



City of Bunbury Council

Minutes

30 January 2024



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
Post Office Box 21
Bunbury WA 6231

Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	6
2.	Disclaimer	6
3.	Announcements from the Presiding Member.....	6
4.	Attendance	7
4.1	Apologies.....	7
4.2	Approved Leave of Absence.....	7
4.3	Attendance at Previous Meetings.....	8
5.	Declaration of Interest.....	9
6.	Public Question Time.....	10
6.1	Public Question Time	10
6.2	Responses to Public Questions Taken ‘On Notice’.....	10
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	11
7.1	Minutes	11
7.1.1	Minutes – Ordinary Council Meeting	11
7.1.2	Minutes – Council Advisory Committees	12
8.	Petitions, Presentations, Deputations and Delegations.....	13
8.1	Petitions	13
8.2	Presentations	13
8.3	Deputations.....	13
8.4	Council Delegates’ Reports	13
8.5	Conference Delegates’ Reports.....	13
9.	Method of Dealing with Agenda Business.....	13
10.	Reports.....	14
10.1	Schedule of Accounts Paid for the period 1 November 2023 to 30 November 2023 (listed as 10.3.2 in the agenda).....	14
10.2	Schedule of Accounts Paid for the period 1 December 2023 to 31 December 2023 (listed as 10.3.3 in the agenda).....	15
10.3	Financial Management Report for the Period Ending 30 November 2023 (listed as 10.3.3 in the agenda).....	16
10.4	Financial Management Report for the Period Ending 31 December 2023 (listed as 10.3.5 in the agenda).....	22
10.5	Proposed City of Bunbury Parking Amendment Local Law (listed as 10.3.1 in the agenda).....	28
10.6	Proposed Outbuilding (Shed) at Lot 179 (#237) Spencer Street, South Bunbury (listed as 10.4.1 in the agenda).....	31
11.	Applications for Leave of Absence.....	37
12.	Motions on Notice	37

Table of Contents

Item No	Subject	Page
13.	Questions from Members.....	37
13.1	Response to Previous Questions from Members taken on Notice	37
13.2	Questions from Members	37
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting	37
15.	Meeting Closed to Public.....	37
15.1	Matters for which the Meeting may be Closed	37
15.2	Public Reading of Resolutions that may be made Public	37
16.	Closure	37

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 community and their cultures; and to Elders past, present and emerging.

2. Disclaimer

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

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

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

Copyright

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

Recording and Webstreaming of Meetings

- All Ordinary and Special Council Meetings are electronically recorded except when Council resolves to go behind closed doors
- All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office
- The live stream can be accessed at <http://www.bunbury.wa.gov.au/Pages/Live-Stream.aspx>
- Recordings can be accessed at <http://www.bunbury.wa.gov.au/Pages/Council-Meeting-Videos-2022.aspx>
- Images of the public gallery are not included in the streaming, however the voices of people in attendance may be captured and streamed.
- If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance Officer on 9792 7000.

3. Announcements from the Presiding Member

The Mayor acknowledged that Gary Barbour, former Director Sustainable Communities had finished at the City and welcomed David Russell who will be acting in this role for the next few months.

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 K Steele
	Councillor M Steck
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Ferris
A/Director Sustainable Communities	Mr D Russell
Director Strategy and Organisational Performance	Ms K Strachan
Director Infrastructure	Mr G Harris
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
A/Manager Finance	Mr J Parsons
Governance Officer	Mr L Murphy
Senior Corporate Communications Officer	Ms K Fielding
A/ Senior Planning Officer	Mr G Webber
Others (Non-Voting)	
Members of the Public	6

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Cr Quain is on an approved leave of absence from 21 January to 2 February 2024

4.3 Attendance at Previous Meetings

*Data begins from 1 July 2023.

Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Brown	Cr Ghasseb	Cr Kozisek	Cr Quain	Cr Ramesh	Cr Steck	Cr Steele	Cr Turner
Ordinary Council Meeting	8/9	9/9	9/9	4/4	9/9	9/9	8/9	4/4	8/9	8/9	9/9
Special Council Meeting	5/5	5/5	5/5	1/1	4/5	5/5	5/5	1/1	4/5	5/5	5/5
Agenda Briefing	7/9	8/9	9/9	4/4	7/9	8/9	8/9	4/4	8/9	8/9	9/9
Audit Committee	2/2	N/A	1/1	N/A	1/1	1/1	1/1	N/A	1/1	N/A	N/A
Bunbury Events Advisory Committee	N/A	N/A	N/A	N/A	N/A	N/A	1/1	N/A	1/1	N/A	1/1
CEO Performance Review Committee	1/1	N/A	N/A	N/A	0/1	1/1	1/1	N/A	0/1	0/1	N/A
Disability Access and Inclusion Committee	N/A	N/A	1/1	N/A	0/1	N/A	N/A	N/A	N/A	N/A	1/1
Heritage Advisory Committee	N/A	1/1	N/A	N/A	N/A	1/1	1/1	N/A	N/A	N/A	N/A
International Relations Committee	N/A	1/1	N/A	N/A	0/1	N/A	N/A	N/A	N/A	N/A	N/A
Policy Review and Development Committee	N/A	2/2	N/A	N/A	1/1	1/2	2/2	N/A	N/A	2/2	N/A
Youth Advisory Council Committee	N/A	N/A	N/A	N/A	N/A	N/A	1/1	N/A	N/A	N/A	N/A

5. Declaration of Interest

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

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

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

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

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

Nil

6. Public Question Time

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

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

6.1 Public Question Time

Nil

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held 12 December 2023 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 12 December 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 30 January 2024

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

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

Council Decision 001/24

The minutes of the Ordinary meeting of the City of Bunbury Council held 12 December 2023 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Alan Ferris, Chief Executive Officer
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 7.1.2-A: HAC Minutes 6 December 2023

Summary

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

1. Title: Heritage Advisory Committee Minutes
Author: Annalise Miller, Senior Strategic Planner
Appendix: 7.1.2-A

Council Committee Recommendation

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

1. Heritage Advisory Committee Minutes 6 December 2023

Voting Requirement: Simple Majority

Outcome of Meeting 30 January 2024

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

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

<p>Council Decision 002/24</p> <p>The following Advisory Committee meeting minutes listed in the report be accepted and noted:</p> <p>1. Heritage Advisory Committee Minutes 6 December 2023</p> <p>CARRIED UNANIMOUSLY 10 votes “for” / Nil votes “against”</p>

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for item 10.3.2, 10.3.3, 10.3.4 and 10.3.5.

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

The items “*adopted by exception*” were moved by Cr Kozisek and seconded by Cr Steele.

10. Reports

10.1 Schedule of Accounts Paid for the period 1 November 2023 to 30 November 2023 (listed as 10.3.2 in the agenda)

File Ref:	COB/4736	
Applicant/Proponent:	Internal Report	
Responsible Officer:	David Ransom, Manager Finance	
Responsible Manager:	David Ransom, Manager Finance	
Executive:	Karin Strachan, Director Strategy & Organisational Performance	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
Attachments:	Appendix 10.3.2-A: Schedule of Accounts Paid	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 November 2023 to 30 November 2023 is attached at Appendix 10.3.2-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$36,027,432.07
2. Trust Account – payments totalling \$18,750.99
3. Visitor Information Centre Trust Account – payments totalling \$5,457.40

Executive Recommendation

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

Voting requirements: Simple Majority

Outcome of Meeting 30 January 2024

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

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 003/24

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

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

10.2 Schedule of Accounts Paid for the period 1 December 2023 to 31 December 2023 (listed as 10.3.3 in the agenda)

File Ref:	COB/4736	
Applicant/Proponent:	Internal Report	
Responsible Officer:	David Ransom, Manager Finance	
Responsible Manager:	David Ransom, Manager Finance	
Executive:	Karin Strachan, Director Strategy & Organisational Performance	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
Attachments:	Appendix 10.3.3-A: Schedule of Accounts Paid	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 December 2023 to 31 December 2023 is attached at Appendix 10.3.3-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$9,618,087.62
2. Trust Account – payments totalling \$59,053.49
3. Visitor Information Centre Trust Account – payments totalling \$3,590.00

Executive Recommendation

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

Voting requirements: Simple Majority

Outcome of Meeting 30 January 2024

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

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 004/24

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

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

- | | | |
|--|-----------|-----------|
| * Working Capital
(Current Assets less Current Liabilities) | \$56.32M | \$11.71M |
| * Equity
(Total Assets less Total Liabilities) | \$523.41M | \$488.74M |
4. Capital Works (**attached** at Appendix 10.3.4-E)
- Actual capital works of \$8.49M is \$2.89M less than the year-to-date budgeted capital works of \$11.37M (refer explanation within report).
 - The progress of capital works is monitored monthly.
 - Capital works include a combination of funding sources including municipal, reserve and grant funds.
5. Operating Project Expenditure (**attached** at Appendix 10.3.4-F)
- Actual operating project expenditure of \$2.07M is \$538K less than the year-to-date budgeted operating project expenditure of \$2.61M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

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

Voting requirements: Simple Majority

Strategic Relevance

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

Background

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.4-A)
- Statement of Financial Activity (**attached** at Appendix 10.3.4-B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.4-C)
- Statement of Financial Position (**attached** at Appendix 10.3.4-D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.4-E)
- Operating Projects Summary (**attached** at Appendix 10.3.4-F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.4-G)

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

Council Policy Compliance

Not applicable.

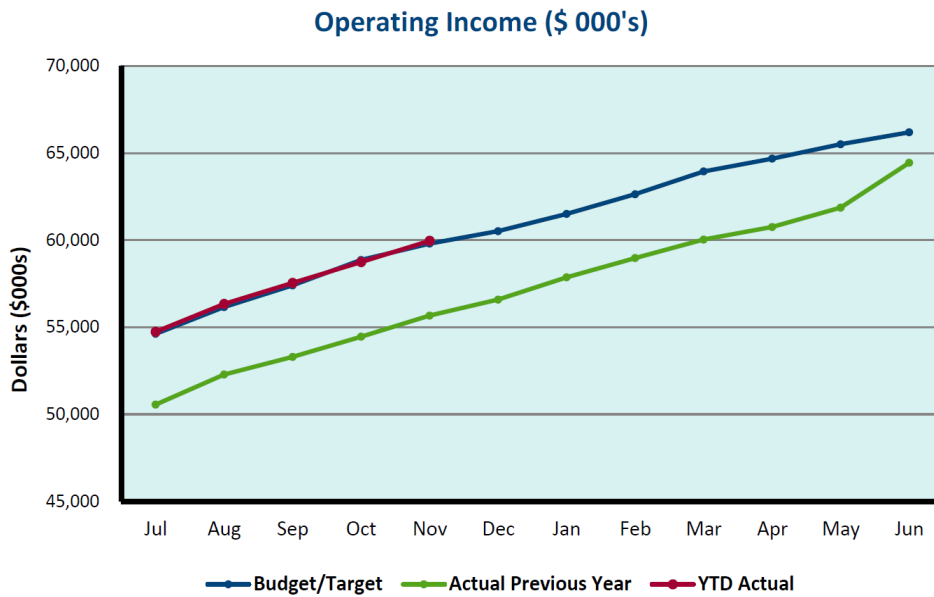
Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix 10.3.4-B) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

At the Special Council Meeting 25 July 2023, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2023/24.

Officer Comments

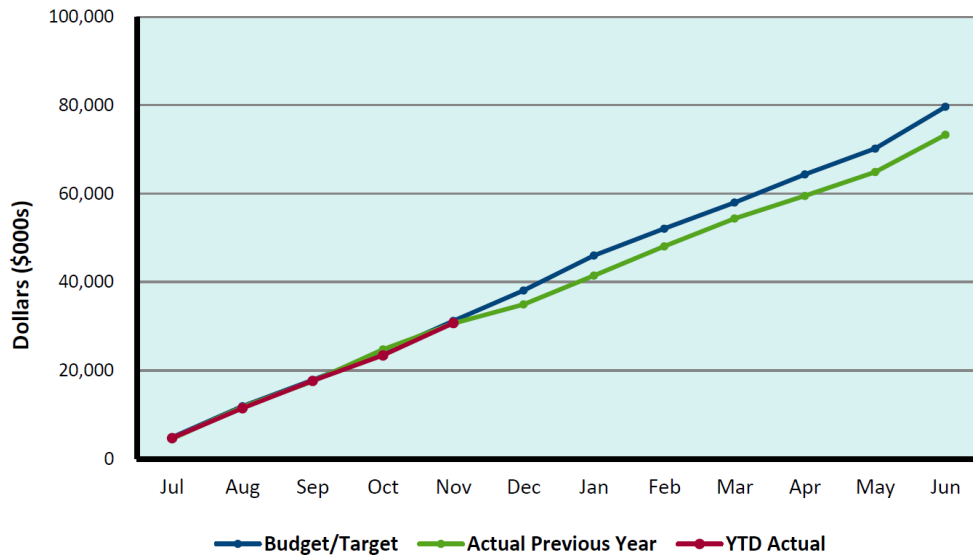
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



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

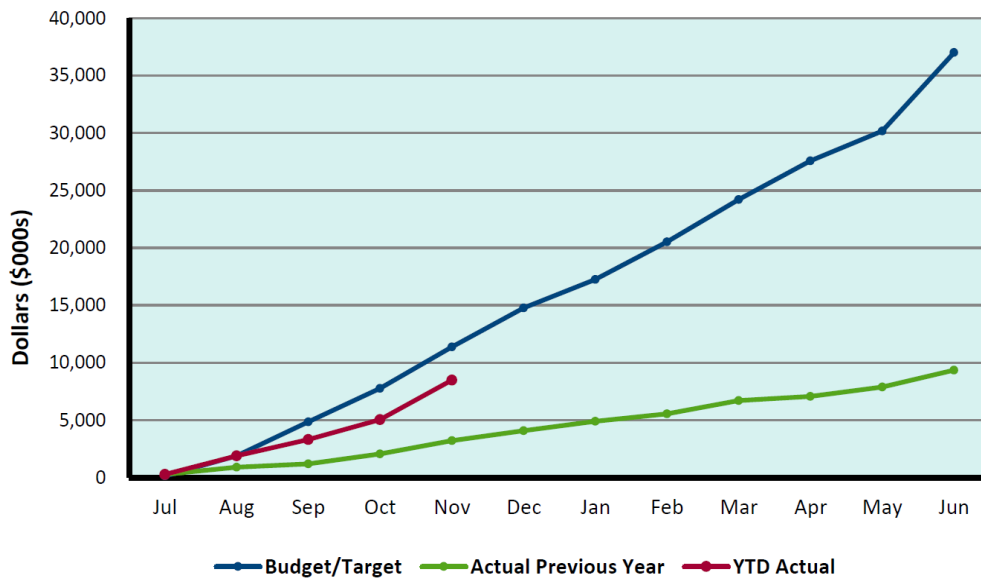
Actual Income of \$59.96M is \$161K above the year-to-date budgeted income of \$59.80M.

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is below the year-to-date budget by \$485K.

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of November 2023 of \$8.49M is \$2.89M less than the year-to-date budget of \$11.37M. The monthly Capital Projects Summary report provides more detail on all capital projects.

The following is an explanation of significant variances identified in the statement of Financial Activity. Please refer to Appendices 10.3.4-E and 10.3.4-F for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
Capital Expenses	
<p><i>Acquisition of Assets</i> – year-to-date variance due to the timing of capital expenditure. The capital projects are monitored monthly. Key project variances include:</p> <ul style="list-style-type: none"> PR-5105 Renew foreshore marine walls 2023/24 - \$695K PR-2403 Replace Forrest Park Pavilion - \$552K PR-1103 Realign and widen Ocean Drive - \$330K PR-1543 Boulters Heights Redevelopment - \$314K PR-5118 Regional Roadworks program – Bussell Hwy - \$266K PR-4871 Renew, resleeve and improve drainage network 2023/24 - \$200K PR-5114 Beautifying Bunbury Streetscapes 23/24 - \$125K PR-4859 Expand Path Network 2023/24 - \$110K PR-4521 Replace parking machines and upgrade infrastructure Smart Parking - \$95K PR-4867 Renew community buildings 2023/24 - \$92K PR-5115 Regional Roadworks program – Casuarina Dr - \$90K 	<p>\$2,887,202 25%</p>

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2023/24 financial year.

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.4-G) has been prepared to give the community an easy-to-understand summary of the City’s financial performance. Once received by Council, this report will be made available on the City’s website for community information.

Councillor/Officer Consultation

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

Approved budget amendments are recorded in the financial statements to always reflect the City’s current budget and financial position.

Outcome of Meeting 30 January 2024

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

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 005/24

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

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

10.4 Financial Management Report for the Period Ending 31 December 2023 (listed as 10.3.5 in the agenda)

File Ref:	COB/5709
Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.3.5-A: Statement of Comprehensive Income Appendix 10.3.5-B: Statement of Financial Activity Appendix 10.3.5-C: Statement of Net Current Assets Appendix 10.3.5-D: Statement of Financial Position Appendix 10.3.5-E: Capital Projects Expenditure Summary Appendix 10.3.5-F: Operating Projects Expenditure Summary Appendix 10.3.5-G: Monthly Community Financial Report

Summary

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.5-A)
 Actual Financial Performance to 31 December 2023 (refer explanations within the report)
 - Actual operating income of \$61.02M is \$363K more than the year-to-date budgeted income of \$60.65M.
 - Actual operating expenditure of \$36.40M is \$1.15M under the year-to-date budgeted expenditure of \$37.55M.
 - Actual operating surplus of \$24.62M is \$1.51M more than the year-to-date budgeted operating surplus of \$23.11M.

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

The current forecast closing position as at 30 June 2024 is \$99K, which is slightly higher than the current budget. Any forecast changes noted will be included in the February 2024 Budget Review.

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

The City’s year-to-date actuals and end of financial year (F/Y) forecast balances are as follows:

	Year-to-date	Forecast
* Current Assets of \$64.15M includes:		
- Cash and Investments	\$46.92M	\$23.14M
- Rates Receivable	\$15.56M	\$1.93M
- Other Current Assets	\$1.67M	\$2.28M
* Current Liabilities of \$13.45M includes:		
- Trade and Other Payables	\$5.80M	\$8.48M
- Annual Leave and LSL Provisions	\$5.22M	\$5.58M

- | | | |
|--|-----------|-----------|
| * Working Capital
(Current Assets less Current Liabilities) | \$50.70M | \$11.71M |
| * Equity
(Total Assets less Total Liabilities) | \$518.99M | \$492.00M |
4. Capital Works (**attached** at Appendix 10.3.5-E)
- Actual capital works of \$10.05M is \$4.73M less than the year-to-date budgeted capital works of \$14.77M (refer explanation within report).
 - The progress of capital works is monitored monthly.
 - Capital works include a combination of funding sources including municipal, reserve and grant funds.
5. Operating Project Expenditure (**attached** at Appendix 10.3.5-F)
- Actual operating project expenditure of \$2.38M is \$814K less than the year-to-date budgeted operating project expenditure of \$3.19M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

The Financial Management Report for the period ending 31 December 2023 be received.

Voting requirements: Simple Majority

Strategic Relevance

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

Background

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

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

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

Council Policy Compliance

Not applicable.

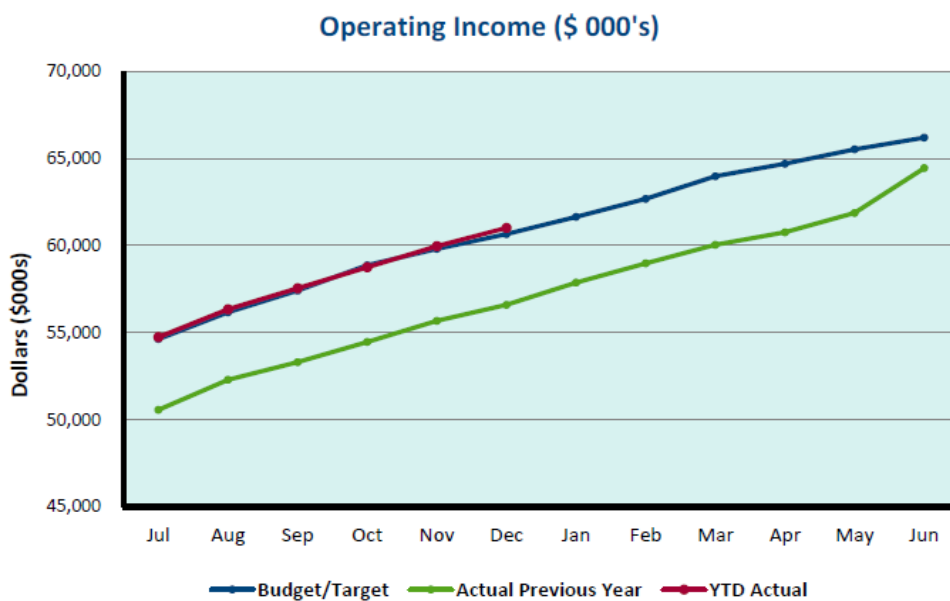
Legislative Compliance

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

At the Special Council Meeting 25 July 2023, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2023/24.

Officer Comments

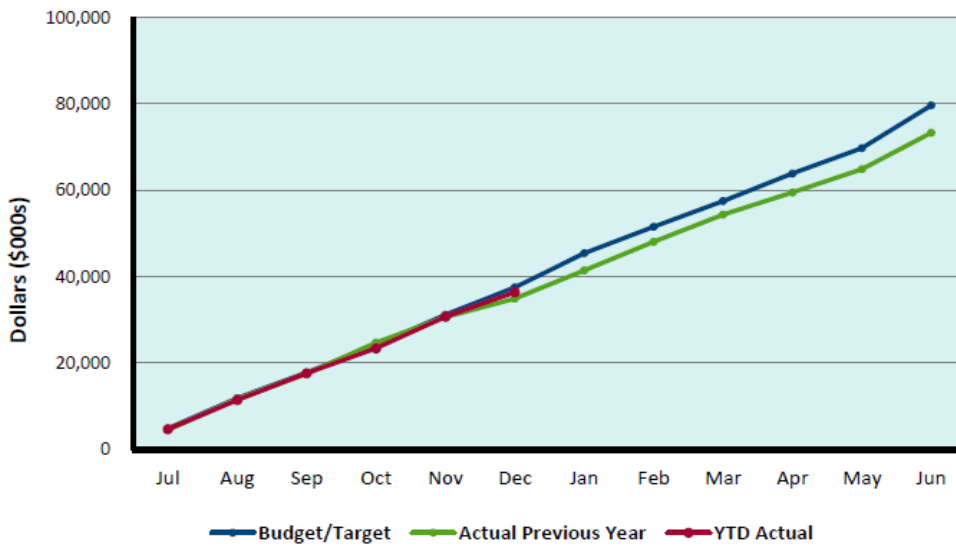
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



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

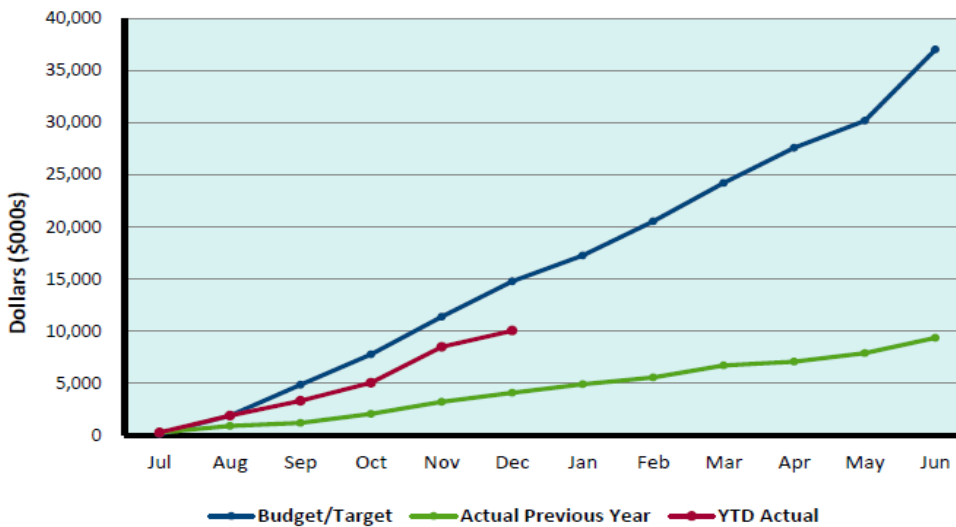
Actual operating income of \$61.02M is \$363K more than the year-to-date budgeted income of \$60.65M.

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is below the year-to-date budget by \$1.15M.

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of December 2023 of \$10.05M is \$4.73M less than the year-to-date budget of \$14.77M. The monthly Capital Projects Summary report provides more detail on all capital projects.

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

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Expenses	
<i>Materials and Contracts</i> – Favourable year-to-date variance of \$1.25M mainly due to consultant expenses \$547K, contractor expenses \$478K and software and licencing expenses of \$134K. These will be monitored on a monthly basis and any savings noted will be included during the February Budget Review.	\$1,250,691 12%

Capital Expenses	
<p><i>Acquisition of Assets</i> – year-to-date variance due to the timing of capital expenditure. The capital projects are monitored monthly. Key project variances include:</p> <p>PR-3720 Hands Oval Redevelopment - \$1.11M PR-5105 Renew foreshore marine walls 2023/24 - \$1.05M PR-1543 Boulters Heights Redevelopment - \$440K PR-5118 Regional Roadworks program – Bussell Hwy - \$266K PR-4871 Renew, resleeve and improve drainage network 2023/24 - \$250K PR-2403 Replace Forrest Park Pavilion - \$225K PR-1103 Realign and widen Ocean Drive - \$188K PR-4859 Expand Path Network 2023/24 - \$187K PR-5114 Beautifying Bunbury Streetscapes 23/24 - \$153K PR-5111 Bunbury Airport apron expansion - \$146K PR-3830 Subdivision and sale of part Lot 3 Blair Street - \$103K PR-4886 Replace playground equipment - \$91K PR-4867 Renew community buildings 2023/24 - \$90K PR-5115 Regional Roadworks program – Casuarina Dr - \$90K PR-4865 Asset Replacement – Personal Computers - \$83K PR-4521 Replace parking machines and upgrade infrastructure Smart Parking - \$52K</p>	<p>\$4,726,976 32%</p>

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2023/24 financial year.

Community Consultation

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

Councillor/Officer Consultation

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

Approved budget amendments are recorded in the financial statements to always reflect the City’s current budget and financial position.

Outcome of Meeting 30 January 2024

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

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 006/24

The Financial Management Report for the period ending 31 December 2023 be received.

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

Regional Impact Statement

The Parking Amendment Local Law amends the existing Parking local law, which ensures that parking in Bunbury is functional and will allow authorised officers to manage parking more efficiently, resulting in improved parking availability and access.

Background

Council at its 23 May 2023 ordinary meeting adopted the City of Bunbury Parking Local Law 2023. The local law came into operation on 19 June 2023.

The JSCDL requested minor amendments to the local law which were committed to by Council at its 26 September 2023 meeting (Council decision 196/23). The proposed amendment local law was advertised in the prescribed manner between 27 September 2023 and 19 December 2023.

One submission was received from the Department of Local Government Sport and Cultural Industries (DLGSCI) containing minor edits outlined in this report.

Council Policy and Legislative Compliance

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

Officer Comments

The City received one formal submission during the consultation period, being from the DLGSCI. The comments and officer response is summarised in the table below.

#	DLGSCI Comment	CoB Officer Response
1	Clause 4: Change both terms to bold and italics without quote marks to reflect the format in the principal local law.	Accept. Document amended accordingly.
2	Clause 7.3: amend the clause so there is not a double-space between “a” and “full”.	Accept. Document amended accordingly.
3	Clause 11: delete “word” and replace with “phrase”.	Accept. Document amended accordingly.
4	In each clause, consistently use either the phrase “replace with” or “replace it with” instead of inconsistently using both.	Accept. Document amended accordingly.

Notwithstanding the proposed amendments listed above, DLGSCI has found no major problems with the proposed local law. It is therefore recommended that Council adopts the proposed City of Bunbury Parking Amendment Local Law as presented at Appendix 10.3.1-A (noting this incorporates the changes noted in the table above).

Analysis of Financial and Budget Implications

Gazettal and advertising costs will be accommodated in the 2023/24 budget.

Community Consultation

Advertising was undertaken on the City website, social media, and newspaper.

Councillor/Officer Consultation

Nil

Applicant Consultation

Nil

Timeline: Council Decision Implementation

Pending Council endorsement of the Executive Recommendation, the amendment Local Law will be gazetted as soon as practicable.

Outcome of Meeting 30 January 2024

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

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

Council Decision 007/24

That Council:

- 1. Notes that one submission was received during the statutory advertising period regarding the City of Bunbury Parking Amendment Local Law.**
- 2. Agrees to make minor amendments to the City of Bunbury Parking Amendment Local Law as detailed within this report and reflected in Appendix 10.3.1-A.**
- 3. Adopts the City of Bunbury Parking Amendment Local Law as presented at Appendix 10.3.1-A.**
- 4. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.**

CARRIED BY ABSOLUTE MAJORITY
10 votes "for" / Nil votes "against"

Alternative Recommendation

The Council, in accordance with clause 68 (2) of Schedule 2 the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Bunbury Local Planning Scheme No. 8, resolves to approve the application for an outbuilding at Lot 179 (#237) Spencer Street, South Bunbury subject to the following conditions:

- (1) At all times, the development the subject of this development approval must comply with the definition of outbuilding as contained in State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes).
- (2) All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
- (3) This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
- (4) All water draining from roofs or other impermeable surfaces shall be directed to garden areas, sumps, or rainwater tanks within the subject lot, to the satisfaction of the City of Bunbury.

Advice Notes:

- a) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained. An application for an extension of time to an existing development approval shall require a formal written request, signed by both the landowner and the applicant (if applicable) and the payment of the appropriate application fee (as per the Council's Fees & Charges Schedule), details of the relevant development approval are required (e.g. DA number, date of approval, property address).
- b) This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.
- c) The development the subject of this development approval is also regulated by the Western Australia Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The owner is advised to liaise further with the City of Bunbury.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The proposal relates to an individual property and is not considered to have a regional impact.

Background

The subject site is located within the Residential Zone, with a density coding of R20/30. A locality plan and site photographs are attached at Appendices 10.4.1-A and 10.4.1-B.

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

Property Address:	Lot 179 (#237) Spencer Street, South Bunbury
Zoning:	Residential (R20/30)
Existing Land Use:	Single House
Lot Area:	1155.096 m ²

The proposed outbuilding is to be constructed of Colorbond in “Monument” which is a dark grey colour. The dimensions of the outbuilding are 11 m x 9 m (99 m²) with a wall height of 4.5m and a ridge height of 5.375m. The outbuilding is proposed to be setback 1 m from the southern (side) lot boundary and 1 m from the eastern (rear) lot boundary.

Development plans are **attached** at Appendix 10.4.1-C.

The proposal seeks five variations to the requirements of Local Planning Policy 3.4: Outbuildings and Minor Structures (LPP3.4) and State Planning Policy 7.3 Residential Design Codes (R-Codes) in the form of reduced lot boundary setback, increased wall and ridge heights and increased maximum area of outbuilding. The outbuilding complies with the primary street setback requirements and is setback behind the existing dwelling.

Council Policy Compliance

Not applicable.

Legislative Compliance

The following legislation and statutory planning instruments of the State and Local Planning Framework are applicable to the assessment of this application:

Legislation

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

State Planning Framework

- State Planning Policy 7.3 – Residential Design Codes (R-Codes); and
- State Planning Policy 7.0 – Design of the Built Environment.

Local Planning Framework

- City of Bunbury Local Planning Strategy;
- City of Bunbury Local Planning Scheme No. 8 (LPS8); and
- City of Bunbury Local Planning Policy 3.4: Outbuildings and Minor Structures (LPP3.4).

Officer Comments

The proposed variations are summarised below and have been assessed against the design principles of the R-Codes and the provisions of LPP3.4.

Proposed Variations

LPP3.4	Required	Proposed Variation
Clause 6.2 Outbuildings	Maximum wall height: 3 m Maximum ridge height: 4.5 m Maximum aggregate floor area: 80 m ²	Proposed wall height: 4.5 m Proposed ridge height: 5.4 m Proposed floor area: 99 m ²
R-Codes	Required	Proposed Variation
5.1.3 Lot Boundary Setback	East (rear) lot boundary: 1.5 m South (side) lot boundary: 1.2 m	East (rear) lot boundary: 1 m South (side) lot boundary: 1 m

Local Planning Policy 3.4: Outbuildings and Minor Structures

Any variations to the requirements of LPP3.4, are required to be assessed against the objectives of the policy and relevant design principles of the R-Codes. The outbuilding would be inconsistent with objectives (c) and (d) of LPP3.4:

- c) *To ensure outbuildings and minor structures do not detract from the streetscape or amenity of neighbouring properties.*
- d) *To ensure outbuildings and minor structures are commensurate in scale, bulk, and height to dwelling and lot size, and meet community expectations regarding building appearance and use.*

The proposal is substantial in scale, in relation to both height and size, and is considered adversely impact the neighbouring properties by way of building bulk and visual amenity. The proposed heights are a significant departure from the specified heights in the policy and combined with the reduced lot boundary setbacks is considered to adversely impact the amenity of the neighbouring properties. The size of the outbuilding is outside the expected standard of the residential area and not commensurate with the existing residential dwellings in the area. Based on a standard 1.8m high boundary fence, the proposed outbuilding will extend 3.6m above the fence line and be directly visible by neighbours.

The City reviewed LPP3.4 in 2021, allowing for an increased level of height and size of outbuildings without the need for public consultation. It is therefore considered that under the amended policy, variations will only be considered in certain circumstances. For example, an oversized outbuilding may be approved if the wall and ridge height is compliant. In this instance, the proposal is not supported due to the extent of the number of variations proposed to all aspects of the development (the ridge and wall heights, size and lot boundary setback).

Residential Design Codes

The overshadowing and impact on solar access to the neighbouring property to the south is compliant with the R-Codes requirements. As the proposed structure is non-habitable, there is no impact or additional loss of privacy on the neighbouring properties. However, the reduced lot boundary setbacks and the proposed over height and oversized outbuilding contributes to the impact of building bulk on the directly adjoining properties to the south and east. As such the proposal fails the meet the relevant design principles of clause 5.1.3 Lot Boundary Setback of the R-Codes.

The design principles for clause 5.4.3 Outbuildings specify that outbuildings do not detract from the streetscape or the visual amenity of residents or neighbouring properties. Whilst it is acknowledged that the proposed outbuilding has approximately a 40 metre setback from Spencer Street and is unlikely to present an impact on the streetscape, the cumulative impact of the variations proposed would impact the amenity of neighbouring properties in terms of the scale of the wall visible from their lots. As such it is considered that the outbuilding fails to meet the relevant design principle of clause 5.4.3.

Officers are unable to recommend approval due to the significant variations to the LPP3.4. However an alternative recommendation has been provided should Council wish to approve the application, noting that no objections were received to the proposal.

Analysis of Financial and Budget Implications

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

Community Consultation

The applicant obtained comments of support from the owner occupiers of the following adjoining properties:

- #235 Spencer Street
- #239 Spencer Street
- U10 #288 Blair Street

A full copy of the adjoining landowner comments can be viewed as part of Confidential Appendix 10.4.1-D.

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

Officers advised the application that the proposal would not be supported by officers. The applicant has requested the application be determined based on the information lodged and the applicant has been informed of the officer recommendation.

Timeline: Council Decision Implementation

Should Council refuse this application, the applicant has the option to lodge an appeal within 28 days of the date of the decision to the State Administrative Tribunal.

Outcome of Meeting 30 January 2024

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

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

Council Decision 008/24

The Council, in accordance with clause 68 (2) of Schedule 2 the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bunbury Local Planning Scheme No. 8, resolves to approve the application for an outbuilding at Lot 179 (#237) Spencer Street, South Bunbury subject to the following conditions:

- (1) At all times, the development the subject of this development approval must comply with the definition of outbuilding as contained in State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes).**
- (2) All development shall be in accordance with the approved development plans (attached) which form part of this development approval.**
- (3) This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.**
- (4) All water draining from roofs or other impermeable surfaces shall be directed to garden areas, sumps, or rainwater tanks within the subject lot, to the satisfaction of the City of Bunbury.**

Advice Notes:

- a) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained. An application for an extension of time to an existing development approval shall require a formal written request, signed by both the landowner and the applicant (if applicable) and the payment of the appropriate application fee (as per the Council's Fees & Charges Schedule), details of the relevant development approval are required (e.g. DA number, date of approval, property address).**
- b) This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.**
- c) The development the subject of this development approval is also regulated by the Western Australia Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The owner is advised to liaise further with the City of Bunbury.**

CARRIED UNANIMOUSLY
10 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

Nil

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 declared the meeting closed at 5.35pm.

Confirmed this day, 20 February 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 30 January 2024.



Jaysen de San Miguel
Mayor