Panel.

Public Art Assessment Panel

The Public Art Assessment Panel exists as an assessment body within the provisions of the Public Art Council Policy. The Panel considers all proposed public art projects in terms of practical, structural, safety, planning issues as well as curatorial and aesthetic considerations. Commissioning methodologies are also guided by the advice of the Assessment Panel on industry best practice, and suitability for the project in question.

The Policy makes provision for 1 Elected Member to be a member of the panel. Immediately prior to the 2023 City of Bunbury elections, Councillor Kozisek was the Council member on the Public Art Assessment Panel.

Art Collection Acquisition Panel

The Art Collection Acquisition Panel considers artworks identified for potential acquisition by the Director Bunbury Regional Art Gallery or the Collection Curator/Registrar under the provisions of the City of Bunbury Art Collection Council Policy. The Policy makes provision for 1 Elected Member to be a member of the panel.

Immediately prior to the 2023 City of Bunbury elections, Councillor Kozisek was the Council member on the Art Collection Acquisition Panel.

Bunbury Regional Art Gallery Advisory Group

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

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

The strategic plan was endorsed by Council at the 17 October 2023 Ordinary Council Meeting (Council decision 218/23). One of the recommendations within the plan is for the group to continue.

Immediately prior to the 2023 City of Bunbury elections, Councillors Yip and McCleary were Council members of the Advisory Group.

Community Safety Advisory Group

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

The Plan was endorsed by Council at the 17 October 2023 Ordinary Council Meeting (Council decision 213/23), meaning that the Group will have fulfilled part of its terms of reference. The group will remain in place to provide some oversight in relation to implementation of the Community Safety Plan.

Immediately prior to the 2023 City of Bunbury elections, Mayor Miguel and Councillors Quain and Ghaseb were Council members of the Advisory Group.

Analysis of Financial and Budget Implications

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

Community Consultation

Nil

Councillor/Officer Consultation

Nil

Applicant Consultation

N/A

Timeline: Council Decision Implementation

All memberships will be effective immediately following Council's decision in this regard.

Outcome of Meeting 7 November 2023

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

The Mayor advised that he will go through each point of the executive recommendation individually to determine the working group nominees.

Community Funding Panel

Councillors Turner, Ramesh and Quain nominated to be members of the Community Funding Panel.

Arts Development Grant Funding Panel

Councillors Turner, Steele and Kozisek nominated to be members of the Arts Development Grant Funding Panel.

Public Art Assessment Panel

Councillor Kozisek nominated to be the member of the Public Art Assessment Panel.

Art Collection Acquisition Panel

Councillors Kozisek, Smith and Turner nominated to be members of the Art Collection Acquisition Panel.

Cr Steck Moved, and Cr Quain seconded an amendment to the motion to amend the Art Collection Acquisition panel composition to include 3 Council members. The Mayor put the motion to the vote and it was carried unanimously.

Bunbury Regional Art Gallery Advisory Group

Councillors Kozisek, Smith, Steck, Steele and Quain nominated to be members of the Bunbury Regional Art Gallery (BRAG) Advisory Group.

Cr Quain moved a motion to amend the composition of the BRAG advisory group to include 5 Council members, however the motion lapsed as there was no seconder.

Cr Kozisek moved, and Cr Smith seconded a motion to amend the composition of the BRAG Advisory Group to include 3 Council members. The Mayor put the motion to the vote and it was carried 10 votes for / 1 vote against. Mayor Miguel and Councillors Andrew, Brown, Ghasseb, Kozisek, Quain, Ramesh, Smith, Steck and Steele voted "for." Councillor Turner voted "against."

The Mayor called for a poll and it was determined that Councillors Kozisek, Smith and Steele would be members of the BRAG Advisory Group

Community Safety Gallery Advisory Group

Councillors Turner and Quain nominated to be members of the Community Safety advisory group.

Tourism Working Group

Cr Steck moved, and Cr Kozisek seconded an amendment to the motion to appoint the two Council member positions of the Tourism Working Group. The Mayor put the motion to the vote and it was carried unanimously.

The Mayor noted that nominations for the community representatives and further details of the Tourism Working Group would form an agenda item to be presented at the 28 November 2023 Ordinary Council Meeting.

Councillors Steck, Kozisek, Turner and Quain nominated to be members of the Tourism Working Group. The Mayor called for a poll and it was determined that Councillors Steck and Kozisek would be members.

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

Council Decision 236/23

That Council:

- 1. Appoints Councillors Turner, Ramesh and Quain as members of the Community Funding Panel, and all other Elected Members as deputy members.**
- 2. Appoints Councillors Turner, Steele and Kozisek as members of the Arts Development Grant Funding Panel, and all other Elected Members as deputy members.**
- 3. Appoints Councillor Kozisek as a member of the Public Art Assessment Panel, and all other Elected Members as deputy members.**
- 4. Endorse an increase of the Art Collection Acquisition Panel to 3 elected members and appoints Councillors Kozisek, Smith, Turner as members of the Art Collection Acquisition Panel, and all other Elected Members as deputy members.**
- 5. Endorse an increase to the BRAG Advisory group to 3 elected members and appoints Councillors Kozisek, Smith and Steele as members of the Bunbury Regional Art Gallery Advisory Group, and all other Elected Members as deputy members.**
- 6. Appoints Mayor Miguel and Councillors Turner and Quain as members of the Community Safety Advisory Group, and all other Elected Members as deputy members.**
- 7. Appoint Councillors Steck and Kozisek as members of the Tourism Working Group, and all other Elected Members as Deputy Members.**

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

10.9 Appointments to Council Committees (listed as 10.3.6 in the agenda)

File Ref:	COB/386; COB/530; COB/526; COB/523; COB/517; COB/515; COB/516; COB/3797; COB/525
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Confidential Appendix 10.3.6-A: External Member Assessment Matrix – Audit Committee Confidential Appendix 10.3.6-B: External Member Assessment Matrix – BEAC Confidential Appendix 10.3.6-C: External Member Assessment Matrix – DAIC Confidential Appendix 10.3.6-D: External Member Assessment Matrix – HAC

Summary

The City of Bunbury elections were held on Saturday 21 October 2023 to fill 4 Councillor vacancies. Section 5.11 of the *Local Government Act 1995* stipulates that positions on Council committees become vacant at each ordinary election day.

The purpose of this report is for Council to consider Elected Member and community appointments to Council Committees.

Executive Recommendation

That Council:

1. Re-establishes the Audit Committee as a committee of Council and:
 - a) amends the membership composition of the Audit Committee from one (1) community representatives to two (2) community representatives.
 - b) appoints Councillors _____, _____, _____ and _____ as members of the Audit Committee.
 - c) appoints the two preferred candidates as identified at Confidential Appendix 10.3.6-A as members of the Audit Committee.

2. Re-establishes the Youth Advisory Council as a committee of Council and:
 - a) appoints Councillors _____ and _____ as members (non voting) of the Youth Advisory Council.
 - b) appoints Jason Goodlad, Rachel Allan, Scarlett Brown, Zoe Wallin, Charlotte Coman, Solome Woodland, Bella Brown and Isabella Chalker as members of the Youth Advisory Council.

3. Re-establishes the Bunbury Event Advisory Committee as a committee of Council and:
 - a) appoints Councillors _____, _____ and _____ as members of the Bunbury Event Advisory Committee.
 - b) appoints the preferred candidates as identified at Confidential Appendix 10.3.6-B as the community members of the Bunbury Event Advisory Committee.

4. Re-establishes the CEO Performance Review Panel as a committee of Council and appoints Councillors _____, _____, _____, _____, _____ and _____ as members of the CEO Performance Review Panel.
5. Re-establishes the Disability Access and Inclusion Committee as a committee of Council and:
 - a) appoints Councillors _____, _____ and _____ as members of the Disability Access and Inclusion Committee.
 - b) appoints the preferred candidates as identified at Confidential Appendix 10.3.6-C as the community members of the Disability Access and Inclusion Committee.
 - c) requests the CEO readvertise seeking nominations for the vacant service provider position.
6. Re-establishes the Heritage Advisory Committee as a committee of Council and:
 - a) amends the membership composition of the Heritage Advisory Committee from eight (8) to seven (7) community members, and three (3) Elected Members.
 - b) appoints Councillors _____, _____, and _____ as members of the Heritage Advisory Committee.
 - c) appoints the seven (7) preferred candidates as identified at Confidential Appendix 10.3.6-D as community members of the Heritage Advisory Committee.
7. Re-establishes the Policy Review and Development Committee as a committee of Council and appoints Councillors _____, _____, _____, _____ and _____ as members of the Policy Review and Development Committee.
8. Re-establishes the International Relations Committee as a committee of Council and:
 - a) appoints Councillors _____ and _____ as members of the International Relations Committee.
 - b) requests the CEO readvertise the vacant community member positions, noting the single application currently received will be held for assessment at the conclusion of the advertising period.
9. Appoints all other Elected Members as deputy members of each individual Council Committee in accordance with Section 5.11A of the *Local Government Act 1995*.
10. Request that each committee undertake a review of its existing terms of reference with recommendations to be made to Council in this regard by 30 April 2022.

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

Immediately prior to the 2023 City of Bunbury elections, Council operated with the assistance of eight (8) committees, established in accordance with section 5.8 of the *Local Government Act 1995* (the Act). These were as follows:

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

Council decision 171/23 on 5 September 2023 endorsed the continuation of these committees post-election for the purpose of advertising for community vacancies as applicable.

All positions on committees become vacant on election day pursuant to section 5.11(1)(d) of the Act.

Nominations were sought for all community representative vacancies during September and October 2023. Nominations were assessed against the relevant selection criteria contained on the nomination forms, with applications recommended for appointment identified within the Confidential Appendices 10.3.6-A to 10.3.6-D.

Council Policy Compliance

Regarding the CEO Performance Review Panel; Council Policy *CEO Performance and Salary Review*, clauses 1.1 and 1.2 state:

- 1.1 Council will appoint a CEO Performance Review Panel following every local government election.*
- 1.2 The Panel must comprise of at least five members. The Panel may include an independent observer.*

Legislative Compliance

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

Section 7.1A of the *Local government Act 1995* relates to Audit Committees and states:

- (1) A local government is to establish an audit committee of three (3) or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) The members of the audit committee of a local government are to be appointed by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) An employee is not to be a member of an audit committee.*

Officer Comments

Audit Committee

An Audit Committee is a legal requirement under the provisions of section 7.1A of the *Local Government Act 1995*. Prior to the 2021 City of Bunbury election, the Audit Committee membership comprised four (4) Elected Members and two (2) community representatives. The Elected Members were Mayor Jaysen Miguel and Councillors Betty McCleary, Cheryl Kozisek and Ben Andrew.

Nominations for the community positions have been sought with three applications received. Applicants recommended for appointment to the Audit Committee are identified within the Confidential Appendix 10.3.6-A.

Due to the number and quality of nominations received, it is recommended that the composition of the Committee be amended to two community representatives.

Youth Advisory Council

The Youth Advisory Council (YAC) provides guidance to Council on issues affecting the youth of the Bunbury Region, and is also actively involved in youth driven initiatives. Prior to the 2023 City of Bunbury election the YAC membership comprised two (2) non-voting Elected Members and up to 14 community representatives. The Elected Members were Councillors Amanda Yip and Marina Quain.

Nominations for the community positions were sought with nine (9) applications received. One of the nominees chose to withdraw their application. The remaining eight (8) nominees are all recommended for appointment to the YAC. The nominees are Jason Goodlad, Rachel Allan, Scarlett Brown, Zoe Wallin, Charlotte Coman, Solome Woodland, Bella Brown and Isabella Chalker.

Bunbury Event Advisory Committee

The Bunbury Event Advisory Committee aims to attract, support and promote events that deliver community and economic benefit and add vibrancy to Greater Bunbury. Prior to the 2023 City of Bunbury election, the Bunbury Event Advisory Committee membership comprised three Elected Members and four community representatives. The Elected Members were Councillors Karen Turner, Marina Quain and Michelle Steck.

Nominations for the community positions were sought with four (4) applications received. Applicants recommended for appointment to the Bunbury Event Advisory Committee are identified within the Confidential Appendix 10.3.6-B.

CEO Performance Review Panel

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

Prior to the 2023 City of Bunbury election the CEO Performance Review Panel membership comprised of six (6) Elected Members being, Mayor Jaysen Miguel and Councillors Karen Steele, Marina Quain, Michelle Steck, Cheryl Kozisek and Gabi Ghasseb.

Disability Access and Inclusion Committee

The Disability Access and Inclusion Committee advises Council on matters of access and monitors implementation of the Disability Access and Inclusion Plan for City of Bunbury buildings, facilities, services and information.

Prior to the 2023 City of Bunbury election, the Disability Access and Inclusion Committee membership comprised three (3) Elected Members, three (3) community representatives and one (1) service provider. The Elected Members were Councillors Karen Turner, Gabi Ghasseb and Ben Andrew.

Nominations were sought for community representatives and service providers. Three (3) applications were received for community representatives and nil (0) applications were received for the service provider position. Applicants recommended for appointment to the Disability Access and Inclusion Committee are identified within the Confidential Appendix 10.3.6-C.

It is recommended that the Council request the CEO readvertise seeking nominations for the service provider position. Any applications received will be assessed and presented to council for consideration.

Heritage Advisory Committee

The Heritage Advisory Committee provides an information exchange between Council and the general community on heritage matters.

Prior to the 2023 City of Bunbury election, the Heritage Advisory Committee membership comprised three (3) Elected Members and seven community representatives. The Elected Members were Councillors Smith, Quain and Kozisek.

Nominations for the community positions were sought with seven (7) applications received. Applicants recommended for appointment to the Heritage Advisory Committee are identified within the Confidential Appendix 10.3.6-D.

It is noted that following the 2021 Election, the membership composition of the Heritage Advisory Committee was amended from seven (7) to eight (8) community members (Council Decision 226/21. With only seven (7) applications being received, officers recommend that the membership composition be amended back to seven (7) community members.

Policy Review and Development Committee

The Policy Review and Development Committee meets every two (2) months to undertake a recurring review of all existing Council policies and facilitate the development of new policies for consideration by Council.

Prior to the 2023 City of Bunbury election the CEO Performance Review Panel membership comprised five Elected Members being, Councillors Cheryl Kozisek, Tresslyn Smith, Wendy Giles, Karen Steele and Marina Quain.

International Relations Committee

The International Relations Committee provides advice and support in the ongoing development of relationships and strategic opportunities with Setagaya, Japan, Jiaxing, China and Nha Trang, Vietnam.

Prior to the 2023 City of Bunbury election, the International Relations Committee membership comprised two (2) Elected Members and nine (9) community representatives. The Elected Members were Councillors Gabi Ghasseb and Tresslyn Smith.

Nominations were sought with one (1) application received. It is recommended that Council request the CEO readvertise, seeking additional nominations for the community member positions. The single application received so far will be held and assessed alongside other applications following the advertising period. All applications will be assessed and presented to council for consideration.

Analysis of Financial and Budget Implications

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

Community Consultation

Not applicable.

Timeline: Council Decision Implementation

Appointments to committees will be effective immediately.

Outcome of Meeting 7 November 2023

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

The Mayor advised that he will go through each point of the executive recommendation individually to determine the committee nominees.

Audit Committee

Mayor Miguel and Councillors Quain, Steck and Ghasseb nominated for the Audit Committee.

Youth Advisory Committee

Councillors Andrew and Turner nominated for the Youth Advisory Committee.

Bunbury Events Advisory Committee

Councillors Ramesh, Quain and Turner nominated for the Bunbury Events Advisory Committee.

CEO Performance Review Committee

Mayor Miguel and Councillors Ghasseb, Quain, Kozisek, Steck and Steele nominated for the CEO Performance Review Committee.

Disability Access and Inclusion Committee

Councillors Turner, Ghasseb and Andrew nominated for the Disability, Access and Inclusion Committee

Heritage Advisory Committee

Councillors Kozisek, Brown and Smith nominated for the Heritage Advisory Committee.

Policy Review and Development Committee

Councillors Ghasseb, Steele, Quain, Kozisek and Smith nominated for the Policy Review and Development Committee.

International Relations Committee

Councillors Ghasseb, Brown, Ramesh, Quain, Smith and Steele nominated for the International Relations Committee. The Mayor called for a poll and it was determined that Councillors Brown and Ramesh would be the members.

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

Council Decision 237/23

That Council:

1. Re-establishes the Audit Committee as a committee of Council and:

- a) amends the membership composition of the Audit Committee from one (1) community representatives to two (2) community representatives.**
- b) appoints Mayor Miguel and Councillors Quain, Steck and Ghasseb as members of the Audit Committee.**
- c) appoints the two preferred candidates as identified at Confidential Appendix 10.3.6-A as members of the Audit Committee.**

2. Re-establishes the Youth Advisory Council as a committee of Council and:

- a) appoints Councillors Andrew and Turner as members (non voting) of the Youth Advisory Council.**
- b) appoints Jason Goodlad, Rachel Allan, Scarlett Brown, Zoe Wallin, Charlotte Coman, Solome Woodland, Bella Brown and Isabella Chalker as members of the Youth Advisory Council.**

3. Re-establishes the Bunbury Event Advisory Committee as a committee of Council and:

- a) appoints Councillors Ramesh, Quain and Turner as members of the Bunbury Event Advisory Committee.**
- b) appoints the preferred candidates as identified at Confidential Appendix 10.3.6-B as the community members of the Bunbury Event Advisory Committee.**

4. Re-establishes the CEO Performance Review Panel as a committee of Council and appoints Mayor Miguel and Councillors Ghasseb, Quain, Kozisek and Steele as members of the CEO Performance Review Panel.

5. Re-establishes the Disability Access and Inclusion Committee as a committee of Council and:

- a) appoints Councillors Ghasseb, Turner and Andrew as members of the Disability Access and Inclusion Committee.**
- b) appoints the preferred candidates as identified at Confidential Appendix 10.3.6-C as the community members of the Disability Access and Inclusion Committee.**
- c) requests the CEO readvertise seeking nominations for the vacant service provider position.**

6. Re-establishes the Heritage Advisory Committee as a committee of Council and:

- a) amends the membership composition of the Heritage Advisory Committee from eight (8) to seven (7) community members, and three (3) Elected Members.**
- b) appoints Councillors Kozisek, Brown and Smith as members of the Heritage Advisory Committee.**
- c) appoints the seven (7) preferred candidates as identified at Confidential Appendix 10.3.6-D as community members of the Heritage Advisory Committee.**

7. Re-establishes the Policy Review and Development Committee as a committee of Council and appoints Councillors Ghasseb, Steele, Quain Kozisek and Smith as members of the Policy Review and Development Committee.

8. Re-establishes the International Relations Committee as a committee of Council and:

- a) appoints Councillors Brown and Ramesh as members of the International Relations Committee.**
- b) requests the CEO readvertise the vacant community member positions, noting the single application currently received will be held for assessment at the conclusion of the advertising period.**

9. Appoints all other Elected Members as deputy members of each individual Council Committee in accordance with Section 5.11A of the Local Government Act 1995.

10. Request that each committee undertake a review of its existing terms of reference with recommendations to be made to Council in this regard by 30 April 2024.

CARRIED UNANIMOUSLY
11 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

Nil

13.2 Questions from Members

Nil

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

The Mayor noted that during debate, Cr Ghasseb indicated there was a matter of urgent business that he would like to raise. The Mayor advised that as per Standing Order 5.4, matters of urgent business may only be raised on a motion by the Presiding Member.

The Mayor noted that Cr Ghasseb provided a motion on notice 7 days prior to the meeting, however motions on notice must be provided in writing to the CEO 14 clear working days prior to the meeting at which it is intended to be raised. The Mayor noted this did not meet the criteria to be considered as a matter of urgent business.

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

Nil

15.2 Public Reading of Resolutions that may be made Public

Nil

16. Closure

The Mayor thanked the CEO, noting that this was his last meeting and thanked him personally and on behalf Council for all of the work he has done for the City over the past 6 years, wishing him all the best for his future.

The Mayor declared the meeting closed at 7:14pm.

Confirmed this day, 28 November 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 7 November 2023.



Jaysen de San Miguel
Mayor