



Policy Review and Development Committee

Minutes

29 November 2023

Committee Terms of Reference

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

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1. Declaration of Opening

The Manager Governance declared the meeting open at 10:35am.

1.1 Election of the Presiding Member

As this is the first meeting of the Policy Review and Development Committee since the 2023 local government elections, the committee is required to elect a Presiding Member from amongst themselves in accordance with Section 5.12 of the *Local Government Act 1995*.

The CEO will call for nominations for the position of Presiding Member.

In the event that there is more than one nomination for the position of Presiding Member, the Chief Executive Officer will act in the position of Returning Officer to conduct the ballot as required under the *Local Government Act 1995*. The ballot for the position of Presiding Member will be conducted in accordance with clause 5.12 and Schedule 2.3 of the *Local Government Act 1995* as outlined below:

5.12. Presiding members and deputies, election of

(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —

(a) to “office” were references to “office of presiding member”; and

(b) to “council” were references to “committee”; and

(c) to “councillors” were references to “committee members”.

Schedule 2.3, Division 1

4. How mayor or president is elected

(1) The council is to elect a councillor to fill the office.

(2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

(3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.

(4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.

(7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

[Clause 4 amended: No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time
 - (1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*
 - (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*
 - (3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*
 - (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

How to count votes and ascertain the result of an election is covered through the provisions of Division 2 of Schedule 4.1 of the *Local Government Act 1995* as outlined below:

2. One office election: 2 candidates
 - (1) *If there are only 2 candidates in a one office election —
 - (a) the first-preference votes for each candidate must be counted; and
 - (b) the candidate who has the greater number of first-preference votes is elected.*
 - (2) *If the candidates have the same number of first-preference votes, the returning officer must draw lots in accordance with regulations to determine which candidate is elected.*
3. One office election: 3 or more candidates

Clauses 4 and 5 apply if there are 3 or more candidates in a one office election.
4. Count of first-preference votes
 - (1) *The first-preference votes for each candidate must be counted.*
 - (2) *A candidate is elected if the number of first-preference votes for the candidate exceeds 50% of the total number of all the first-preference votes for candidates.*
5. Process if no candidate elected under clause 4
 - (1) *The process in subclause (2) —
 - (a) must be followed if no candidate is elected under clause 4; and
 - (b) as necessary, must be repeated until a candidate is elected under subclause (3)*
 - (2) *The process is as follows —
 - (a) exclude the candidate (the excluded candidate) with —
 - (i) if this process is being followed for the first time — the fewest first-preference votes; or
 - (ii) if this process is being repeated — the fewest votes on the last count under paragraph (d);
 - (b) set aside as exhausted any ballot paper of the excluded candidate that contains —
 - (i) no preference votes at all; or*

- (ii) *no preference votes for any continuing candidates;*
 - (c) *transfer any remaining ballot papers of the excluded candidate that indicate the next available preference for a particular continuing candidate to that continuing candidate;*
 - (d) *count the number of votes for each of the continuing candidates by totalling the following —*
 - (i) *the number of first-preference votes for the continuing candidate;*
 - (ii) *if this process is being followed for the first time — the total number of ballot papers transferred to the continuing candidate under paragraph (c);*
 - (iii) *if this process is being repeated — the total number of ballot papers transferred to the continuing candidate under paragraph (c) on this or a previous occasion.*
- (3) *A continuing candidate is elected if, on a count under subclause (2)(d), the number of votes for the continuing candidate exceeds 50% of the total number of all the votes for continuing candidates.*
- (4) *Subclause (6) applies if subclause (2)(a) cannot otherwise be applied because, as the case requires —*
 - (a) *2 or more candidates have the same number of first-preference votes (no other candidates having fewer first-preference votes); or*
 - (b) *2 or more candidates have the same number of votes on the last count under subclause (2)(d) (no other candidates having fewer votes).*
- (5) *Subclause (6) also applies if subclause (3) cannot otherwise be applied because —*
 - (a) *there are only 2 continuing candidates in a count under subclause (2)(d); and*
 - (b) *on the count, the continuing candidates have the same number of votes.*
- (6) *The returning officer must draw lots in accordance with regulations to determine, as the case requires —*
 - (a) *the candidate to be excluded; or*
 - (b) *the continuing candidate to be elected.*
- (7) *For the purposes of the process in subclause (2), a ballot paper is a ballot paper of the excluded candidate if either of the following applies —*
 - (a) *the ballot paper contains a first-preference vote for the excluded candidate;*
 - (b) *the process is being repeated and the ballot paper was transferred to the excluded candidate under subclause (2)(c) on a previous occasion.*
- (8) *For the purposes of the process in subclause (2), a continuing candidate is a candidate to whom neither of the following applies —*
 - (a) *the candidate is the excluded candidate;*
 - (b) *the process is being repeated and the candidate was excluded under subclause (2)(a) on a previous occasion.*

The successful nominee will be declared elected to the position of Presiding Member of the Policy Review and Development Committee for a 2 year term.

Outcome of Policy Review and Development Committee Meeting 29 November 2023

The Manager Governance called for nominations from committee members for the position of Presiding Member.

Nominations were received from Councillors Quain and Kozisek.

The Manager Governance was the returning officer for the election of the Presiding Member. Voting was undertaken via secret ballot in accordance with the *Local Government Act*, with the winner being the candidate with most first preference votes. As there were only 2 nominees, there was no distribution of preferences.

The first preference votes received for each candidate are as follows:

1. Cr Marina Quain with 3 votes
2. Cr Cheryl Kozisek with 2 votes

Councillor Marina Quain was elected to the position of Presiding Member.

Councillor Quain assumed the Chair.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Cr Quain thanked the committee members for electing her as presiding member.

4. Attendances

Committee Members:

Member Name	Representing
Cr Gabi Ghasseb	City of Bunbury
Cr Karen Steele	City of Bunbury
Cr Marina Quain	City of Bunbury
Cr Cheryl Kozisek	City of Bunbury
Cr Tresslyn Smith	City of Bunbury

Ex-officio Members (non-voting):

Member Name	Representing
Mr Alan Ferris	Chief Executive Officer
Mrs Karin Strachan (via video conference)	Director Strategy and Organisational Performance
Mr Gary Barbour	Director Sustainable Communities

Support Staff:

Name	Title
Mr Greg Golinski	Manager Governance
Mr Liam Murphy	Governance Officer
Mr Andrew McRobert	Principal Project Officer Economic Development

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

5. Declaration of Interest

Nil

6. Confirmation of Minutes

Committee Decision: Moved Cr Kozisek Seconded Cr Steele

The minutes of the Policy Review and Development Committee Meeting held on 30 August 2023 are confirmed as a true and accurate record.

CARRIED

7. Method of Dealing with Agenda Business

All items were dealt with in the order they appeared in the agenda.

8. Reports

8.1 Review of Committee Terms of Reference

File Ref:	COB/306		
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 checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input checked="" type="checkbox"/> Legislative		
Attachments:	Nil		

Summary

The purpose of this report is for the Policy Review and Development Committee to review its terms of reference in accordance with Council Decision 237/23, where all Council Committees were requested to review their respective terms of reference and report back to Council by April 2024.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council retain the existing Terms of Reference for the Policy Review and Development Committee as follows:

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

Voting Requirement: Simple Majority

Strategic Relevance

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

Background

In establishing its committees post the 2023 City of Bunbury election and making appointments therein, Council requested that all committees review their respective terms of reference and report back to Council by April 2024 (refer Decision 237/23). This report facilitates this obligation.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable.

Officer Comments

The current terms of reference (as below) is considered appropriate and effective in terms of the work the Committee undertakes on behalf of the Council.

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

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

This matter is presented to the PRDC for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Policy Review and Development Committee Meeting 29 November 2023

Following general discussion, the executive recommendation was moved by Cr Kozisek and seconded by Cr Ghasseb and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council retain the existing Terms of Reference for the Policy Review and Development Committee as follows:

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

8.2 Future Meeting Dates

File Ref:	COB/306
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 checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

The purpose of this report is for the Policy Review and Development Committee to set its meeting dates for the next 2 years up to the 2025 local government election.

Executive Recommendation

That the Policy Review and Development Committee meet as follows through to the 2025 local government elections, with all meetings commencing at 10:00am:

1. 28 February 2024
2. 24 April 2024
3. 26 June 2024
4. 28 August 2024
5. 30 October 2024
6. 29 January 2025
7. 26 March 2025
8. 28 May 2025
9. 30 July 2025
10. 24 September 2025

Voting Requirement: Simple Majority

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community
Objective 4.3: Trusted leadership and robust decision-making

Background

The current terms of reference requires the committee to review all Council policies within a two-year period, in line with Council elections. To facilitate this, it is suggested that the Committee meet every two months, as has historically been the case.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable.

Officer Comments

As foreshadowed above, it is suggested that this committee meet every two months for the next two years (where practicable). In keeping with the timing of this meeting, it is proposed to hold meetings at 10.00am on the last Wednesday of each applicable month. The schedule would therefore be:

1. 28 February 2024
2. 24 April 2024
3. 26 June 2024
4. 28 August 2024
5. 30 October 2024
6. 29 January 2025
7. 26 March 2025
8. 28 May 2025
9. 30 July 2025
10. 24 September 2025

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

This report seeks to consult with members of the Policy Review and Development Committee to establish a suitable meeting schedule for that committee.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate.

Outcome of Policy Review and Development Committee Meeting 29 November 2023

Following general discussion, the executive recommendation was moved by Cr Kozisek and seconded by Cr Smith and was CARRIED unanimously as follows:

That the Policy Review and Development Committee meet as follows through to the 2025 local government elections, with all meetings commencing at 10:00am:

- 1. 28 February 2024**
- 2. 24 April 2024**
- 3. 26 June 2024**
- 4. 28 August 2024**
- 5. 30 October 2024**
- 6. 29 January 2025**
- 7. 26 March 2025**
- 8. 28 May 2025**
- 9. 30 July 2025**
- 10. 24 September 2025**

8.3 Proposed Council Policy: Advocacy and Stakeholder Management

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Coni Zangari, Senior Strategic Partnerships, Advocacy and Funding Officer
Responsible Manager:	Jordan Hunt, Acting Manager Strategy, Projects and Communications
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.3-A City of Bunbury Advocacy and Stakeholder Management Policy

Summary

This report is presented to the Policy Review and Development Committee (PRDC) for consideration of new Council Policy – Advocacy and Stakeholder Management. The proposed policy is presented at Appendix 8.3-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the proposed Advocacy and Stakeholder Management Policy as presented at Appendix 8.3-A.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

The desired outcomes of the policy will positively impact our community by connecting the City's goals to State and Federal government responsibilities. This will ensure that we are collaborating and voicing issues we are facing as a community, to promote better support and needed change.

Background

This policy has been developed to advance advocacy and stakeholder management at the City of Bunbury by providing direction and guidance for Council's advocacy efforts. The policy applies to Council and City of Bunbury staff in relation to planning and delivering on the City's strategic advocacy priorities as endorsed by Council at the 28 September 2023 OCM. To ensure we are a leading voice in creating beneficial outcomes for our community, the City's strategic advocacy priorities will be reviewed annually through summarising the advocacy opportunities identified in both the Strategic Community Plan and Corporate Business Plan. These priorities provide a

unified approach, seeking to influence key stakeholders around matters critical to helping Bunbury fulfil our vision of being ‘welcoming and full of opportunities.’

Council Policy Compliance

This report proposes the introduction of a new Council Policy.

Legislative Compliance

Local Government Act 1995

Officer Comments

The proposed Advocacy and Stakeholder Management Policy is presented at Appendix 1.1. The policy aims to strengthen our strategic relationships and improve the planning, monitoring and reporting of our strategic advocacy priorities. Advocacy at the City seeks to influence decision makers and leaders at all levels of government to act in the best interest of our community. To formally advocate priorities as a City, we are supporting the needs, desires and wants of our Bunbury community by being their voice.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

29 November 2023: Review by PRDC
12 December 2023: Consideration at OCM

Outcome of Policy Review and Development Committee Meeting 29 November 2023

Following discussion, a procedural motion to defer this item until the 24 April 2024 Policy Review and Development Committee meeting was moved by Councillor Steele and seconded by Cr Ghasseb and was CARRIED unanimously as follows:

That item 8.3 Proposed Council Policy: Advocacy and Stakeholder Management be deferred until the Policy Review and Development Committee meeting to be held 24 April 2024.

8.4 Review of Council Policy: Grant Program

File Ref:	COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Juaini Taylor, Senior Events Officer
Responsible Manager:	Elizabeth Denniss, Manager Community Connection
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.4-A: Grant Program Council Policy

Summary

The purpose of this report is for Council to consider amendments to the existing policy for the City of Bunbury Grant Program.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council endorse the revised Grant Program Policy as presented at Appendix 8.4-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The Grant Policy provides an equitable and transparent process when Council determines its financial support to applicants through the City's Grant Program.

Background

The City of Bunbury facilitates an annual Grant Program for the purpose of funding opportunities that activate Bunbury as a premier destination of culture and creativity for people to connect.

The Grant Policy was last reviewed by Council in November 2022.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Not applicable to this report.

Officer Comments

A review of the City's Grants Program is conducted each year to evaluate the program outcomes, to ensure the guidelines are clear, that the program aligns and addresses the outcomes of the City's Strategic Community Plan and that the process for funding maintains best practice.

Council Officers consulted with key stakeholders including current and former grant applicants and the Bunbury Events Advisory Committee, conducted internal staff workshops and benchmarked against other Local Government grant programs. The review highlighted minor amendments to the Grant Program.

Analysis of Financial and Budget Implications

There are no budget implications for this report, as a Grant Policy is currently in place.

Community Consultation

Feedback collected from grant applicants were considered as part of the review process.

Councillor/Officer Consultation

This report is presented to Council via the Committee for consideration.

Applicant Consultation

The Grant team receives feedback from grant applicants through their submissions and verbal conversations have been conducted, to ensure any proposed changes to the Grant Program that promotes a user friendly experience is included in the review.

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Policy Review and Development Committee Meeting 29 November 2023

Following general discussion, the executive recommendation was moved by Cr Kozisek and seconded by Cr Smith and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council endorse the revised Grant Program Policy as presented at Appendix 8.4-A.

8.5 Review of Council Policy: Legal Representation for Elected Members and Employees

File No.	COB/306
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 checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.5-A: Revised Council Policy Legal Representation for Elected Members and Employees

Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Legal Representation for Elected Members and Employees. The policy was last reviewed in October 2021 and is now due for its biennial review.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt revised Council Policy Legal Representation for Elected Members and Employees as presented at Appendix 8.5-A.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

This policy applied to Elected Members and Officers of the City of Bunbury.

Background

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

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Section 9.56 of the Local Government Act 1995 (the Act) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law. However, the legislation does not preclude people taking action against individual council members or employees if they believe that the council member or employee has not acted in good faith.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a council can expend funds to provide legal representation for council members and employees, as long as it believes that the expenditure falls within the scope of the local government's function.

Officer Comments

Council Policy Legal Representation for Elected Members and Employees outlines the conditions upon which the City may cover the cost of legal representation for Elected Members and Officers where legal action has been taken against them in relation to their role as either an Elected Member or employee of the City of Bunbury. The policy reflects the Department of Local Government, Sport and Cultural Industries (DLGSCI) Operational Guideline Legal Representation for Council Members and Employees.

Officers have undertaken a review of the existing policy, and have suggested some minor changes based on:

1. Advice from the DLGSCI regarding the application of its model policy on minor breach complaints made under the Act; and
2. The inclusion of a clause referencing any insurance coverage that the City may have that relates to the coverage of legal representation costs.

The changes above have been tracked within Appendix 8.5-A.

In relation to point 1, the DLGSCI has previously responded to an enquiry by the then CEO, as to whether defending a minor breach allegation would necessitate legal representation. The advice from the DLGSCI in this regard is as follows:

“The complaints mechanism regarding minor breach complaints provides for a complainant to articulate in their complaint the facts and contentions relating to the alleged breach. The respondent in their response is required to do no more than to address the facts and contentions that have been alleged on the basis of their position as to whether or not they agree to those facts and contentions or if they have an alternative version of those facts and contentions. As the minor breach determination process by the Standards Panel is not a court or legal process, there is no need to for any legal analysis nor is such analysis relevant to responding to a minor breach complaint.”

Accordingly, new clause 2.3 within Appendix 8.5-A is proposed to clarify this matter.

In relation to point 2, a new clause 5 has been included referencing that the City may have in place insurance relevant to the matter at hand, and that the Elected Member should consult with the CEO in the first instance to ascertain whether any such policy exists, and is applicable.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

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

Outcome of Policy Review and Development Committee Meeting 29 November 2023

During discussion, a procedural motion to suspend standing orders was moved by Cr Ghasseb and Seconded by Cr Kozisek and was CARRIED unanimously. Following extensive discussion a procedural motion to reinstate standing orders was moved by Cr Kozisek and Seconded by Cr Steele and carried unanimously.

A procedural motion to defer this item until the 24 April 2024 Policy Review and Development Committee was moved by Councillor Steele and seconded by Cr Smith and was CARRIED unanimously as below. The CEO indicated that he would endeavour to arrange a briefing/workshop between Council and the Department of Local Government in relation to this matter in the new year.

That item 8.5 Review of Council Policy: Legal Representation for Elected Members and Employees be deferred until the Policy Review and Development Committee meeting to be held 24 April 2024.

8.6 Review of Council Policy: Business Incentive

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Felicity Anderson, Manager City Growth
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Felicity Anderson, Manager City Growth
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 8.6-A Business Incentive Council policy

Summary

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

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of the Business Incentive Council Policy, with no changes recommended.

Voting Requirement: Simple Majority Vote

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 business.
Objective 11.3	Support local business innovation and success.

Regional Impact Statement

This Policy is aimed at supporting the development of businesses in Bunbury, which in turn, contributes to the growth of the Bunbury Geopraphe region.

Background

The creation of a Business Incentive Policy was an identified activity within the Business Support focus area of the City of Bunbury Economic Development Action Plan 2020-2023:

'We will develop a Business Incentive Policy that encourages and entices investment and development in our city and that increases business and employment opportunities through a consistent and transparent approach.'

In Bunbury, small business, which are businesses who employ 0-19 people, make up 95.9% of the 2,966 businesses registered in Bunbury. The small business sector, who receive the most benefit

from this policy employs more people than mining, agriculture, retail and government services combined.

The intent of providing these incentives to the business community is to:

- Support the retention and growth of businesses in Bunbury
- Support the establishment of new businesses in Bunbury
- Support the diversification of business offerings in Bunbury
- Build capacity within businesses
- Expand and grow businesses' physical footprints, workforce, reach and markets.
- Build stronger relationships with businesses that form part of the City's economy and community
- Create a city that has a reputation for being business friendly

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Local Government Act 1995

Officer Comments

Officers have undertaken a review of the Business Incentive Council Policy as presented at Appendix 8.5-A and suggest that the content of the current policy is appropriate and does not require revision at this time.

Analysis of Financial and Budget Implications

Included within this Policy are a number of incentives that the City can deliver within its existing operations, however there are also a number of incentives provided that operate at a cost to the City. The cost of operating these programs is delivered through PR-4249 Implement Economic Development Strategy.

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council endorsement.

Outcome of Policy Review and Development Committee Meeting 29 November 2023

Following general discussion, the executive recommendation was moved by Cr Steele and seconded by Cr Kozisek and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council note the review of the Business Incentive Council Policy, with no changes recommended.

8.7 New Council Policy: Investment Incentive

File Ref:	COB/2297; COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Andrew McRobert, Principal Project Officer Economic Development
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 8.7-A – Draft Council Policy Development and Investment Incentive <u>Confidential Appendix 8.7-B</u> – Draft Management Policy Development and Investment Incentive <u>Confidential Appendix 8.7-C</u> – Possible Incentive Options Appendix 8.7-D – Summary of Research Undertaken Appendix 8.7-E Stakeholder Consultation Summary

Summary

The purpose of this report is for the Policy Review and Development Committee to adopt two new policies for incentivising development and investment within the City of Bunbury.

Committee Recommendation

That the Policy Review and Development Committee recommend that Council:

- Endorse the Development and Investment Incentive Council Policy as attached at appendix 8.7-A*
- Note the Development and Investment Incentive Management Policy as attached at confidential appendix 8.7-B*

Voting Requirement: Simple Majority

Strategic Relevance

Economic Development Action Plan 2020-2023

Focus Area One: Investment Attraction

Objectives/Key actions We will develop an Investment Incentive Policy that supports a flourishing business community and inspires investors and developers to capitalise off Bunbury’s profile, providing more opportunities for employment and an enhanced way of life for our community.

Focus Area Two: Business Support

Objectives/Key actions We will develop a Business Incentive Policy that encourages and entices investment and development in our city and that increases business and employment opportunities through a consistent and transparent approach.

Strategic Community Plan 2032

Priority 4 Prosperity

Aspiration A strong and diversified economy.

Desired Outcomes	10. The premier city of regional Western Australia. 11. A strong, resilient and diverse economic hub for the South West.
Objectives	10.1 Build awareness and recognition that Bunbury is a great place in which to live, work, study, holiday, play and invest. 11.2 Attract diversified investment, industry and businesses.

Corporate Business Plan 2022-2026

Priority 4	Prosperity
Outcome 11	A strong, resilient and diverse economic hub for the South West.
Objective	11.2 Attract diversified investment, industry and businesses.
Action	11.2.4 Develop an Investment Incentive Policy to attract and accelerate property and economic development.

Regional Impact Statement

The overarching aim of the Policy is to improve the competitiveness of the City of Bunbury in attracting, securing and growing local and international investment within Bunbury and the Bunbury-Geographe Sub-region. The policy also aims to stimulate sustainable growth, diversify our economy and add value to Bunbury and the Sub-region.

Background

Bunbury, now recognised as Western Australia’s Second City, is the service centre of the South West Region of Western Australia. It has a diverse economic base and is the heart of the Bunbury-Geographe Sub-region. The Sub-region’s increasing population is driving demand for more services, which in turn, is presenting investment and development opportunities in Bunbury.

The City has a significant role in supporting existing, and attracting new, development and investment into Bunbury. Being actively involved in the process of attracting development and investment is central to the future growth and success of Bunbury and the Sub-region.

Formulating a Development and Investment Incentive Policy is just one of the methods the City can utilise to help:

- i. make doing business in Bunbury a more pleasurable experience;
- ii. improve the competitiveness of Bunbury in attracting, securing and growing local and international investment;
- iii. grow Bunbury’s reputation as a progressive and business friendly City; and,
- iv. contribute to long-term success, sustainability and attraction.

The creation of a Development and Investment Incentive Policy is an identified activity within the ‘Investment Attraction’ focus area of the City of Bunbury Economic Development Action Plan 2020-2023:

‘We will develop an Investment Incentive Policy that supports a flourishing business community and inspires investors and developers to capitalise off Bunbury’s profile, providing more opportunities for employment and an enhanced way of life for our community.’

The actions included within the Investment Attraction focus area recognise the significance of supporting and attracting investment into Bunbury. Furthermore, the intent of providing these incentives to investors and developers is to:

- Promote and encourage employment generating business activity in Bunbury;
- Value-add through enhanced service delivery or supply chains;
- Activate the Bunbury Central Business District;
- generate a direct or indirect increase in commercial activity in Bunbury;
- realise high quality public spaces that promote economic and social activity;
- encourage the establishment of new and emerging industries in Bunbury; and,
- Attract a skilled workforce.

In developing the Policy, an extensive list of possible incentive options were considered. The list of incentives was derived from a combination of sources, including contact with over 130 local governments across Australia via email and phone, and based on recommendations from other local governments as well as from website research. Initiatives the City is currently conducting but not formally promoting or recognising as incentives, were also included as options for consideration.

The incentives were evaluated against a matrix. The matrix assessed each incentive against a set of criteria, including whether the incentive was a 'hard' (financial) or soft (non-financial) incentive, the impact of the incentive in encouraging development and investment and the impact of timeframes associated with the incentive to the target audience.

In determining the suitability of incentives for the Development and Investment Incentive Policy regard was had to those offered within the endorsed 'Business Incentive Policy'. Officers conducted internal and external stakeholder engagement processes focussed on gathering feedback on incentives that the City could potentially offer. In formulating the Development and Investment Incentive Policy, Officers considered the feedback received in relation to the Business Incentive Policy and have ultimately adopted a flexible approach that enables each application to be assessed on merit and on a case-by-case basis.

Research undertaken suggests that it is the current business and investment climate as well as the future market projections for Bunbury that are more important in investment decisions than the availability of direct incentives. Improving the local business and investment climate in Bunbury is extremely important in order to retain, expand and attract investment. Accordingly, the application of this policy in offering incentives must have regard to these considerations.

The list of incentives recommended for the City to consider when implementing the Policy is included with the associated Management Policy.

If endorsed, this Policy is intended to have application across the entire local government area of the City of Bunbury. The policy will be available to all prospective developers and investors that are able to satisfy the 'Eligibility' and 'Qualifying' Criteria.

The Development and Investment Incentive Policy has been formulated taking the above information and feedback into consideration and is now presented to the Policy Review Development Committee for consideration and further presentation to Council.

Council Policy Compliance

This report facilitates the adoption of a new Council Policy and a new Management Policy.

Legislative Compliance

Local Government Act 1995
Land Administration Act 1997

Officer Comments

Initial Draft Policy September 2022

The initial draft Development and Investment Incentive Policy was prepared in 2022 and contained an extensive list of incentive options as provided at Appendix 8.7-C – Possible Incentive Options. **Elected members should note that the Draft Development & Investment Incentive Management Policy at Confidential Appendix 8.7-A and Possible Options at Appendix 8.7-C remains ‘Commercial In Confidence’.**

The list of possible incentives contained within the draft policy was derived from a combination of sources and via consultation with, and recommendations from, a variety of sources. Initiatives that the City was conducting, but not formally promoting or recognising as incentives, were also included as options for consideration.

Research undertaken indicated that while many local governments had considered the development of such a policy, they had not proceeded through to adoption. A summary of research undertaken is attached at Appendix 8.7-D.

In further determining the suitability of incentives to offer within the Development and Investment Incentive Policy, Officers conducted internal and external stakeholder engagement processes which focussed on gathering feedback on incentives that the City could offer. Details in relation to the Community and Councillor/Officer Stakeholder Consultation undertaken are provided within the Sections titled ‘Community Consultation’ and ‘Councillor/Officer Consultation’ below. A summary of that consultation is included within Attachment 8.7-E.

The initial 2022 draft document acknowledged the importance of distinguishing between incentives for investment attraction and incentives for development and noted the following:

- Development incentives focus on incentivising and encouraging further development and are generally presented in the form of financial discounts such as discounting fees and charges.
- When providing incentives for development, the return is generally in the form of an increased rate revenue for the City and the community may not necessarily become aware of specific outcomes.
- Development incentives are provided to help initiate or complete a development and do not necessarily encourage or entice job creation or provide opportunities for employment or contribute to a skilled workforce.
- Investment attraction incentives can include, but also go beyond providing incentives to develop. They seek to achieve tangible outcomes in addition to making development easier or more attractive. They also endeavour to influence the decisions made by developers and investors around where to invest.
- Investment attraction incentives try to achieve lasting and ongoing benefits to a community.

Draft Development and Investment Incentive Policy 2023

The aim of preparing a Development and Investment Incentive Policy is addressed in each of the City's Economic Development Action Plan and Corporate Business Plan. It is also consistent with the 'Objectives' contained within the Strategic Community Plan.

In preparing the Development and Investment Incentive Policy due regard was given to the initial 2022 draft Policy document. Officer research and stakeholder feedback that informed the initial draft showed that the provision of financial incentives, although nice to have, did not necessarily influence where a developer would invest. In addition, it demonstrated that:

- i. growing a reputation for being progressive;
- ii. having a 'can do' attitude;
- iii. being regarded as easy to do business with; and,
- iv. getting things done well and expeditiously,

are ultimately considered more valuable to investors and developers.

The consistent themes that emerged from the Officer research included:

- Local governments are starting to distinguish between locational incentives (to steer or attract investment into favoured sectors or regions i.e. encouraging investors into region) and behavioural incentives (to influence the character, nature and quality of such investments i.e. enticing investors in certain business activities).
- The need to keep the policy simple. Companies need to understand how easy it is to comply with the incentive policy's eligibility and qualification criteria.
- The importance of being business and development friendly.

The above are still regarded as relevant.

When developing the Development and Investment Incentive Policy, Officers were encouraged to think innovatively and collaboratively and to reflect the previous research undertaken, feedback received from other local governments, results of stakeholder consultation and the 2022 draft document.

The incentives included within this Policy have been thoroughly assessed, are meaningful and considered useful for intending developers and investors to utilise.

As a number of incentives available through the Development and Investment Incentive Policy are of a financial nature, investors and developers will be required to satisfy 'eligibility' and 'qualifying' criteria to be entitled to the incentives. This includes qualifying criteria that demonstrates that the investment or development satisfies a number of economic development outcomes for Bunbury, including supporting the delivery of new permanent and ongoing employment opportunities in Bunbury, enhancing the lifestyle and liveability of Bunbury and contribution towards community development.

One of the eligibility requirements includes the need for a minimum capital investment of \$1.2M. Within the initial 2022 version of the draft policy, \$1M was determined to be the minimal capital investment required to satisfy the eligibility criteria. This was based on an analysis of the number of development applications received in the 2021-2022 Financial Year which showed the top 11 'Major/High Value' developments as having a value of \$1M or over. A review of more recent 2022-2023 statistics identified that the City received 12 development applications with an associated value of \$1.2M or above. Having regard to this, as well as the post-pandemic construction cost escalations, \$1.2M is considered to be an appropriate minimum value. It is

recommended that following endorsement of the Management Policy it should be reviewed on an annual basis to determine the minimum development value to be applied. This will assist in ensuring that the minimum value remains relevant, a limited number of applications can be considered eligible (limiting financial exposure for the City) and are adjusted in line with market conditions.

The initial 2022 draft sought to limit the eligibility criteria to investment and development proposed within the Bunbury Central Business District. Notwithstanding that this eligibility criteria was informed from the results of feedback from a Council workshop and associated survey conducted in June 2022, the current housing crisis alone warrants a reconsideration of this position. It is therefore recommended that the area of application of the Policy be expanded to include all of that land within the City of Bunbury municipal boundary. Adoption of this area of application is considered important in supporting proposals projects such as those that may result in higher density residential development (including for social housing and worker accommodation) or activate areas not necessarily located within the central business district.

Analysis of Financial and Budget Implications

Eligible projects shall be considered on a case-by-case basis and the eligible applicants may also apply for other specific incentives relative to each project. The cost of operating these programs is delivered through PR-4249 Implement Economic Development Strategy.

Included within this Policy are a number of incentives that the City can deliver within its existing operations, however there are also a number of incentives provided that operate at a cost to the City. These are specified below:

- Provision of Bunbury Grant Finder, \$6,500 exclusive of GST per annum;
- Provision of economic and community data, \$35,000 exclusive of GST per annum;
- Direct Financial assistance;
- Discounts to leases and licences;
- Flexible vendor terms;
- Rates Incentives; and,
- Inclusion in marketing and promotional campaigns.

A number of the incentives listed in the Management Policy are difficult to quantify in terms of their likely budget and financial implications as they will vary based on the value and nature of the development. Examples include:

1. Although fees may be reduced by the City for specific development applications, the value of the discount may vary as the original application fee is calculated based on the estimated cost of the development; and,
2. The City may consider selling a property at a discounted value as the development of the property may facilitate a number of economic and community development outcomes that are considered or greater benefit than the value of the reduction in price.

Incentives, such as those capable of being delivered through the Development and Investment Incentive Policy, are invaluable to our community and have flow on effects for the economy such as attracting new development and investment, growing new job opportunities, increasing Bunbury's population and enhancing Bunbury's reputation.

Having regard to the potential impact on the City's revenue and resourcing, prior to consenting to applications for incentives, assessing officers shall consult with, and obtain the approval of, the

City of Bunbury Managers of Finance and Economic Development and the Executive Leadership Team.

Community Consultation

The Development and Investment Incentive Policy has been informed and prepared using the results of a number of consultation processes that have been undertaken.

Wherever possible, consultation was conducted in person by officers to ensure the consultation process was as collaborative as possible. Consultation methods included:

- Survey to Bunbury business community;
- Survey to investors and developers located inside and outside of Bunbury;
- Round table discussions;
- One-on-one interviews; and,
- Consultation with local governments across Australia;
- Emails, phone calls and website research.

The common themes in the feedback received included :

- Appreciation for the opportunity to provide feedback;
- The importance of being business and development friendly.
- Faster, simplified processes and clearer guidelines.
- Improve on the 'can do' culture within the local government.
- Flexibility in processes and decision-making is valued.
- There is a perception within the community that it is hard to work with the City to achieve positive development outcomes.
- The need to keep the policy simple and be clear on the eligibility and qualifying criteria for incentives.
- The desire for local government assistance in facilitating and connecting to State and Federal contacts.

A stakeholder consultation summary is attached at Appendix 8.7-e and includes the results of surveys, round-table discussions and one-on-one interviews.

Councillor/Officer Consultation

Officers collaborated internally with all relevant departments and the Executive Leadership Team on the Development and Investment Incentive Policy. Additionally, the City's Elected Members have been briefed on the development of the Policy and invited to provide feedback. A summary of the findings from the Councillor workshop and associated survey provided as Attachment 8.7-D.

The Policy is now presented to the Committee for consideration.

Applicant Consultation

Not applicable to this report.

Timeline: Council Decision Implementation

Following Council endorsement, the new policy will become effective immediately. Officers will then package and promote available incentives and contact all external stakeholders that provided feedback.

Outcome of Policy Review and Development Committee Meeting 29 November 2023

Following extensive discussion, the executive recommendation was moved by Cr Kozisek and seconded by Cr Ghasseb and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council:

- 1. Endorse the Development and Investment Incentive Council Policy as attached at appendix 8.7-A***
- 2. Note the Development and Investment Incentive Management Policy as attached at confidential appendix 8.7-B***

8.8 Review of Council Policy: Honorary Freeman of the City of Bunbury

File No.	COB/306
Internal	Policy Review and Development Committee
Responsible Officer:	Liam Murphy, Governance Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<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 8.8-A: Council Policy: Honorary Freeman of the City of Bunbury

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Honorary Freeman of the City of Bunbury. The policy was last reviewed in October 2021 and is now due for its biennial review. The policy is attached at appendix 8.8-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy – Honorary Freeman of the City of Bunbury, with no changes recommended.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Pillar:	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13:	A leading local government
Objective 13.1	Provide strong, accountable leadership and governance.
Objective 13.3:	Effectively manage the City's resources

Regional Impact Statement

N/A

Background

The policy stipulates the procedure for the nomination, selection and awarding of the prestigious title to a person designated as 'Honorary Freeman of the City of Bunbury'.

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

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

N/A

Officer Comments

Officers have undertaken a review of the Council Policy Honorary Freeman of the City of Bunbury as presented at Appendix 8.8-A and suggest that the content of the current policy is appropriate.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

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

Outcome of Policy Review and Development Committee Meeting 29 November 2023

The executive recommendation was moved by Cr Steele and seconded by Cr Kozisek and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy – Honorary Freeman of the City of Bunbury, with no changes recommended.

8.9 Review of Council Policy: Activation of Public Open Space

File No.	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Sarah Upton, Manager Community Wellbeing
Responsible Manager:	Sarah Upton, Manager Community Wellbeing
Executive:	Gary Barbour, Director Planning and Development Services
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 8.9-A: Revised Council Policy Activation of Public Open Space

Summary

This report is presented to the Policy Review and Development Committee to facilitate a review of the Activation of Public Open Space Council Policy (the Policy). The draft policy is attached at appendix 8.9-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Activation of Public Open Space Council Policy as presented at Appendix 8.9-A.

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 business.
Objective 11.3	Support local business innovation and success.

Regional Impact Statement

This Policy impacts properties within the City of Bunbury only.

Background

The Policy was first adopted by Council in July 2016, with a purpose of effectively managing activities in Public Open Space in a manner that encourages and provides opportunities for businesses and groups to activate areas in the City of Bunbury.

The City receives numerous applications from various businesses looking to operate in Bunbury throughout the course of the year. Prior to the existence of the Policy, applications were made via several City Departments in a number of ways, such as a lease, street trading licence or permit, and with each application utilising a different method and level of approval required. The adoption of the policy and associated processes streamlined these processes, with the intent of

bringing social, cultural and economic value to the City, while encouraging local business growth and identifying the areas around Bunbury that can be enhanced to the benefit of the community.

Council Policy Compliance

This report facilitates the review of an existing Council policy.

Legislative Compliance

Section 3.58 of the *Local Government Act 1995* deals with disposal of property in relation to the leasing of land. Street Trading Licenses and Permits are not governed by legislation.

Officer Comments

The Committee have reviewed the existing Policy and recommend some minor changes as presented at Appendix RAC-9.

Analysis of Financial and Budget Implications

Fees and charges are applied to the lessees, street trading licence and permit holders in accordance with the City's Fees and Charges and Annual Budget.

Community Consultation

Extensive consultation took place as part of the original adoption of the policy in 2016, however none was considered necessary for this review as the proposed changes are considered minor.

Councillor/Officer Consultation

This report is presented to the Policy Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

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

Outcome of Policy Review and Development Committee Meeting 29 November 2023

Following general discussion, the executive recommendation was moved by Cr Steele and seconded by Cr Kozisek and was CARRIED unanimously as follows:

That the Policy Review and Development Committee recommend that Council adopt the revised Activation of Public Open Space Council Policy as presented at Appendix 8.9-A.

9. Questions from Members

9.1 Response to Previous Questions from Members taken on Notice

Nil

9.2 Questions from Members

Cr Ghaseb asked how Councillors can raise matters for consideration by the Policy Review and Development Committee.

The Manager Governance advised that the best way for Councillors to raise a matter with the committee is to first have a discussion with the CEO or relevant Director, who may then include an item as appropriate on a future committee meeting agenda.

10. Urgent Business

Nil

11. Date of Next Meeting

The date of the next meeting is 28 February 2023.

12. Close of Meeting

The Presiding Member closed the meeting at _____.

Confirmed on 28 February 2024 as a true and accurate record of proceedings of the Policy Review and Development Committee meeting held on 29 November 2023.

**Cr Marina Quain
Presiding Member**