



City of Bunbury Council

Minutes

12 March 2024



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

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Acknowledgement of Country

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

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

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

WE ARE OPEN

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

WE ARE BRAVE

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

Nature of Council's Role in Decision Making

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

1. Declaration of Opening / Announcements of Visitors

The Mayor declared the meeting open at 5.30pm and in doing so acknowledged the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. He paid his respects to all members of the Aboriginal community and their cultures; and to Elders past, present and emerging.

The Mayor acknowledged former Councillors Michael Buswell and Rolf Stein who were in attendance in the public gallery.

2. Disclaimer

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

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

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

Copyright

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Recording and Webstreaming of Meetings

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

3. Announcements from the Presiding Member

Nil

4. Attendance

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor B Andrew
	Councillor T Brown
	Councillor G Ghasseb
	Councillor M Quain
	Councillor P Ramesh
	Councillor K Steele
	Councillor M Kozisek
	Councillor K Turner
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Ferris
Director Infrastructure	Mr G Harris
A/Director Sustainable Communities	Mr D Russell
Director Strategy and Organisational Performance	Ms K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Governance Officer	Mr L Murphy
Senior Corporate Communications Officer	Ms K Fielding
Others (Non-Voting)	
Members of the Public	10

4.1 Apologies

Cr Steck was an apology for the meeting.

4.2 Approved Leave of Absence

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	10/11	11/11	11/11	6/6	11/11	10/11	10/11	6/6	9/11	10/11	11/11
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	9/11	10/11	11/11	5/6	8/11	10/11	10/11	6/6	8/11	9/10	11/11
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

Mike Fenton asked the following questions:

I refer to the Audit Committee Minutes dated 27 February 2024 on tonight's Agenda. Page 169 of this document shows that on 31 January 2024, a contractor known as Arbor Guy was paid \$1,857.45 (Invoice 91458) for Street-Tree Maintenance, Picton Crescent.

1. Council, is this payment of \$1,857.45 in fact for the ratepayer-funded work done to remove hazardous overgrowth in Picton Cr but emanating from a private residence at 10 Turner St as evidence in photos and written Council correspondence (including Deputy Mayor Smith), dated 5 and 7 December 2023; 24 January, 6 and 17 February 2024?
2. Is this sum, \$1,857.45, the one and only payment associated with removal of that same hazardous Picton Cr overgrowth?

Both questions were taken on notice by the CEO. Responses to these questions will be published in the next Ordinary Council Meeting agenda.

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held 20 February 2024 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 20 February 2024 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 12 March 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 to become the Council's decision on the matter.

Council Decision 019/24

The minutes of the Ordinary meeting of the City of Bunbury Council held 20 February 2024 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: Audit Committee Minutes Appendix 7.1.2-B: Policy Review and Development Committee Minutes

Summary

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

1. Title: Audit Committee Minutes
Author: Greg Golinski, Manager Governance
Appendix: 7.1.2-A
2. Title: Policy Review and Development Committee Minutes
Author: Maureen Keegan, Senior Governance
Appendix: 7.1.2-B

Council Committee Recommendation

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

1. Audit Committee Minutes – 27 February 2024
2. Policy Review and Development Committee Minutes – 28 February 2024

Voting Requirement: Simple Majority

Outcome of Meeting 12 March 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 to become the Council’s decision on the matter.

Council Decision 020/24

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

- 1. Audit Committee Minutes – 27 February 2024**
- 2. Policy Review and Development Committee Minutes – 28 February 2024**

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

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

The following persons requested to address Council in relation to the following items:

10.3.6 Annual Meeting of Electors Motion: Nuytsia Floribunda

Michael Buswell

10.3.8 Annual Meeting of Electors Motion – Specified Area Rate Pelican Point Grand Canals

John Collins and Steve Larsson

10.4.3 Annual Meeting of Electors Motion – Setting Aside Land for Governor Stirling Memorial

Bernhard Bischoff

The Mayor put a motion to the vote that all of the requests received be allowed to address council for a period of up to 10 minutes each, and it was adopted to become Council's decision on the matter.

Council Decision 21/24

Pursuant to clause 6.9 (2)(b) of Council's Standing Orders, Council approves the following person's deputation requests to address the following items and allows a period of up to 10 minutes to present to Council:

10.3.6 Annual Meeting of Electors Motion: Nuytsia Floribunda

Michael Buswell

10.3.8 Annual Meeting of Electors Motion – Specified Area Rate Pelican Point Grand Canals

John Collins and Steve Larsson

10.4.3 Annual Meeting of Electors Motion – Setting Aside Land for Governor Stirling Memorial

Bernhard Bischoff

CARRIED UNANIMOUSLY

10 votes "for" / Nil votes "against"

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for item 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.3.1, 10.3.3, 10.3.4, 10.3.5, 10.3.7, 10.4.1, and 10.4.2.

Items 10.3.2, 10.3.6, 10.3.8, 10.4.3 were discussed and voted on separately. All items have been renumbered in the order they were considered with the items voted “*by exception*” listed first.

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

10. Reports

10.1 2023 Compliance Audit Return (listed as 10.1.1 in the agenda)

File Ref:	COB/6329
Applicant/Proponent:	Audit Committee
Responsible Officer:	Maureen Keegan, Senior 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 type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.1A: Compliance Audit Return

Summary

The purpose of this report is for Council to consider the Statutory Compliance Audit Return (the Return) for the calendar year 1 January to 31 December 2023.

Committee Recommendation

That Council adopt the Statutory Compliance Audit Return for the City of Bunbury for the period 1 January to 31 December 2023 as presented at Appendix 10.1.1-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Not applicable

Background

Each year the Department of Local Government, Sport and Cultural Industries requires local governments to conduct an annual assessment of their compliance with key components of the *Local Government Act 1995* (the Act) and associated Regulations. The 2023 Return is to be provided to the Department by 31 March 2024.

Council Policy Compliance

There is no current Council Policy relevant to this item.

Legislative Compliance

Completion of the statutory Compliance Audit Return is a requirement under the provisions of section 7.13(1)(i) of the *Local Government Act 1995* and regulations 13 and 14 of the *Local Government (Audit) Regulations 1996*.

Officer Comments

Mangers and Officers are provided with copies of the relevant sections of the Return for assessment and completion. The final Return is then compiled on-line using the information provided. Any comments where appropriate are included in the Return to assist in either validating compliance or explaining non-compliance.

There were zero non-compliance identified for the 2023 period.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable

Councillor/Officer Consultation

This report is presented to Council by the Audit Committee for consideration.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Submission of the Return to the Department of Local Government, Sport and Cultural Industries by the 31 March 2024.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 022/24

That Council adopt the Statutory Compliance Audit Return for the City of Bunbury for the period 1 January to 31 December 2023 as presented at Appendix 10.1.1-A.

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

10.2 Review of Council Policy: Self-Supporting Loans (listed as 10.1.2 in the agenda)

File No.	COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.2-A: Council Policy Self-Supporting Loans

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Self Supporting Loans. A copy of the policy is attached at appendix 10.1.2-A.

Committee Recommendation

That Council note the review of existing Council Policy Self Supporting Loans, with no changes recommended.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

N/A

Background

The Self-Supporting Loans Council Policy defines parameters by which financial assistance, in the form of self-supporting loans, to not-for-profit clubs or organisations for capital improvement works to land or buildings owned or vested in the City of Bunbury will be considered.

The policy was first adopted by Council at its Ordinary Council Meeting held 25 September 2012.

The policy was most recently presented to Council at the 22 February 2022 OCM where it was reviewed with no changes and is now due for review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Subdivision 3 of Division 5 of Part 6 of the *Local Government Act 1995* deals with borrowings.

Officer Comments

The PRDC have reviewed the policy and believe that the content of the current policy is appropriate and does not require amendment. A copy of the policy is attached at appendix 10.1.2 A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

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

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 023/24

That Council note the review of existing Council Policy Self Supporting Loans, with no changes recommended.

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

10.3 Review of Council Policy: Related Party Disclosures (listed as 10.1.3 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.3-A: Council Policy Related Party Disclosures

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Related Party Disclosures. The policy was last reviewed in February 2022 and is now due for its biennial review.

The policy outlines the City's disclosure requirements in regard to the existence of relationships regardless of whether or not any transaction has occurred, in accordance with Australian Accounting Standards Board Accounting Standard AASB124 (Related Party Disclosures).

Committee Recommendation

That Council notes the review of Council Policy Related Party Disclosures, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Nil.

Background

This policy was last reviewed in February 2022 and is now due for its biennial review.

The scope of Australian Accounting Standards Board Accounting Standard AASB124 (Related Party Disclosures) was amended in July 2015 to encompass not for profit entities including local governments. AASB124 now imposes a number of obligations upon elected members and senior City staff in relation to disclosure of their financial dealings with related parties.

The primary objective of AASB124 is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and potential profit or loss may have been affected by the existence of related parties and their transactions.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

AASB124 imposes a number of obligations upon Elected Members and senior City staff in relation to disclosure of their financial dealings with related parties.

Officer Comments

The PRDC have undertaken a review of Council's current policy in this regard and do not recommend any changes, as the document is consistent with current legislative requirements.

A copy of the policy is attached at appendix 10.1.3-A

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

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

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 024/24

That Council notes the review of Council Policy Related Party Disclosures, with no changes recommended.

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

10.4 Review of Council Policy: Asset Monitoring (listed as 10.1.4 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Odetta Robertson, Manager People and Safety
Responsible Manager:	Odetta Robertson, Manager People and Safety
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.4-A: Council Policy Asset Monitoring

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Asset Monitoring. The policy was last reviewed in January 2022 and is now due for its biennial review.

Committee Recommendation

That Council notes the review of the Asset Monitoring Council Policy, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Nil.

Background

This policy facilitates the protection of the City's assets and equipment, as well as assisting with the management of the City's mobile assets.

The City of Bunbury is committed to providing a safe work environment for its employees and the community in which unlawful, antisocial and inappropriate activity is kept to a minimum while respecting the individual rights of privacy.

The policy ensures that the possible use of workplace surveillance will be compliant with the requirements of relevant legislation, including the *Surveillance Device Act 1998*.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

The *Surveillance Device Act 1998* requires organisations to have in place policies prior to any surveillance activities being implemented, to ensure all affected persons (employees) are fully aware of the City's intentions in this regard.

Officer Comments

The PRDC have undertaken a review of the current policy and do not recommend any changes as the content of the policy is considered appropriate.

A copy of the policy is attached at appendix 10.1.4-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

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

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 025/24

That Council notes the review of the Asset Monitoring Council Policy, with no changes recommended.

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

10.5 Review of Council Policy: Equal Opportunity (listed as 10.1.5 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Odetta Robertson, Manager People and Safety
Responsible Manager:	Odetta Robertson, Manager People and Safety
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:	Appendix 10.1.5-A: Council Policy Equal Opportunity

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Equal Opportunity. The policy was last reviewed in February 2022 and is now due for its biennial review.

Committee Recommendation

That Council notes the review of the Equal Opportunity Council Policy, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Nil.

Background

Initially a work procedure, Council Policy Equal Opportunity was adopted by Council on 22 June 1999 and last reviewed in February 2022. The purpose of the Policy is to ensure the fair and equitable treatment of persons accessing the City of Bunbury's services/facilities (members of the public) and/or in the course of employment with the City of Bunbury.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

- *Local Government Act 1995*
- *Equal Opportunity Act 1984*
- *Fair Work Act 2009 (Cth)*
- *Age Discrimination Act 2004 (Cth)*
- *Workplace Gender Equality Act 2012 (Cth)*
- *Disability Discrimination Act 1992 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*

Officer Comments

The PRDC have undertaken a review of the current policy and do not recommend any changes as the content of the policy is considered appropriate.

A copy of the policy is attached at appendix 10.1.5 A.

Analysis of Financial and Budget Implications

The Policy will not have any impact on the budget.

Community Consultation

Nil

Elected Member/Officer Consultation

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

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 026/24

That Council notes the review of the Equal Opportunity Council Policy, with no changes recommended.

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

10.6 Review of Council Policy: Recognition of Employee Service Upon Retirement or Resignation (listed as 10.1.6 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Odetta Robertson Manager People and Safety
Responsible Manager:	Odetta Robertson Manager People and Safety
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.6 A: Council Policy Recognition of Employee Service Upon Retirement or Resignation

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Recognition of Employee Service Upon Retirement or Resignation. The policy was last reviewed in February 2022 and is now due for its biennial review.

Committee Recommendation

That Council notes the review of Council Policy Recognition of Employee Service Upon Retirement or Resignation, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Nil.

Background

This policy was last reviewed in February 2022 and is now due for its biennial review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Section 5.50 of the *Local Government Act 1995* requires a local government to have in place a policy in relation to employees whose employment with the local government is finishing, setting out the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee, and the manner of assessment of the additional amount.

Officer Comments

The PRDC have undertaken a review of the Policy as presented at Appendix 10.1.6 A and suggest that the content of the current policy is appropriate and does not require amendment. The policy remains consistent with the wording contained in legislation.

Analysis of Financial and Budget Implications

Any payments made will be from existing budget lines for this purpose.

Community Consultation

Nil

Elected Member/Officer Consultation

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

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 027/24

That Council notes the review of Council Policy Recognition of Employee Service Upon Retirement or Resignation, with no changes recommended.

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

10.7 Review of Council Policy: Local Opportunities at City Run Events (listed as 10.1.7 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Elizabeth Dennis, Manager Community Connection
Responsible Manager:	Elizabeth Dennis, Manager Community Connection
Executive:	David Russell, A/Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.7A: Revised Council Policy Local Opportunities at City Run Events

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Local Opportunities at City-Run Events. The policy was last reviewed by Council in February 2022.

A copy of the revised policy is at Appendix 10.1.7A.

Committee Recommendation

That Council adopted the unchanged Council Policy Local Opportunities at City-Run Events as presented at Appendix 10.1.7 A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The policy prioritises opportunities for Bunbury Geographe-based vendors and performers at City-run events.

Background

This policy was adopted by Council in May 2019 as a recommendation by the then Bunbury Event Advisory Group, as a mechanism to prioritise opportunities for Bunbury Geographe-based vendors and performers at City-run events. The Policy was last reviewed in February 2022 with no changes.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Nil

Officer Comments

The PRDC have undertaken a review of the Policy as presented at Appendix 10.1.7 A and suggest that the content of the current policy is appropriate and does not require amendment. The policy remains consistent with the wording contained in legislation.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

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

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 028/24

That Council adopted the unchanged Council Policy Local Opportunities at City-Run Events as presented at Appendix 10.1.7 A.

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

10.8 Schedule of Accounts Paid for the period 1 January 2024 to 31 January 2024 (listed as 10.3.1 in the agenda)

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

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 January 2024 to 31 January 2024 is attached at Appendix 10.3.1 A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$15,954,428.73
2. Trust Account – payments totalling \$53,781.34
3. Visitor Information Centre Trust Account – payments totalling \$9,947.35

Executive Recommendation

The Schedule of Accounts Paid for the period 1 January 2024 to 31 January 2024 be received.

Voting Requirement: Simple Majority

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 029/24

The Schedule of Accounts Paid for the period 1 January 2024 to 31 January 2024 be received.

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

- | | | |
|--|-----------|-----------|
| * Working Capital
(Current Assets less Current Liabilities) | \$44.07M | \$13.03M |
| * Equity
(Total Assets less Total Liabilities) | \$512.95M | \$491.48M |
4. Capital Works (**attached** at Appendix 10.3.3 E)
- Actual capital works of \$11.65M is \$5.60M less than the year-to-date budgeted capital works of \$17.25M (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 10.3.3 F)
- Actual operating project expenditure of \$2.81M is \$1.07M less than the year-to-date budgeted operating project expenditure of \$3.88M.
 - 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 January 2024 be received.

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

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.2 & 10.3.3 A)
- Statement of Financial Activity (**attached** at Appendix 10.3.2 & 10.3.3 B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.2 & 10.3.3 C)
- Statement of Financial Position (**attached** at Appendix 10.3.2 & 10.3.3 D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.3 E)
- Operating Projects Summary (**attached** at Appendix 10.3.3 F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.3 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.

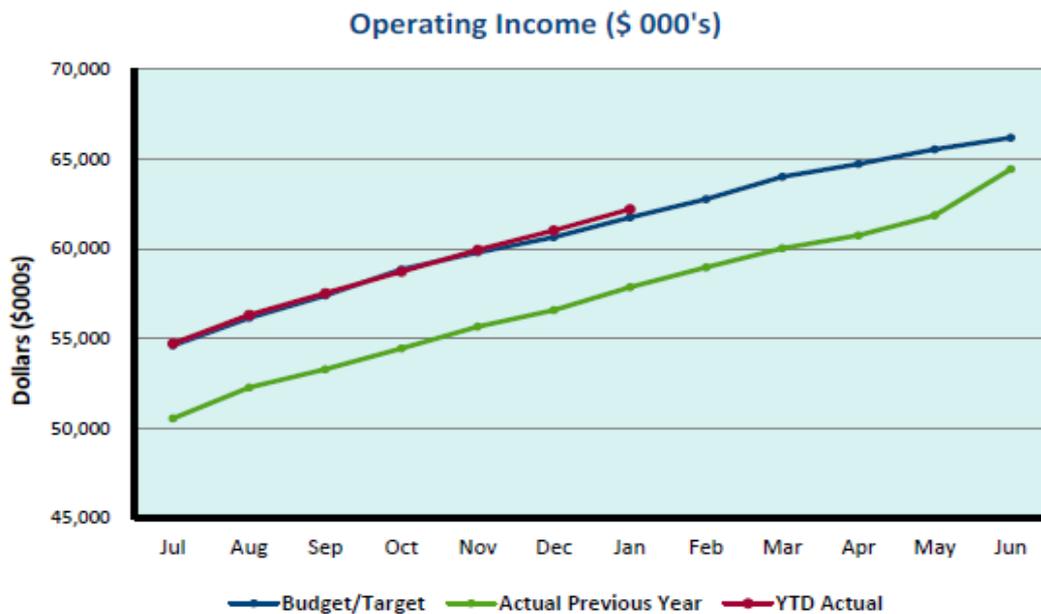
Legislative Compliance

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 10.3.2 & 10.3.3 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

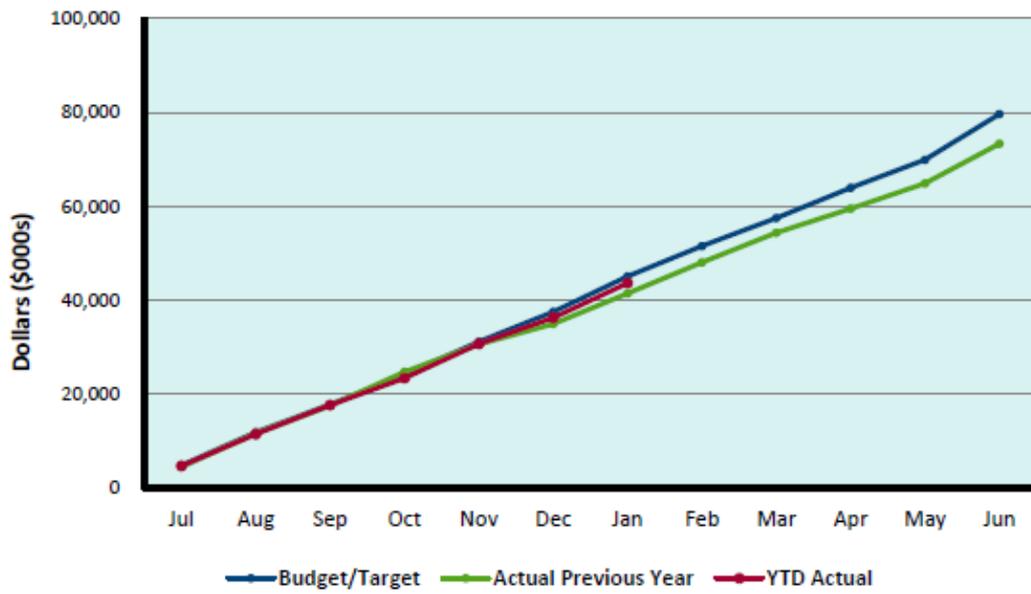
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



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

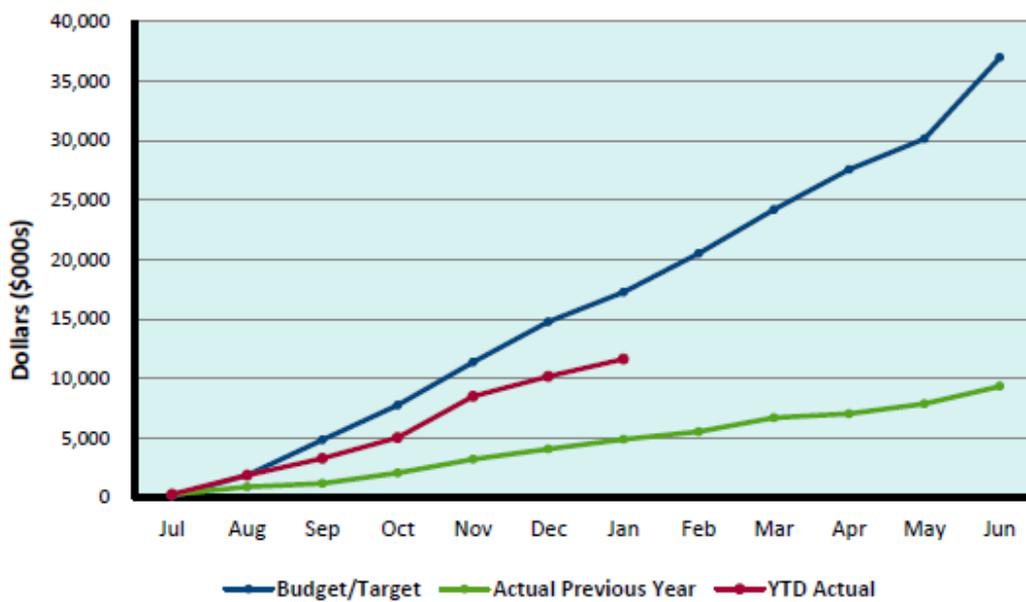
Actual operating income of \$62.22M is \$461K more than the year-to-date budgeted income of \$61.75M.

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is below the year-to-date budget by \$1.43M.

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of January 2024 of \$11.65M is \$5.6M less than the year-to-date budget of \$17.25M. 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 10.3.3 E and 10.3.3 F for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Income	
<i>Contributions, Reimbursements and Donations</i> – Favourable year-to-date variance of \$66K mainly due to insurance reimbursements of \$52K and contribution income of \$13K. Forecasts have been entered and included in the February Budget Review.	\$66,215 12%
Operating Expenses	
<i>Materials and Contracts</i> – Favourable year-to-date variance of \$1.49M mainly due to consultant expenses \$561K, contractor expenses \$681K and software and licencing expenses of \$169K. These are monitored on a monthly basis and any forecasts noted have been included during the February Budget Review.	\$1,487,598 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> <ul style="list-style-type: none"> PR-5105 Renew foreshore marine walls 2023/24 - \$1.25M PR-3720 Hands Oval Redevelopment - \$1.15M PR-2403 Replace Forrest Park Pavilion - \$421K PR-1543 Boulters Heights Redevelopment - \$392K PR-5118 Regional Roadworks program – Bussell Hwy - \$266K PR-4871 Renew, resleeve and improve drainage network 2023/24 - \$260K PR-4867 Renew community buildings 2023/24 - \$254K PR-5111 Bunbury Airport apron expansion - \$229K PR-1103 Realign and widen Ocean Drive - \$220K PR-5114 Beautifying Bunbury Streetscapes 23/24 - \$153K PR-4859 Expand Path Network 2023/24 - \$135K PR-3830 Subdivision and sale of part Lot 3 Blair St - \$130K PR-4877 Renew / Upgrade Local Roads – Strickland - \$124K PR-5112 Bunbury Airport compass swinging bay - \$105K PR-5090 Waterfront Public Art Installation - \$103K PR-5115 Regional Roadworks program – Casuarina Dr - \$90K PR-4890 Renew irrigation infrastructure - \$78K <p>Any forecast changes noted have been included in the February Budget Review.</p>	\$5,599,828 32%

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. Any forecasts that are noted, have been included in the February Budget Review.

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.3 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 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 030/24

The Financial Management Report for the period ending 31 January 2024 be received.

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

10.10 Rate Exemption Application – 9 Ramsay Street, Bunbury (listed as 10.3.4 in the agenda)

File Ref:	COB/1130
Applicant/Proponent:	Shining Hope WA Inc
Responsible Officer:	Leonie Barwick, Team Leader Corporate Revenue
Responsible Manager:	David Ransom, Finance Manager
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Nil

Summary

An application for rate exemption has been received from Shining Hope WA Inc who currently lease 9 Ramsay Street, Bunbury, totalling \$2,446 per annum (23/24 rates) under Section 6.26 (g) of the *Local Government Act 1995* – land used exclusively for charitable purposes.

Executive Recommendation

That Council:

1. Grants a rate exemption to Shining Hope WA Inc under Section 6.26 (g) of the Local Government Act 1995 for 9 Ramsay Street, Bunbury effective from 1 July 2024.
2. Requests the CEO write to the Minister for Local Government advocating for a review of the rate exemption provisions within the *Local Government Act 1995* relating to not-for-profits.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Accepting the rate exemption application from Shining Hope WA Inc will reduce the City's rate revenue but will not have a regional impact.

Background

Shining Hope WA Inc have advised they are a not-for-profit organisation and that the property is leased and used for offices. Shining Hope WA Inc is a not-for-profit organisation who supports the bereaved by suicide, and provides a safe space for members of the community during a mental health crisis.

Council Policy Compliance

Council does not have a policy for the exemption of rates as this is provided for under Section 6.26 of the *Local Government Act 1995*.

Legislative Compliance

The *Local Government Act 1995* – Section 6.26 (g) states:

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land -*
 - (g) *land used exclusively for charitable purposes.*

Officer Comments

Shining Hope WA Inc have provided the requested supporting documentation for their application and based on the internal assessment by officers, meets all criteria for a rate exemption. This assessment is based on the WALGA “Rate Exemptions Guidelines” which have been developed in consultation with the WA Rates Officer’s Association.

Should the application be declined, the organisation has the option to take this matter to the State Administrative Tribunal (SAT).

All rate exempt properties are reviewed on a 2 yearly basis. The City currently has 426 properties that are exempt which is a loss of rate income of \$1,548,527 per annum.

The City has made numerous representations to the Department of Local Government, Sport and Cultural Industries on the growth of the rate exemption applications and the impact this has on other ratepayers.

Analysis of Financial and Budget Implications

Approval of this exemption will result in a reduction of rates income of \$2,446 per annum.

As the proposed exemption is to be granted effective from 1 July 2024, this application, if approved will not have an effect on the forecast Closing Surplus Position to 30 June 2024.

Community Consultation

There is no requirement for community consultation on this application.

Councillor/Officer Consultation

Councillors were provided with a briefing on rate exemptions under the *Local Government Act 1995* on 10 September 2018.

Applicant Consultation

Not Applicable.

Timeline: Council Decision Implementation

The Applicant will be notified of Councils decision and that the exemption will apply from 1 July 2024.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 031/24

That Council:

- 1. Grants a rate exemption to Shining Hope WA Inc under Section 6.26 (g) of the Local Government Act 1995 for 9 Ramsay Street, Bunbury effective from 1 July 2024.***
- 2. Requests the CEO write to the Minister for Local Government advocating for a review of the rate exemption provisions within the Local Government Act 1995 relating to not-for-profits.***

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

10.11 City of Bunbury Bush Fire Brigade Local Law 2023 Undertakings (listed as 10.3.5 in the agenda)

File Ref:	COB/5421
Applicant/Proponent:	Joint Standing Committee on Delegated Legislation
Responsible Officer:	Mark Allies, Team Leader Rangers and Emergency Management Maureen Keegan Senior Governance Officer
Responsible Manager:	Sarah Upton, Manager Community Wellbeing Greg Golinski, Manager Governance
Executive:	David Russell, Acting Director Sustainable Communities 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 Council to consider undertakings requested by the Joint Standing Committee on Delegated Legislation (the Committee) in relation to the City of Bunbury Bush Fire Brigade Local Law 2023 (the Local Law) gazetted 24 October 2023.

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

Executive Recommendation

That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

1. Within 6 months, amend the local law to ensure it governs the matters required by sections 43 and 62(1) of the *Bush Fires Act 1954*.
2. Not enforce the local law to the contrary before it is amended in accordance with undertaking 1.
3. Ensure all consequential amendments arising from the undertakings will be made.
4. Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

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

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

Background

At its ordinary meeting held on 26 September 2023, Council resolved to make the City of Bunbury Bush Fire Brigade Local Law 2023 (refer decision 201/23). The Local Law was gazetted on 24 October 2023 and came into operation on 6 November 2023.

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

Breach of section 43(1) of the Bush Fires Act 1954

Committee term of reference 10.6(a) states:

In its consideration of an instrument, the Committee is to inquire whether the instrument -
(a) is within power

Section 3.7 of the *Local Government Act 1995* (Act) states:

Inconsistency with written laws

A local law made under this Act is inoperative to the extent that it is inconsistent with this Act or any other written law.

Section 43(1) of the *Bush Fires Act 1954* (Act) states:

Election and duties of officers of bush fire brigades

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

When an Act requires a local law to prescribe any matter, this means it must be set out in the local law. It must not be contained in another document that does not form part of the local law (in this case, the Bush Fire Brigade Operating Procedures (Procedures)).

Clause 2.4 states:

Duties of Appointed Members

The duties of all appointed members listed in clause 2.3(7)(c) are defined in the Bunbury Bush Fire Brigade Operating Procedures.

Clause 2.3(1)(c) lists the following:

- a Captain
- a First Lieutenant
- a Second Lieutenant
- additional Lieutenants if the local government considers it necessary
- an Equipment Officer
- a Secretary
- a Treasurer.
-

The local law does not, therefore, comply with section 43 of the Act. It does not prescribe the duties of the officers described, leaving this to the Procedures. This breaches term of reference 10.6(a).

Breach of section 62(1) of the Bush Fires Act 1954

Section 62(1) states:

Local government may make local laws

(1) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for and in relation to-

(a) the appointment, employment, payment, dismissal and duties of bush fire control officers; and

(b) the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and

(c) any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

By this provision, the Parliament intended that when a local government decides to establish a bush fire brigade, the matters in (a), (b) and (c) must be regulated by local law.

In the Committee's 16th report in the 40th Parliament, it stated:

In the Committee's view the regulatory scheme created by the Act contemplates that where a local government decides to regulate areas that are the subject matter of section 62(1) it is required do so by way of local law.

It also stated, in a letter to the City of Rockingham attached to that report:

There appears to have been a fundamental misunderstanding about what matters had to be dealt with by a bush fire brigades local law, and that misunderstanding has led to many matters being removed from the principal local law-matters which the Act contemplates will be regulated by local laws.

The misunderstanding appears to have arisen because of the word 'may' in section 62(1) of the Act (quoted above). As the word 'may' is permissive, the adviser has interpreted section 62(1) to mean that the City, if it wishes to regulate the matters listed in that section, does not need to regulate those matters by local law.

The word 'may' is prima facie permissive and gives the City a discretion as to whether it will make a local law regulating those matters. The power to make such local laws is permissive because local governments are not compelled to make bush fire brigade local laws. However, if a local government chooses to regulate bush fire brigade matters, it must do so by local law, not by another method.

This was endorsed and expanded upon more recently in the Committee's 4th report in this Parliament.

I note clause 2.5 states:

Appointment, Employment, Payment, Dismissal and Duties of Bush Fire Control Officers

The appointment, employment, payment, dismissal and duties of bush fire control officers is dealt with by the Act.

Section 62(1) requires that these matters are governed by the local law. I also note the introduction to the Procedures states:

The City of Bunbury (The City) may amend these procedures in consultation with the Chief Bush Fire Control Officer (CBFCO) from time to time to maintain contemporary standards.

Providing for the City to have the power to amend the Procedures, rather than the Council, amounts to an unauthorised sub-delegation of legislative making power. The *Bush Fires Act 1954* does not authorise this to occur when the local law intends for the Procedures to deal with matters required to be dealt with by a local law.

The local law is inconsistent with and not authorised by the *Bush Fires Act 1954*. Subsidiary legislation, including local laws, must not be inconsistent with the provisions of the written law under which it is made (section 43(1) of the *Interpretation Act 1984*).

A bush fire brigades local law can achieve consistency with the Act by either regulating the matters in the body of the local law or in the Procedures, as long as the Procedures form part of the local law.

The undertakings should be given in the form of a letter signed by you as Mayor, not the Chief Executive Officer or other officer of the City of Bunbury. This is because, pursuant to section 2.8(1)(d) of the Local Government Act 1995, the 'Mayor or President speaks on behalf of the local government' to the Parliament of Western Australia

Council Policy Compliance

N/A

Legislative Compliance

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

Officer Comments

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

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

Analysis of Financial and Budget Implications

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

Community Consultation

Nil

Councillor/Officer Consultation

Nil

Timeline: Council Decision Implementation

Pending Council endorsement of the Executive Recommendation, an amendment local law will be presented to Council by the 14 May 2024 Ordinary Council Meeting.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 032/24

That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

- 1. Within 6 months, amend the local law to ensure it governs the matters required by sections 43 and 62(1) of the Bush Fires Act 1954.***
- 2. Not enforce the local law to the contrary before it is amended in accordance with undertaking 1.***
- 3. Ensure all consequential amendments arising from the undertakings will be made.***
- 4. Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.***

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

10.12 Annual Meeting of Electors Motion: Bunbury Herald Use of Plastic Wrapping Bags (listed as 10.3.7 in the agenda)

File Ref:	COB/6305
Applicant/Proponent:	City of Bunbury Electors
Responsible Officer:	Maureen Keegan Senior 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:	Nil

Summary

At the Annual General Meeting of Electors held 30 January 2024 a motion was carried as follows:

That Council contact the Bunbury Herald suggesting not to use plastic bags during non-winter seasons and use an alternative such as rubber bands.

Section 5.33 of the *Local Government Act 1995* requires all decisions made at an electors' meeting be presented to Council as soon as practicable following the motion being passed. This report fulfils the City's obligation in this regard.

Executive Recommendation

That Council

1. Note the Electors Motion for the Council to contact the Bunbury Herald suggesting not to use plastic bags during winter and use an alternative such as rubber bands.
2. Request the CEO to write to all newspapers who undertake newspaper drops in the Bunbury area requesting that alternate methods of wrapping newspapers be considered during the lower rainfall seasons, to reduce the plastic bag waste being generated.
3. Request the CEO write to Keep Australia Beautiful and the Western Australian Minister for Environment advocating for a reduction in plastic packaging for newspapers.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Planet
Aspiration	A healthy and sustainable ecosystem
Outcome 5	A natural environment that is cared for and preserved
Objective 5.3	Develop a sustainable, low waste, circular economy

Regional Impact Statement

There would be a reduction in waste pollution in waterways and bushland.

Background

As part of Mr Lloyd’s motion, he discussed the environmental and visual amenity implications of the plastic coverings used on the newspapers delivered to households and businesses in Bunbury.

The coverings, which tend to litter the City, are not biodegradable and clog drains and waterways in the City also causing danger to native wildlife that inhabit bushland, parks and waterways. Plastic wrapped newspapers also cause contamination in recycling and Food Organics and Garden Organics bins when residents fail to separate the plastic bag prior to disposal.

Council Policy Compliance

No applicable

Legislative Compliance

No applicable

Officer Comments

The electors’ motion aligns with the City’s Sustainability and Environmental Strategy 2023-28 commitments:

Circular economy and waste objectives

- Avoid and reduce community and local business waste generation.
- Encourage and support litter prevention and clean up initiatives.
- Increase resource recovery and reduce contamination within waste streams.

Circular economy and waste community target

- Reduce overall number of littering complaints (from the 2020/21 baseline) by 15% by 2028.

Greening and biodiversity objectives

- Protect, promote and facilitate the enhancement of Bunbury’s urban forest and biodiversity.

Analysis of Financial and Budget Implications

Not applicable

Community Consultation

Not applicable

Councillor/Officer Consultation

Not applicable

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Correspondence will be sent as soon as practicable pending Council's endorsement of the executive recommendation.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 033/24

That Council

- 1. Note the Electors Motion for the Council to contact the Bunbury Herald suggesting not to use plastic bags during winter and use an alternative such as rubber bands.***
- 2. Request the CEO to write to all newspapers who undertake newspaper drops in the Bunbury area requesting that alternate methods of wrapping newspapers be considered during the lower rainfall seasons, to reduce the plastic bag waste being generated.***
- 3. Request the CEO write to Keep Australia Beautiful and the Western Australian Minister for Environment advocating for a reduction in plastic packaging for newspapers.***

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

10.13 Department of Local Government, Sport and Cultural Industries Club Night Light Program – Bunbury Central Croquet Club – March 2024 (listed as 10.4.1 in the agenda)

File Ref:	COB/3023
Applicant/Proponent:	Bunbury Central Croquet Club
Responsible Officer:	Gary Thompson, Acting Manager Community Facilities
Responsible Manager:	Gary Thompson, Acting Manager Community Facilities
Executive:	Dave Russell, Acting Director Sustainable Communities
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.4.1-A: Lighting Plan

Summary

The Bunbury Central Croquet Club (Club) are seeking the City's support to enable a Club Nights Light Program small grants application for the March 2024 round of funding submissions. This is for works to be carried out in the 2024/2025 financial year. The application is for upgrading the four (4) existing corner light pole lights to LED at their ground and to provide LUX levels that meet the Australian Standard required for playing croquet at night.

Executive Recommendation

That Council:

1. Support the Bunbury Central Croquet Club Night Light grant application.
2. Support the allocation of \$3,446 excluding GST (one third of the funding) from the 2024/2025 budget subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).

Voting Requirement: Simple Majority

Strategic Relevance

Pillar People
Aspiration A safe, health and connected community
Outcome 3 A healthy and active community
Objective 2 Encourage participation in sport, recreation and leisure activities.

Pillar Place
Aspiration An integrated, vibrant and well planned City
Outcome 8 A place with attractive and welcoming community spaces, where people want to live.
Objective 2 Maintain quality community buildings, halls and toilets.

Regional Impact Statement

The Bunbury Central Croquet Club operate both club competitions for both local Bunbury residents but also open up the opportunity to other Southwest residents to participate in croquet at their grounds. The Club also has plans to provide 'corporate' croquet sessions to Southwest organisations.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSCI) administer the Club Night Lights Program (CNLP) funding for small, annual and forward planning grants. The CNLP grant focuses on assisting to replenish older lighting infrastructure and technology that has reached end of life with focus on assisting clubs to increase participation levels. This funding includes small grant round for projects that are under \$500,000. Applications for small grant round are to be submitted to the DLGSCI Southwest Regional Office by 28 March 2024.

The CNLP grants program application is currently being prepared in conjunction with the Bunbury Central Croquet Club in preparation for submission prior to 28 March 2024 pending Council approval.

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

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

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

The Bunbury Central Croquet Club wish to upgrade their four (4) existing corner light poles to LED to provide Lux Levels that meet the Australian Standards required for playing croquet at night.

Council Policy Compliance

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

Legislative Compliance

Not applicable.

Officer Comments

The Bunbury Central Croquet Club have advised the City of Bunbury of their intention to submit a CNLP minor grant application in the March 2024 round of funding to upgrade their existing four (4) light towers to LED lights to provide LUX Levels that meet the Australian Standard for playing croquet at night.

The request is due to the existing lights not meeting the requirement for playing croquet at night with a high number of club members not being able to play in the late afternoon and evening during the winter months as they are visibly impacted due to the poor LUX Level of the existing lights. Croquet courts require a minimum of 100 Lux as per the AS2560.8.1994. Although this is a minimum, it does mean that players cannot discern the colour of the balls or scoring clips if they are any distance away.

The club also has aspirations of providing 'corporate evening' croquet in the future which will assist them with not only increasing their membership numbers (which at present are between 30 to 40 members) but also their revenue streams as at present with the current condition of the light towers, they are unable to provide 'corporate' croquet.

The total cost of this project is \$10,338 excluding GST to be expended in the 2024/2025 financial year and the Bunbury Central Croquet Club will be supported by the City to submit an application by the closing date of 29 March 2024.

The Executive Recommendation seeks approval to firstly support the Club CNLP application as well as supporting one-third funding contribution of \$3,446 ex GST for the 2024/2025 financial year. This is subject to the Club being successful in obtaining funding from DLGSCI with announcements expected to be made in May/June 2024. Currently the funding is not contained within the 2024/2025 budget/long term financial plan. The Club will provide a contribution of one-third funding to contribute towards the project.

A quotation received on 19 February 2024 provided a total cost of \$10,338 excluding GST.

Analysis of Financial and Budget Implications

The funding request from the Bunbury Central Croquet Club is not included in the current long term financial plan and has been submitted for Council consideration in the 2024/2025 budget. The proposed funding sources is as follows:

DLGSCI	\$3,446
City of Bunbury	\$3,446
Bunbury Central Croquet Club	<u>\$3,446</u>
TOTAL	<u>\$10,338</u> excluding GST

Community Consultation

Nil

Councillor/Officer Consultation

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

Applicant Consultation

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

Timeline: Council Decision Implementation

If approved by Council, the application will be submitted to the Club Night Lights Program small grants funding round prior to the 28 March 2024 closing date.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 034/24

That Council:

- 1. Support the Bunbury Central Croquet Club Night Light grant application.***
- 2. Support the allocation of \$3,446 excluding GST (one third of the funding) from the 2024/2025 budget subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).***

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

10.14 Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF) Program – Bunbury Motorcycle Club – March 2024 (listed as 10.4.2 in the agenda)

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

Summary

The Bunbury Motorcycle Club are seeking the City’s support to enable a Community Sporting and Recreation Facilities Fund (CSRFF) small grants application for the March 2024 round of funding submissions. This is for works to be carried out in the 2024/2025 financial year. The application is for upgrading their existing toilet blocks to provide a new ablution block to the rear of the field, to cater for all members and spectators.

Executive Recommendation

That Council:

1. Support the Bunbury Motorcycle Club Community Sport and Recreation Facility Fund (CSRFF) Small Grant application.
2. Support the allocation of \$44,500 excluding GST from the 2024/2025 budget subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).

Voting Requirement: Simple Majority

Strategic Relevance

Pillar People
 Aspiration A safe, health and connected community
 Outcome 3 A healthy and active community
 Objective 2 Encourage participation in sport, recreation and leisure activities.

Pillar Place
 Aspiration An integrated, vibrant and well planned City
 Outcome 8 A place with attractive and welcoming community spaces, where people want to live.
 Objective 2 Maintain quality community buildings, halls and toilets.

Regional Impact Statement

The Bunbury Motorcycle Club operate competitions for both juniors and seniors with the club having members from all over Bunbury and the South West. The club also regularly hosts events of

both State and National level that attracts a high attendance of participants and spectators from all across Australia.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSCI) administer the CSRFF grants for small, annual and forward planning grants. This category of grant focuses on providing financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well utilised facilities. The funding includes a small grant round for project that are under \$500,000. Applications for the small grant round are to be submitted to the DLGSCI Southwest Regional Office by 28 March 2024. Successful applications are expected to be advised by May/June 2024.

The Bunbury Motorcycle Club CSRFF grant application is currently being prepared in conjunction with the Bunbury Motorcycle Club in preparation for submission prior to 28 March 2024 pending Council approval.

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

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

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

The Bunbury Motorcycle Club requests support for upgrading their existing ablution block to a modern fit for purpose ablution block that meets the needs and requirements of all members and in particular female members and visitors as the existing ablution block has not only reached its end-of-life usage but it also does not meet current day standards.

Council Policy Compliance

There are no Council policies applicable to CSRFF Program applications.

Legislative Compliance

Not applicable.

Officer Comments

The Bunbury Motorcycle Club have advised the City of Bunbury of their intention to submit a CSRFF small grant application in the March 2024 round of funding to upgrade their existing ablution block to be able to meet the needs and requirements of all their members and spectators, specifically in relation to meeting the needs and requirements of female members and spectator as the existing ablution block are not female friendly.

The Bunbury Motorcycle Club cater for a variety of junior and senior members (current membership numbers are 200) and offer ride/race events on a regular basis throughout the year on

a safe track that caters for bikes ranging from 50cc up to 450cc. The existing ablution block are outdated and with a continual growing membership base at the club, the toilet block is not meeting the needs of the clubs' general members and spectators.

The Bunbury Motorcycle Club regularly host State and National events at their track which attract a high number of participants and spectators from across Australia. The club have also recently been awarded the National Junior MotoX event in September 2024. The proposed upgrade in ablution blocks will allow for a new ablution block to run off septics and include a water tank and pressure pump to supply water to the ablution block with the incorporation of water wised functions with a keen focus on the facilities catering for a wide demographic of members and visitors.

The total cost of this project is \$133,681 excluding GST to be expended in the 2024/2025 financial year and the Bunbury Motorcycle Club will be supported by the City to submit an application by the closing date of 29 March 2024. The Bunbury Motorcycle Club are not contributing one third of the total cost of the project due to the club budgeting other club funds to be allocated to host the National Junior Motox event in September 2024 which will be of great benefit to not only the club but also to the Bunbury region with participants and spectators attending from across Australia.

The Executive Recommendation seeks approval to firstly support the Club CSRFF small grant application as well as supporting one-third funding contribution of \$44,500 ex GST for the 2024/2025 financial year. This is subject to the Club being successful in obtaining funding from DLGSCI with announcements expected to be made in May/June 2024. Currently the funding for this grant application has been submitted for Council consideration in the 2024/2025 budget through the Strategic Facility Plan (SFP) process. The Club will provide financial contribution towards the project.

Analysis of Financial and Budget Implications

The funding request from the Bunbury Motorcycle Club has been submitted for Council consideration in the 2024/2025 budget through the Strategic Facility Plan (SFP) process. The proposed funding sources is as follows:

DLGSCI	\$54,181
City of Bunbury	\$44,500
Bunbury Motorcycle Club	<u>\$35,000</u>
TOTAL	<u>\$133,681</u>

Community Consultation

Nil

Councillor/Officer Consultation

The Acting Director Sustainable Communities and the Acting Manager Community Facilities were consulted as part of this process.

Applicant Consultation

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

Timeline: Council Decision Implementation

If approved by Council, the application will be submitted to the CSRFF small grants funding round prior to 28 March 2024 closing date.

Outcome of Meeting 12 March 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 035/24

That Council:

- 1. Support the Bunbury Motorcycle Club Community Sport and Recreation Facility Fund (CSRFF) Small Grant application.***
- 2. Support the allocation of \$44,500 excluding GST from the 2024/2025 budget subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).***

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

10.15 February 2024 Budget Review (listed as 10.3.2 in the agenda)

File Ref:	COB/5556
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 10.3.2 & 10.3.3 A: Statement of Comprehensive Income Appendix 10.3.2 & 10.3.3 B: Statement of Financial Activity Appendix 10.3.2 & 10.3.3 C: Statement of Net Current Assets Appendix 10.3.2 & 10.3.3 D: Statement of Financial Position Appendix 10.3.2 E: Budget Review February 2024

Summary

Council adopted the 2023/24 Budget on 25 July 2023 totalling \$102.6M, comprising \$36.6M of capital works, \$2.5M debt reduction and \$63.5M in operating expenditure (excluding depreciation). During the course of the year, Council has made amendments to the budget including the October 2023 Budget Review and other various Council Decisions. This increased the overall budget to \$105.4M, an increase of \$2.8M, and resulted in a decrease of the City's forecast closing surplus from \$160K to \$94K as at 30 June 2024.

In February 2024, the City completed another review of the budget which will result in an increase in the forecast surplus to 30 June 2024 by \$146K to \$240K. The budget changes included in this review will decrease the 2023/24 Budget from \$105.4M to \$103.7M, a decrease of \$1.7M. The Operating Deficit will decrease from \$13.45M to \$13.29M, a decrease of \$159K; and Capital Expenditure will decrease by \$1.85M from \$39.55M to \$37.70M.

As a result of the above changes, the adopted budgeted closing deficit at 30 June 2024 will increase by \$146K from a surplus of \$94K to a surplus of \$240K.

The following supporting documents are attached for the 2023/24 Revised Budget:

- Budget Review February 2024 (**attached** at Appendix 10.3.2 E)
 - Statement of Comprehensive Income (**attached** at Appendix 10.3.2 & 10.3.3 A)
 - Statement of Financial Activity (**attached** at Appendix 10.3.2 & 10.3.3 B)
 - Statement of Net Current Assets (**attached** at Appendix 10.3.2 & 10.3.3 C)
 - Statement of Financial Position (**attached** at Appendix 10.3.2 & 10.3.3 D)
-

Executive Recommendation

Council adopt the February 2024 Budget Review with the following budget variations and amends the current budget accordingly:

Original Budget Surplus Closing Funds	\$160,187
Increase in Opening Funds (<i>to adjust budgeted position at 30 June 2024 to agree with the actual financial position</i>)	\$416,112
Decrease from October 2023 Budget Review adjustments	<u>(\$482,178)</u>
Current Budget Closing Surplus (prior to February 2024 Review)	\$94,121
Add February 2024 Budget Review Changes (summarised below)	\$145,958
Revised Budget Surplus Closing Funds at 30 June 2024	<u>\$240,079</u>

February 2024 Budget Review Changes

Operating Revenue:	
- Increase Rate Revenue	\$27,598
- Increase Operating Grants and Subsidies	\$64,838
- Increase Fees and Charges	\$73,817
- Increase Contributions, Reimbursements and Donations	\$110,057
- Increase Interest Received	\$40,721
- Decrease Other Revenue	(\$46,473)
	\$270,558
Operating Expenses:	
- Increase Employee Costs	(\$64,784)
- Increase Material and Contracts	(\$120,120)
- Decrease Other Expense	\$72,880
	(\$112,024)
Capital Revenue:	
- Decrease Grant/Contributions for Assets	(\$434,987)
- Decrease Proceeds on Disposal of Assets	(\$240,854)
- Decrease Transfers from Reserves (Restricted Cash)	(\$1,183,233)
	(\$1,859,074)
Capital Expenditure:	
- Decrease in Materials and Contracts	\$1,846,498
	\$1,846,498
Add back non cash items – Depreciation	
Net Increase in Closing Funding Surplus from Budget Review	\$145,958
Revised Budgeted Surplus Closing Funds at 30 June 2024	<u>\$240,079</u>

2. Council approves the following expenditure which will be funded from previously approved budgets:

- a) Vocal Fusion Youth Choir \$5,000
- b) One Bunbury Project (book) \$25,000

Voting Requirements: **Absolute 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

The Executive Leadership Team, Managers and Finance Staff have reviewed the 2023/24 Budget. Budget review items have been identified and supporting financial statements prepared incorporating budget forecasts to 30 June 2024.

The February 2024 Budget Review is presented to Council for consideration.

Council Policy Compliance

Not applicable.

Legislative Compliance

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

(1) *Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*

(2A) *The review of an annual budget for a financial year must –*

(a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*

(b) *consider the local government's financial position as at the date of the review; and*

(c) *review the outcomes for the end of that financial year that are forecast in the budget; and*

(d) *include the following –*

(i) *the annual budget adopted by the local government;*

(ii) *an update of each of the estimates included in the annual budget;*

(iii) *the actual amounts of expenditure, revenue and income as at the date of the review;*

(iv) *adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.*

(2) *The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*

(3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) *Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Outcome of Meeting 12 March 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 036/24

Council adopt the February 2024 Budget Review with the following budget variations and amends the current budget accordingly:

<i>Original Budget Surplus Closing Funds</i>	<i>\$160,187</i>
<i>Increase in Opening Funds (to adjust budgeted position at 30 June 2024 to agree with the actual financial position)</i>	<i>\$416,112</i>
<i>Decrease from October 2023 Budget Review adjustments</i>	<i>(\$482,178)</i>
<i>Current Budget Closing Surplus (prior to February 2024 Review)</i>	<i>\$94,121</i>
<i>Add February 2024 Budget Review Changes (summarised below)</i>	<i>\$145,958</i>
<i>Revised Budget Surplus Closing Funds at 30 June 2024</i>	<i>\$240,079</i>

February 2024 Budget Review Changes

<i>Operating Revenue:</i>	
- <i>Increase Rate Revenue</i>	<i>\$27,598</i>
- <i>Increase Operating Grants and Subsidies</i>	<i>\$64,838</i>
- <i>Increase Fees and Charges</i>	<i>\$73,817</i>
- <i>Increase Contributions, Reimbursements and Donations</i>	<i>\$110,057</i>
- <i>Increase Interest Received</i>	<i>\$40,721</i>
- <i>Decrease Other Revenue</i>	<i>(\$46,473)</i>
	<i>\$270,558</i>
<i>Operating Expenses:</i>	
- <i>Increase Employee Costs</i>	<i>(\$64,784)</i>
- <i>Increase Material and Contracts</i>	<i>(\$120,120)</i>
- <i>Decrease Other Expense</i>	<i>\$72,880</i>
	<i>(\$112,024)</i>
<i>Capital Revenue:</i>	
- <i>Decrease Grant/Contributions for Assets</i>	<i>(\$434,987)</i>
- <i>Decrease Proceeds on Disposal of Assets</i>	<i>(\$240,854)</i>
- <i>Decrease Transfers from Reserves (Restricted Cash)</i>	<i>(\$1,183,233)</i>
	<i>(\$1,859,074)</i>
<i>Capital Expenditure:</i>	
- <i>Decrease in Materials and Contracts</i>	<i>\$1,846,498</i>
	<i>\$1,846,498</i>
<i>Add back non cash items – Depreciation</i>	
<i>Net Increase in Closing Funding Surplus from Budget Review</i>	<i>\$145,958</i>
<i>Revised Budgeted Surplus Closing Funds at 30 June 2024</i>	<i>\$240,079</i>

- 2. Council approves the following expenditure which will be funded from previously approved budgets:**
- a) Vocal Fusion Youth Choir \$5,000**
 - b) One Bunbury Project (book) \$25,000**

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

10.16 Annual Meeting of Electors Motion: Nuytsia Floribunda (listed as 10.3.6 in the agenda)

File Ref:	COB/3605
Applicant/Proponent:	City of Bunbury Electors'
Responsible Officer:	Renae Randall, Team Leader Marketing and Communications
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 type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

This report outlines key considerations related to potential endorsement of Nuytsia Floribunda as floral emblem for the City of Bunbury. The report highlights several reputational and financial risks to the City should this emblem be endorsed and recommends that the Nuytsia Floribunda is not endorsed as floral emblem.

Executive Recommendation

That Council:

1. Note the Electors Motion for the Nuytsia Floribunda to be endorsed as the City 's floral emblem.
2. Not support the endorsement of a floral emblem at this time.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Prosperity
Aspiration	A unique and desirable destination within the South West Region
Outcome	NA
Objective	NA

Regional Impact Statement

N/A

Background

On 30 January 2024 the following motion was passed by the City's electors at the Annual General Meeting of Electors':

"That Council investigate and endorse the Nuytsia Floribunda as the City's Floral Emblem."

Section 5.33 of the *Local Government Act 1995* requires all decisions made at an electors' meeting be presented to Council as soon as practicable following the motion being passed. This report fulfils the City's obligation in this regard.

This also follows previous correspondence with the elector (June 2023) from the CEO clarifying that the City does not have known record of Nuytsia Floribunda being the existing floral emblem of the City.

The Nuytsia Floribunda is a Western Australian native that produces yellow/orange flowers at Christmas time, resulting in its common name, ‘Western Australian Christmas Tree’.

Nuytsia Floribunda grows in sandy soils and is present across the Southwest, although it has a range extending from Kalbarri to Esperance. The species is the largest parasitic plant in the world; it can attach to the roots of other plants and feed off their sap as well as sustaining itself through photosynthesis. It is a member of the mistletoe family.

1. Operational Considerations

1.1 Adoption of Nuytsia Floribunda as Floral Emblem accessible on community website

Should Nuytsia Floribunda be endorsed by Council as floral emblem, this would need to be made accessible to the community through the City of Bunbury website. This will have a financial implication for the City of approximately \$2000 (development of floral graphics).

However, the Nuytsia Floribunda emblem is not consistent with the City’s existing logo and style guide. This means that practical application beyond the inclusion on the City’s website would be limited. Should a decision be made to endorse Nuytsia Floribunda, the City holds risk of this floral emblem having limited perceived relevance.

1.2 Use of Nuytsia Floribunda as additional pictorial on City collateral

Whilst it is possible to use a floral emblem as well as the City’s current logo on existing City collateral (such as letterheads) this does present very strong risk of brand confusion, potentially reducing the impact of City marketing and message. This holds further potential ongoing financial risks for the City.

1.3 Inclusion of Nuytsia Floribunda *within* existing City logo/branding

Should a floral emblem be included within the existing City of Bunbury logo, this will require full brand redevelopment.

Full brand redevelopment has financial implications to the City in excess of \$60 000 *excluding* cost incurred for re-printing/development of associated City products (i.e. stationary, uniforms, badges, branded community and corporate images). These costs are unbudgeted and will be substantial.

2. Strategic Considerations

2.1 Reputational Risks

2.1.1 Community Perception of characteristics of Nuytsia Floribunda

Nuytsia Floribunda, whilst a native Australian plant, is also a parasitic plant whose roots can travel up to 110 metres in search of nutrients obtained from the roots of other plants.

The City notes that adopting this plant as emblem does carry reputational risk occurring from negative community/media perception of this adaptive strategy, should observers make correlations between the behaviour of the endorsed floral emblem and the City’s behaviour.

2.1.2 Community Perception that Nuytsia Floribunda is not uniquely Bunbury and does not align with current City strategic direction/priorities.

Whilst Nuytsia Floribunda is prevalent across the City of Bunbury, this native does grow throughout the South-West (and more broadly across Western Australia). Adopting this species as emblem holds risk of the City being perceived as not representing the uniqueness of Bunbury through branding.

This also creates potential misalignment with the City's existing Strategic Community Plan (SCP) Outcome 12, 'Promoting a 'unique and desirable destination within the Southwest'. In this, there is further risk of perception that a floral emblem lacks benefit and purpose for the City, as this does not align with key priorities identified by the community through the SCP.

2.1.3. Cultural Sensitivity and Community Demand for a Floral Emblem

The selection of Nuytsia Floribunda as a floral emblem holds risk around cultural sensitivity, particularly with Indigenous communities.

Nuytsia Floribunda is a significant species in Western Australian Aboriginal culture. Consequently, its adoption as a floral emblem may not align with the cultural significance and perspectives.

It is essential to consider diverse cultural perspectives and engage with Indigenous communities in the decision-making process regarding floral emblems, and this consultation has not taken place.

More broadly, there has been no community consultation around a floral emblem for the City, and should one be required, which species should be selected.

The City has no known records of community demand for a floral emblem beyond those related to this motion, and does not recommend prioritising resources towards this engagement process given outlined strategic risks.

Given the above, it is requested that Council does not endorse Nuytsia Floribunda as the City's floral emblem.

Council Policy Compliance

N/A

Legislative Compliance

N/A

Officer Comments

That Council do not endorse Nuytsia Floribunda as the City's floral emblem.

Analysis of Financial and Budget Implications

\$2000 for digital floral graphic.

Estimated \$50,000 - \$100,000 should rebranding be required, plus implementation expenses.

Community Consultation

N/A

Councillor/Officer Consultation

N/A

Applicant Consultation

N/A

Outcome of Meeting 12 March 2024

Michael Buswell delivered a deputation relation to this item.

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

During debate, Cr Steele moved, and Cr Kozisek seconded, a procedural motion pursuant to part 11.6 of the *City of Bunbury Standing Orders Local Law* to adjourn debate on this motion until the Ordinary Council Meeting to be held 23 April 2024.

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

Council Decision 037/24

That pursuant to part 11.6 of the City of Bunbury Standing Orders Local Law, debate for item 10.3.6 Annual Meeting of Electors Motion: Nuytsia Floribunda be adjourned until the Ordinary Council Meeting to be held 23 April 2024.

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

Prior to adjournment, the order of speakers was as follows:

1. Cr Andrew (Mover – reserved the right to speak)
2. Cr Turner (Seconder)

Debate will resume with a speaker against the motion at the Ordinary Council Meeting to be held 26 April 2024.

Objective 8.4	Revitalise the coastline, foreshores, parks and playgrounds
Objective 8.5	Improve marine infrastructure and facilities

Regional Impact Statement

The recommendation will not have a direct impact on the Bunbury Geographe Region, however the Pelican Point canals may be used by communities and individuals outside of Bunbury.

Background

The Specified Area Rate - Grand Canals Waterways was first introduced in the 1998/1999 Annual Budget “A rate in the dollar of 0.80¢ on the gross rental valuation for all properties within the Grand Canals Pelican Points was raised solely for the provision of maintaining the waterways of the development”.

The purpose of the rate is to raise funds over a given period of time to allow for the periodic dredging, clearing and maintenance of the canal waterways. The rate is considered by Council each year to determine that the specific works will benefit the ratepayers within the Pelican Point Grand Canals area. The rate set is heavily dependent on the amount of sand build-up and what the anticipated costs and frequency of dredging will be. Previously it has been anticipated that waterway maintenance requirements for dredging will be approximately \$600,000 every 5-7 years.

Refer to Appendix 10.3.8 A Pelican Point Grand Canals Specified Area Map for reference.

Council Policy Compliance

Not applicable.

Legislative Compliance

Section 6.37(1) of the Local Government Act states the following:

Specified area rates

- 1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —
 - (a) have benefited or will benefit from;
 - (b) have access to or will have access to; or
 - (c) have contributed or will contribute to the need for,that work, service or facility.

Officer Comments

Currently the City applies the SAR to all properties within the Specified Area as it has been assessed that the rateable properties meet the specific requirements under the act of benefit, access and/or need to contribute to the work, service or facility.

The purpose of the rate is to raise funds to allow for the periodic dredging, clearing and maintenance of the canal waterways. There is a total of 169 properties that are located in the area, 98 canal lots and 71 non-canal lots.

Officers have completed some further investigations into how other Local Governments apply their SAR for properties located with a canal development, examples from other Local Governments:

City of Mandurah:

- Port Bouvard Northpoint Canals - Levied on all canal frontages on the Northport canals. Note: No Dredging required in this area.
- Port Mandurah Canals - Levied on all canal frontage properties located within the defined area of Port Mandurah Canals. Dredging is required in this area.
- Waterside Canals - Levied on all canal frontage properties located within the defined area. Dredging is required in this area.

City of Busselton:

- Port Geographe – Levied on all properties within the area – for the purpose of dredging canals, general upkeep of canals and maintaining parks and gardens to a higher standard.

Based on investigations, there are several ways in which the SAR could be applied:

- All properties are treated the same, paying the same rate in the dollar.
- Only canal lots attract the SAR.
- Both canal and non-canal lots attract the rate which is weighted based on direct benefit.

Based on the average GRV's in the Pelican Point area it is noted that the canal lots do have a higher valuation which sees them contribute more to General Rates and the SAR.

Property	Average GRV	Average General Rates	Average SAR
Canal Lot	\$25,432	\$2,729	\$368
Non-Canal Lot	\$22,754	\$2,449	\$329

Since setting the 2023/24 Annual Budget, Officers have received a revised price estimate of \$900K-\$1M for dredging the canal, with the timeframe for the works planned in the next 2 years. It is anticipated based on these revised costs that we will need to increase the SAR more than the General Rate increase to ensure that the reserve balance has adequate funds. There is \$714,655 forecast balance in the Council Management Reserve at 30 June 2024.

Analysis of Financial and Budget Implications

There is no financial or budget implication for the 2023/24 financial year.

Community Consultation

There is no requirement for community consultation under the Act.

Councillor/Officer Consultation

The following Council officers were consulted in relation to this report:

- CEO
 - Director Strategy & Organisational Performance
 - Director Infrastructure
 - Acting Manager Finance
 - Manager Projects and Asset Management
 - Team Leader Corporate Revenue
-

Councillor workshops to discuss Rates for 2024/25 are scheduled for April 2024.

Outcome of Meeting 12 March 2024

John Collins and Steve Larsson delivered a deputation relation to this item.

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

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

Council Decision 038/24

That Council:

- 1. Note the Electors' Motion for a review of the Specified Area Rate, Pelican Point Canals.***
- 2. Review the Specified Area Rate, Pelican Point Grand Canals as part of the 2024/25 Rates workshops, and the 2024/25 Annual Budget.***

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

10.18 Annual Meeting of Electors Motion – Setting Aside Land for Governor Stirling Memorial (listed as 10.4.3 in the agenda)

File Ref:	COB/517
Applicant/Proponent:	Internal
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Barbara Macaulay, Manager Planning and Building
Executive:	David Russell, Acting 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:	Nil

Summary

At the Annual General Meeting of Electors held 30 January 2024 a motion was carried requesting Council consider setting aside an area at the western end of Frank Buswell Foreshore for a memorial where, among other things, Governor Stirling’s contribution to Bunbury and the Region can be explained:

“The Council consider setting aside an area at the western end of Frank Buswell Foreshore for a memorial where, among other things, Governor Stirling’s contribution to Bunbury and the Region can be explained.”

Executive Recommendation

That Council:

1. Note the Electors’ Motion for the setting aside of land for a Governor Stirling Memorial.
2. Not endorse the setting aside of land for further memorials to Governor Stirling.
3. Note that the significance of the Bunbury Townsite Peg No.1 is currently identified by a plaque and that no further acknowledgements have been planned or budgeted at this stage but may be included in future Bunbury Heritage Trail reviews, subject to engagement with the community.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome 2	A growing hub of culture and creativity
Objective 2.1	Grow participation in arts, culture and community events
Pillar	Place
Aspiration	An integrated, vibrant and well planned City
Outcome 8	A place with attractive and welcoming community spaces, where people want to live
Objective 8.4	Revitalise the coastline, foreshores, parks and playgrounds

Regional Impact Statement

This would not have a regional impact.

Background

Mr Bischoff asked at Annual Meeting of Electors if:

“Has the City Council, in relation to the planned development at the Buswell Foreshore, taken account of the outstanding historic significance and subsequent opportunities of the area at the western end of the Foreshore, where a cairn and plaque commemorate Stirling’s pegging of his selection, granted to him as Leschenault Loc. 26 in 1841, the pegging which from all evidence lead to the beginning of Bunbury and the opening up of the region in March 1830?”

At the meeting, the Mayor outlined that the current works at Frank Buswell Foreshore were on the eastern half of the foreshore and included the replacement of the seawall and footpath, and the replacement of playground equipment at a location to be determined following community consultation. It was noted that there were no proposed works where the cairn and plaque are located. No further acknowledgements have been planned or budgeted at this stage but may be included in future Bunbury Heritage Trail and subject to engagement with the community.

Council Policy Compliance

There is currently no Council Policy applicable.

Legislative Compliance

Not applicable.

Officer Comments

As detailed in ‘Bunbury Heritage Trail: A Commonwealth/State Bicentennial Project (1988)’, Stirling, being Governor, had first choice of 100,000 acres (40,500 hectares) of private estates in the new colony. The boundaries of his Leschenault Loc.26 (3,940 acres) as based on the field books of Bunbury’s principal town surveyor, Henry M Ommanney, suggest that the first survey peg for the Bunbury townsite was next to Meredith Creek in line with the northern boundary of Stirling’s grant. This is commemorated by the current cairn and plaque at the Frank Buswell Foreshore. No further acknowledgements have been planned or budgeted at this stage but may be included in future Bunbury Heritage Trail and subject to engagement with the community.

In addition to the plaque already displayed, the City has recognised Governor Stirling through street names (Stirling Street) and public buildings (Stirling Street Arts Centre, Stirling House).

Analysis of Financial and Budget Implications

There are no funds currently budgeted for further memorial works to be undertaken on the Frank Buswell Foreshore.

Community Consultation

There has not been any consultation in relation to the motion passed at the annual electors meeting, however as part of consultation with regard to the Heritage Trail in the future, this matter may be again considered subject to community consultation.

Councillor/Officer Consultation

This matter was also raised at the Heritage Advisory Committee. This Committee has Elected Member Representation.

Applicant Consultation

Not applicable

Outcome of Meeting 12 March 2024

Bernhard Bischoff delivered a deputation relation to this item.

Cr Smith moved, and Cr Brown seconded a motion to refer this item to the Heritage Advisory Committee to report back to Council with a recommendation.

The Mayor put the motion to the vote and it was carried.

Council Decision 039/24

That Council refer item 10.4.3 Annual Meeting of Electors Motion – Setting Aside Land for Governor Stirling Memorial to the Heritage Advisory Committee to report back to Council with a recommendation.

CARRIED UNANIMOUSLY

6 votes “for” / 4 votes “against”

Mayor Miguel and Councillors Brown, Kozisek, Quain, Ramesh and Smith voted “for.”

Councillors Andrew, Ghasseb, Steele and Turner voted “against.”

11. Applications for Leave of Absence

11.1 Cr Steele

Cr Steele requests a leave of absence from all Council-related business from 25 March 2024 to 15 April 2024 inclusive.

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

Executive Recommendation

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Steele is granted leave of absence from all Council-related business from 25 March 2024 to 15 April 2024 inclusive.

Outcome of Meeting 12 March 2024

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

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

Council Decision 040/24

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Steele is granted leave of absence from all Council-related business from 25 March 2024 to 15 April 2024 inclusive.

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

11.2 Cr Ramesh

Cr Ramesh requests a leave of absence from all Council-related business from 29 March 2024 to 15 April 2024 inclusive.

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

Executive Recommendation

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Ramesh is granted leave of absence from all Council-related business from 29 March 2024 to 15 April 2024 inclusive.

Outcome of Meeting 12 March 2024

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

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

Council Decision 041/24

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Ramesh is granted leave of absence from all Council-related business from 29 March 2024 to 15 April 2024 inclusive.

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

12. Motions on Notice

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

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

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

Council Decision 42/24

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

15.1.1 PR-4924 Lillydale Road widening - Exemption to Procurement Policy requirements

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

The meeting was closed to the public at 6:10pm.

Councillor Steele left the chamber at 6:10pm and returned at 6:11pm.

15.1 Matters for which the Meeting may be Closed

15.1.1 PR-4924 Lillydale Road widening - Exemption to Procurement Policy requirements.

File Ref:	COB/5152
Applicant/Proponent:	Internal
Responsible Officer:	Aileen Clemens, Manager Infrastructure Maintenance Services
Responsible Manager:	Aileen Clemens, Manager Infrastructure Maintenance Services
Executive:	Gavin Harris, Director Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Confidential Report CRUSC-1

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

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

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

Outcome of Meeting 12 March 2024

The recommendation (as written) was moved by Cr Ghasseb 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 043/24

That the Council:

- 1. Accept the Quotation from BCP Contractors Pty Ltd (ACN 602 859 405) for the price of \$209,000 excluding GST***
- 2. Delegates power and authority to the Chief Executive Officer to negotiate and agree with BCP Contractors Pty Ltd minor variations in accordance with the Purchasing Council Policy, subject to there being sufficient funds available within the approved expenditure budget;***
- 3. Subject to resolutions 1 and 2, authorise the Chief Executive Officer to enter into a contract with BCP Contractors Pty Ltd to widen a section of Lillydale Road***
- 4. Following entry into the contract, negotiate variations the Contract, subject to there being sufficient funds available within the approved budget expenditure for that project or line item.***

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

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

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

Council Decision 44/24

That the meeting be reopened to the public.

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

The meeting was reopened to the public at 6:16pm.

15.2 Public Reading of Resolutions that may be made Public

The Mayor read aloud the decision for item 15.1.1 *PR-4924 Lillydale Road widening - Exemption to Procurement Policy requirement* as follows:

That the Council:

1. Accept the Quotation from BCP Contractors Pty Ltd (ACN 602 859 405) for the price of \$209,000 excluding GST
2. Delegates power and authority to the Chief Executive Officer to negotiate and agree with BCP Contractors Pty Ltd minor variations in accordance with the Purchasing Council Policy, subject to there being sufficient funds available within the approved expenditure budget;
3. Subject to resolutions 1 and 2, authorise the Chief Executive Officer to enter into a contract with BCP Contractors Pty Ltd to widen a section of Lillydale Road
4. Following entry into the contract, negotiate variations the Contract, subject to there being sufficient funds available within the approved budget expenditure for that project or line item.

16. Closure

The Mayor declared the meeting closed at 6:18pm.

Confirmed this day, 2 April 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 12 March 2024.

Jaysen de San Miguel
Mayor
