



## City of Bunbury Council

### Minutes

20 February 2024



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
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Bunbury WA 6231

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## Acknowledgement of Country

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

## Vision

Bunbury: welcoming and full of opportunities.

## Organisational Values

### #WEARECOB

#### **WE ARE COMMUNITY**

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

#### **WE ARE OPEN**

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

#### **WE ARE BRAVE**

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

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## Nature of Council's Role in Decision Making

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

## 1. Declaration of Opening / Announcements of Visitors

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

## 2. Disclaimer

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

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

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

### Copyright

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

### Recording and Webstreaming of Meetings

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

## 3. Announcements from the Presiding Member

Nil

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## 4. Attendance

<b>Council Members:</b>	
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 Steck
	Councillor K Turner
<b>Executive Leadership Team (Non-Voting)</b>	
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
<b>City of Bunbury Officers (Non-Voting)</b>	
Manager Governance	Mr G Golinski
A/Manager Finance	Ms V Gregg
Team Leader Property and Procurement	Mr J Parsons
Senior Governance Officer	Ms M Keegan
Senior Corporate Communications Officer	Ms K Fielding
Planning Officer	Mr G Webber
Senior Planning Officer	Ms A Baldock
Development Engineer	Mr B Goodwin
<b>Others (Non-Voting)</b>	
Members of the Public	9

### 4.1 Apologies

Councillor C Kozisek

### 4.2 Approved Leave of Absence

Nil

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### 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	9/10	10/10	10/10	5/5	10/10	9/10	9/10	5/5	9/10	9/10	10/10
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	8/10	9/10	10/10	5/5	8/10	9/10	9/10	5/5	8/10	8/10	10/10
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

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## 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

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## **6. Public Question Time**

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

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

### **6.1 Public Question Time**

Nil

### **6.2 Responses to Public Questions Taken 'On Notice'**

Nil

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## **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 30 January 2024 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the City of Bunbury Council held 30 January 2024 be confirmed as a true and accurate record.

*Voting Requirement: Simple Majority Required*

#### **Outcome of Meeting 20 February 2024**

The recommendation (as written) was moved by Cr Quain 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 009/24**

**The minutes of the Ordinary meeting of the City of Bunbury Council held 30 January 2024 be confirmed as a true and accurate record.**

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

#### **7.1.2 Minutes – Council Advisory Committees**

Nil

#### **7.1.3 Minutes – Annual General Meeting of Electors**

The minutes of the Annual General Meeting of Electors held 30 January 2024 have been circulated.

#### **Recommendation**

The minutes of the Annual General Meeting of Electors held 30 January 2024 be confirmed as a true and accurate record.

*Voting Requirement: Simple Majority Required*

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**Outcome of Meeting 20 February 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 to become the Council's decision on the matter.

**Council Decision 010/24**

**The minutes of the Annual General Meeting of Electors held 30 January 2024 be confirmed as a true and accurate record.**

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**

Mrs Pauline Fiore requested to speak to item 10.4.1, Proposed Drive Through Facility & Associated Alterations at Lot 9 (#57) Minninup Road, South Bunbury. Mrs Fiore's deputation request was approved via vote of Council.

### **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 10.2.1, 10.3.1, 10.3.2.

Items 10.2.2, 10.4.1 and 15.1.1 were discussed and voted on separately. All items have been renumbered in the order they were considered with the items voted "*by exception*" listed first.

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

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## 10. Reports

### 10.1 CEO Key Performance Indicators Quarter 2 2023-24 (listed as 10.2.1 in the agenda)

<b>File Ref:</b>	COB/6080
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Alan Ferris, Chief Executive Officer
<b>Responsible Manager:</b>	Alan Ferris, Chief Executive Officer
<b>Executive:</b>	Alan Ferris, Chief Executive Officer
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.2.1-A CEO KPIs Report – Period ending 31 December 2023

#### Summary

Each year the CEO Performance Review Committee, in consultation with the Chief Executive Officer, meets and develops Key Performance Indicators (KPIs) for the City of Bunbury to adopt and report on.

The purpose of this report is to provide an update on the KPIs for Quarter 2, 2023-24.

#### Executive Recommendation

That Council notes the CEO KPIs Quarter 2 2023-24 Report, for the period ending 31 December 2023, as presented in Appendix 10.2.1-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

Nil

#### Background

Council resolved to endorse the Adopted CEO Performance Criteria 2023-24 at the Ordinary Council Meeting on 26 April 2023, Council Decision 061/23 and all CEO KPIs are to be formally reported to Council via an Agenda Item quarterly.

#### Council Policy Compliance

No Council Policy applies in this instance.

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### **Legislative Compliance**

No Legislative Compliance applies in this instance.

### **Officer Comments**

The next CEO KPIs report is scheduled to be presented in the Council Agenda at the Ordinary Council Meeting in May 2024, which will be reporting on Quarter 3 2023-24.

### **Analysis of Financial and Budget Implications**

Nil

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

Elected Members adopted the 2023-24 CEO KPIs at the Ordinary Council Meeting held on 24 April 2023 and Officers have assisted with the compilation of the Quarter 2 2023-24 report.

### **Outcome of Meeting 20 February 2024**

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

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 011/24**

**That Council notes the CEO KPI'S Quarter 2 2023-24 Report, for the period ending 31 December 2023, as presented in Appendix 10.2.1-A.**

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

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## 10.2 Corporate Business Plan Quarter 2 2023-24 (listed as 10.3.1 in the agenda)

<b>File Ref:</b>	COB/6080
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Beth Perry, Corporate Reporting Officer
<b>Responsible Manager:</b>	Jordan Hunt, A/Manager Strategy, Projects and Communications
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.3.1-A Corporate Business Plan Report – Period ending 31 December 2023

### Summary

The Corporate Business Plan 2023 - 2027 provides the Bunbury community with a plan to deliver the vision, goals, and objectives of the Strategic Community Plan.

The purpose of this report is to provide Council with an update on the progress toward key objectives and actions outlined in the Corporate Business Plan for Quarter 2 2023-24.

### Executive Recommendation

That Council notes the Corporate Business Plan Quarter 2 2023-24 Report for the period ending 31 December 2023, as presented in Appendix 10.3.1-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

The Corporate Business Plan impacts the actions undertaken by the City of Bunbury and therefore has a direct impact on the work of the City, including facility and service management. As many of the City's services and facilities are accessed by residents from surrounding local areas, this resulting indirect regional impact of this plan is also substantial.

### Background

Council resolved to endorse The Corporate Business Plan 2023 - 2027 at the Special Council Meeting held on 25 July 2023. Quarterly reporting against progress toward the Corporate Business Plan is undertaken as part of the City's Integrated Strategic Planning and Reporting Framework for each quarter.

### Council Policy Compliance

Not applicable.

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### **Legislative Compliance**

Regulation 19DA of the Local Government (Administration) Regulations outlines the requirements for a Corporate Business Plan.

### **Officer Comments**

The Corporate Business Plan communicates the City's plan for the next four years for delivering the aspirations and objectives of the community as set out in the Strategic Community Plan.

A report on progress toward achieving the outcomes of the Corporate Business Plan is presented to Council quarterly. This is intended to ensure transparency to Council and the community, and that implementation is done on time and on budget thereby maximising effectiveness and positive community impact.

The report is organised by each of the core performance area pillars - People, Plant, Place, Prosperity, and Performance - and includes for each action the overall status; budget and budget status indicator; the quarter in the financial year by which the action is due to be completed; and a Manager or Executive comment.

The report outlines progress towards actions scheduled for completion within the 2023-2024 financial year.

### **Analysis of Financial and Budget Implications**

Budget figures included in the Report are aligned with the operating and capital project expenditure outlined in the Corporate Business Plan 2023 -2027, and Annual Budget 2023-2024.

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

Elected Members adopted The Corporate Business Plan 2023 - 2027 at the Special Council Meeting held on 25 July 2023. The Plan was developed in consultation with Executives, Managers, and Officers. Executive and Managers were engaged by Officers in compilation of the Quarter 2 2023-24 report.

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**Outcome of Meeting 20 February 2024**

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

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 012/24**

**That Council notes the Corporate Business Plan Quarter 2 2023-24 Report for the period ending 31 December 2023, as presented in Appendix 10.3.1-A.**

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

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**10.3 Strategic Advocacy Priorities Status Report - Period ending 31 December 2023 (listed at 10.3.2 in the agenda)**

<b>File Ref:</b>	COB/5571
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Coni Zangari - Senior Strategic Partnerships, Advocacy and Funding Officer
<b>Responsible Manager:</b>	Jordan Hunt, Acting Manager Strategy, Projects and Communication
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.3.2-A Advocacy Status Report for the period ending 31 December 2023

**Summary**

The purpose of this report is to present Council with an update on the City of Bunbury’s strategic advocacy priorities for the period 1 September to 31 December 2023.

**Executive Recommendation**

That Council notes the Strategic Advocacy Priorities Status Report for the period ending 31 December 2023, as presented at Appendix 10.3.2-A.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

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

**Regional Impact Statement**

Advocacy connects the City’s goals to State and Federal government responsibilities, ensuring we are collaborating and voicing issues we are facing as a community, to promote better support and needed change. The City of Bunbury’s strategic advocacy priorities provide a unified approach, seeking to influence key stakeholders around matters critical to helping Bunbury fulfil our vision of being ‘welcoming and full of opportunities.’

**Background**

The City of Bunbury’s strategic advocacy priorities were endorsed by Council at the Ordinary Council Meeting, held on 28 September 2023. This advocacy status report was developed to capture all advocacy initiatives in line with the agreed CEO KPI requirements and to monitor and measure regularly and objectively what has been accomplished and what more remains to be done.

Updates on the progress of the City of Bunbury’s strategic advocacy priorities are to be formally reported to Council via an Agenda Item every four months. This report serves to present to Council an update for the period ending 31 December 2023.

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### **Council Policy Compliance**

City of Bunbury Advocacy and Stakeholder Management Policy.

### **Legislative Compliance**

Nil

### **Officer Comments**

A copy of the Strategic Advocacy Priorities Status Report is attached at Appendix 10.3.2-A.

Further direction for the City's strategic advocacy priorities are anticipated after Elected Members and the Executive participate in the Vision Conference in February 2024. Advocacy related outcomes from the conference will be incorporated into the next status report.

The next report is scheduled to be presented in the Council Agenda at the Ordinary Council Meeting 25 June 2024.

### **Analysis of Financial and Budget Implications**

Nil

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

Elected Members adopted the City of Bunbury's strategic advocacy priorities at the Ordinary Council Meeting, held on 28 September 2023 and Officers have assisted with the compilation of this report.

### **Timeline: Council Decision Implementation**

Not applicable

### **Outcome of Meeting 20 February 2024**

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

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 013/24**

**That Council notes the Strategic Advocacy Priorities Status Report for the period ending 31 December 2023, as presented at Appendix 10.3.2-A.**

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

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#### 10.4 Council Support for Repurposing Secured Australind Train Carriage (listed as 10.2.2 in the agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Alan Ferris, Chief Executive Officer
<b>Responsible Manager:</b>	Alan Ferris, Chief Executive Officer
<b>Executive:</b>	Alan Ferris, Chief Executive Officer
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.2.2-A Letter to Minister Don Punch

#### Summary

The City of Bunbury have successfully secured an Australind train carriage and seeks Council support for potentially repurposing the carriage within the Bicentennial Square project. This would highlight Bunbury's rail heritage.

#### Executive Recommendation

That Council:

1. Acknowledge and support the City's acceptance of the secured Australind train carriage.
2. Request the Chief Executive Officer arrange appropriate transportation for the Australind train carriage's relocation at the City of Bunbury works depot.
3. Request the Chief Executive Officer prepare a report for a future meeting on the options and cost for repurposing the carriage.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well-planned City.
Outcome 7	A community with high-quality urban design and housing diversity.
Objective 7.2	Grow recognition and respect for local history and heritage.

#### Regional Impact Statement

There is a strong sentimental value attached to the Australind journey within our community, the City believes any preservation and reuse efforts would be warmly received.

#### Background

After the Mayor attended the last trip of the Australind train, a letter was written to Minister Hon. Don Punch MLA, expressing the City of Bunbury's interest in acquiring one of the train carriages. On 1 February 2024, Don Punch's office confirmed that the Deputy Premier is in favour of donating an Australind train carriage to Bunbury. Council support is required to action this.

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### **Council Policy Compliance**

N/A

### **Legislative Compliance**

N/A

### **Officer Comments**

The City will initiate negotiations for the transportation of the train carriage to the City of Bunbury Depot site. Additional conversations regarding the carriage's intended use and associated costs will be subject to a subsequent report to be presented to the Council.

### **Analysis of Financial and Budget Implications**

The City acknowledges the potential expenses related to freight, storage, and maintenance associated with this project. Consequently, the City intends to request assistance from the State Government to address these financial considerations.

### **Community Consultation**

There has been no specific community consultation on this project.

### **Councillor/Officer Consultation**

N/A

### **Applicant Consultation**

N/A

### **Timeline: Council Decision Implementation**

The City of Bunbury will work alongside the Public Transport Authority of Western Australia to make arrangements once endorsed by the Council.

### **Outcome of Meeting 20 February 2024**

Cr Steele asked some questions in relation to this item that were answered by the CEO. As a result of these questions, the CEO amended point 3 of the Executive Recommendation as below:

3. *Request the Chief Executive Officer prepare a report for a future meeting on the options **for the future use** and cost for repurposing the carriage.*

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

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

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**Council Decision 014/24**

**That Council:**

- 1. Acknowledge and support the City's acceptance of the secured Australind train carriage.**
- 2. Request the Chief Executive Officer arrange appropriate transportation for the Australind train carriage's relocation at the City of Bunbury works depot.**
- 3. Request the Chief Executive Officer prepare a report for a future meeting on the options for the future use and cost for repurposing the carriage.**

CARRIED

9votes "for" / 1 vote "against"

Mayor Miguel, Cr Andrew, Cr Brown, Cr Quain, Cr Turner, Cr Smith, Cr Steck, Cr Ramesh, Cr Ghasseb voted for  
Cr Steele voted against

**10.5 Proposed Drive Through Facility & Associated Alterations at Lot 9 (#57) Minninup Road, South Bunbury (listed as 10.4.1 in the agenda)**

<b>File Ref:</b>	P06443, DA/2023/201/1
<b>Applicant/Proponent:</b>	Garry Holland Architect
<b>Responsible Officer:</b>	Gareth Webber, A/Senior Planning Officer
<b>Executive:</b>	David Russell, A/Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.4.1-A – Locality Plan Appendix 10.4.1-B – Site Photographs Appendix 10.4.1-C – Application Documents Appendix 10.4.1-D – 2016 Development Approval Appendix 10.4.1-E – Schedule of Submissions Appendix 10.4.1-F – Applicant Response to Submissions Appendix 10.4.1-G – State Planning Policy 7.0 Assessment

**Summary**

Development approval is sought for a proposed drive through facility and associated alterations with the existing ‘Lunch bar’ and ‘Convenience store’ land uses at Lot 9 (#57) Minninup Road, South Bunbury.

The subject site is zoned Local Centre and in accordance with Schedule 5 – Additional Zone Development Requirements Table, of the City of Bunbury Local Planning Scheme No. 8 (LPS8), a drive through facility is not permitted. The proposal therefore seeks a variation to the Scheme under clause 43 – Variations to Site and Development Requirements. The proposal was advertised to nearby landowners/occupiers, with 4 submissions being received (3 objections and 1 in support).

Officers consider the proposed drive through facility is inconsistent with the objectives of the Local Centre Zone to provide for the daily needs of the local community through pedestrian friendly, street orientated developments. The proposed drive through will predominantly service the wider community rather than the local community, and the high turnover of vehicles is not considered to be compatible with the expected amenity of the area for a pedestrian friendly environment. Officers do not have delegation to refuse this application, and therefore the application has been referred to council for determination.

**Executive Recommendation**

That Council, in accordance with clause 68 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Bunbury Local Planning Scheme No. 8 resolves to refuse the application for a drive through facility and associated alterations at Lot 9 (#57) Minninup Road, for the following reasons:

1. The proposed drive through facility does not comply with Schedule 5 of Local Planning Scheme No.8 which does not permit drive through facilities within the Local Centre Zone.
  2. The proposed drive through facility does not comply with the minimum vehicle queuing requirements outlined under Schedule 4 of Local Planning Scheme No.8. The proposal provides vehicle queuing for 5 vehicles in lieu of the minimum required 10 vehicles and it is considered that this will detrimentally impact the surrounding road network.
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3. The development is inconsistent with the objectives of the Local Centre Zone outlined under Part 3 of Local Planning Scheme No. 8, as the proposal will predominantly provide services to the wider community rather than for the daily household shopping and community needs of the immediate neighbourhood.
4. The proposed drive through coffee facility is inconsistent with the objectives of the Local Centre Zone outlined under Part 3 of Local Planning Scheme No. 8, as the proposal is not considered pedestrian friendly. Drive through facilities increase the frequency of vehicles using crossovers and support car use in favour of pedestrian activity.
5. Having due consideration of subclauses 67 (m) and (n) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal is considered to have an adverse impact on the amenity of the surrounding residential area due to the incompatibility of the drive through with its setting on the basis of its high vehicular turnover business model.

*Voting Requirement: Simple Majority*

### **Strategic Relevance**

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

### **Regional Impact Statement**

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

### **Background**

The subject site is located within the Local Centre Zone, with a density coding of R60. A locality plan and site photographs are attached at Appendices 10.4.1-A and 10.4.1-B. A summary table of details relating to the subject site are as follows:

Property Address:	Lot 9 (#57) Minninup Road, South Bunbury
Zoning:	Local Centre (R60)
Existing Land Use:	Lunch Bar, Convenience Store and Single House
Lot Area:	956 m <sup>2</sup>
Heritage:	N/A

Development approval is sought for a proposed drive through facility and associated alterations to the existing Mangles Corner Store. In addition to the proposed drive through, the alterations include demolition of the existing cool room and construction of a new cool room, minor extensions and construction of an alfresco area to the east. The proposed drive through facility will provide queuing for 5 vehicles within the property boundary, an order box and collection window. Details of the application are attached at Appendix 10.4.1-C.

The Mangles Corner Store currently operates Monday to Friday 5am to 7pm, Saturday 5:30am to 7pm and Sunday 6am to 7pm with the applicant proposing the drive through facility to operate similar hours.

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Based on aerial photography it appears that the original building on the lot was constructed prior to 1959, with an extension being added in the 1970s. It is acknowledged that at the time the building was constructed it was unlikely to require car parking onsite, with all the existing car parking being provided in the City of Bunbury local road reserve. The subject lot also contains an existing single house in the same ownership which the proposed drive through facility will run parallel to.

A development application for a proposed drive through facility on the subject lot was previously considered by Council at its 15 November 2016 Council meeting. Council resolved to grant development approval for the proposed drive through facility and associated alterations, against the officer's recommendation for refusal. Officers at the time recommended refusal of the proposal for the following reasons:

- a) The proposed lack of vehicle parking provision within the lot is contrary to the General Development Requirements of the City of Bunbury's Town Planning Scheme No. 7;
- b) The proposed fast food drive-through facility is likely to result in adverse impacts on the residential character and amenity of the locality, and hence, having due regard to the City's draft Local Planning Scheme No. 8, does not represent orderly and proper planning.

The development was not substantially commenced within two years of the date of issue of the approval and has expired. A full copy of the 2016 development approval can found at Appendix 10.4.1-D.

In the time since development approval was granted under the City of Bunbury Local Planning Scheme No. 7, the City of Bunbury Local Planning Scheme No. 8 (LPS8) has been gazetted which does not permit drive through facilities within the Local Centre Zone.

#### **Council Policy Compliance**

Not applicable.

#### **Legislative Compliance**

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

##### Legislation

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

##### State Planning Framework

- State Planning Policy 7.0 – Design of the Built Environment.

##### Local Planning Framework

- City of Bunbury Local Planning Strategy;
  - City of Bunbury Local Planning Scheme No. 8 (LPS8); and
  - Local Planning Policy 3.0 – Zone Development Requirements (LPP3.0).
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**Officer Comments**

Objectives of the Local Centre Zone

The ‘Lunch bar’ and ‘Convenience store’ land uses are both permitted in the Local Centre Zone. The proposal is seeking to vary Schedule 5 – Additional Zone Development Requirements under clause 43 of LPS8 which stipulates that drive through facilities are not permitted. This variation was including in the public advertising of the application.

Officers consider the proposal is inconsistent with the objectives of the zone. The following provides an assessment against each of the objectives of the Local Centre Zone.

Objective	Assessment
To designate land for future development as a Local Centre.	<i>Not applicable.</i>  The subject land is already zoned Local Centre under LPS8.
To provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas.	<i>Inconsistent.</i>  The proposed drive through operation for coffee is expected to significantly increase the level of traffic along Mossop Street which will negatively impact the amenity on the adjoining residential area.  In addition, the site has limited provision for vehicle queuing within the property boundary and could result in vehicles queuing along Mossop Street in front of residential properties.
To provide for Local Centres to focus on the main daily household shopping and community needs.	<i>Inconsistent.</i>  It is considered that rather than providing services for the local community, the proposed drive through focusing on takeaway coffee does not provide for the main daily household and community needs. It is likely to attract vehicles from outside the local community.
To encourage high quality, pedestrian-friendly, street-orientated development.	<i>Inconsistent.</i>  A large portion of subject site contains parking within the road reserve. The proposed drive through will create additional vehicular access points reducing the pedestrian connectivity to the site which is currently limited.
To provide a focus for medium density housing.	<i>Not applicable.</i>  The proposal does not include any residential component.
To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.	<i>Inconsistent.</i>  The portion of the subject site containing the Mangles Corner Store is predominantly developed with buildings or hardstand for

	vehicle parking with very little landscaping on site.
To provide a basis for future detailed planning in the form of local development plans in accordance with the provisions of this Scheme and the Activity Centres for Greater Bunbury Policy.	<i>Not applicable.</i>

### Car Parking

Officers acknowledge that the car parking to the subject site has historically used the road reserve to satisfy car parking requirements. Pursuant to LPS8, the car parking requirement for a 'Lunch bar' and 'Fast food outlet' requires 1 bay per 15m<sup>2</sup> of net lettable area (NLA) and a 'Convenience store' requires 1 bay per 20m<sup>2</sup> of NLA. Based on the proposed development, this results in the requirements for 12 car parking bays to be provided onsite. The application proposes 16 car parking bays comprising of areas that have been currently used for informal parking within the road reserve. The proposed formalised car parking bays adjacent to the alfresco (bays 1 to 4) are not supported as they are considered to impact pedestrian connectivity from future footpath alignment along Mossop Street. Furthermore, the car parking bays adjacent to the alfresco will not extend further into the road reserve than the existing bays and do not comply with Australian Standards.

In addition under LPS8 a drive through facility is required to provide a car queuing area of 10 vehicles. Currently the proposal allows for vehicles queuing for 5 vehicles from the pick up station entering via Mossop Street and exiting onto Minninup Road which is a significant variation to the LPS8 requirements.

Officers consider that there is insufficient vehicle queuing within the lot and that it is likely that vehicle will queue on Mossop Street which has occurred with existing drive through facilities within the City. Vehicle queuing on Mossop Street is not supported and presents a road safety risk for road users, pedestrians and surrounding residents.

### Matters to be considered in the assessment of the application

The proposal has been assessed against the relevant matters to be considered under clause 67(2) of the Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, particularly with regards to compatibility of the development with its setting, impact on the amenity of the locality, amount of traffic generated, and public submissions received.

The drive through facility is characterised by high vehicle turnover and likely to draw pass-by traffic rather than provide an immediate service for the local community. As such this is likely to impact the amenity of the surrounding residential area. In addition, no acoustic report has been submitted with the application and therefore officers are unable to determine if the proposal would comply with *Environmental Protection (Noise) Regulations 1997*. If Council was to support the proposal, a condition would be required for an acoustic report to be submitted to the City. It is noted that the City's environmental health department have advised that should the drive through facility be approved by Council, that an acoustic report will be required to be submitted to the City for approval and address noise mitigation measures.

The proposal is not considered to be compatible with the desired future character of the area with the objectives of the Local Centre Zone requiring high quality, street orientated development, pedestrian friendly, and uses that focus on household shopping and community needs. Drive through facilities are considered to be more appropriate within higher level activity centres such as

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the District Centre zone (i.e. Bunbury Forum and Parks Centre), as they generally cater for higher levels of traffic and are not in close proximity to residents.

An assessment has been undertaken against the 10 design principles of State Planning Policy 7.0 Design of the Built Environment (SPP7.0). The proposed drive through facility does not meet a number of design principles including, context and character, safety, legibility, landscape quality, sustainability and community. As such the proposal is not considered to be compatible with its setting and will impact the amenity of the area. A full copy of the SPP7.0 design principles assessment is contained in Appendix 10.4.1-G.

### Traffic

Pursuant to the WAPC Traffic Impact Assessment Guidelines (TIA Guidelines) Volume 4, a proposal that generates between 10 and 100 vehicles trips in the peak hour is considered to have a moderate impact on the surrounding road network. Based on the gross floor area of the development and proposal for a drive through facility, a Traffic Impact Statement (TIS) is required however in the absence of a TIS, officers undertook a broad assessment to determine the peak hour trip generation rates along Mossop Street.

Using Table 1 from WAPC TIA Guidelines Volume 5, it is estimated that the proposed drive through facility would generate an additional maximum peak hour (PM) trip rate of 23 vehicles. The most recent traffic count along this section of Mossop Street were conducted in 2016/17 and showed an average weekday daily traffic of 528 vehicles, with a AM (8am) and PM (3pm) peak of 41 and 48 vehicle trips respectively. The most recent traffic counts along this section of Minninup Road were conducted in 2016/17 data and showed an average weekday daily traffic of 5,533 vehicles, with an AM (8am) and PM (3pm) peak of 469 and 562 trips respectively.

The expected PM peak hour trip rate generated by a drive through facility is almost half of the existing traffic count on Mossop Street. Furthermore, the absence of a TIS means the application fails to consider other items such as pedestrian safety and the impact of the drive through on the proposed parking arrangement.

It is noted that Mossop Street is identified as a Local Access Road and under the road hierarchy is suitable for a maximum 3,000 vehicles per day. It is acknowledged that the additional trips generated by the drive through facility would be within the road networks threshold, however it anticipated that vehicles will queue onto Mossop Street and may encounter difficulty performing right turns at peak times along Minninup Road. The additional traffic generated exceeds that of residential traffic and would likely impact upon the amenity of the surrounding area through increased traffic and associated noise.

### **Analysis of Financial and Budget Implications**

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

### **Community Consultation**

The development application was advertised in accordance with clause 64(1)(b)(ii) under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'deemed provisions').

The following methods of advertising were undertaken, with an advertising period of 21 days:

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- Letters to surrounding landowners and occupiers
- Public notification signs erected onsite
- Public notice of proposal posted on the City of Bunbury's website

The public advertising of the application commenced on 28 November 2023 and closed on 15 December 2023 with 3 objections and 1 submission of support being received. The key concerns raised in the objections related to:

- Extra traffic generation
- Lack of traffic study
- Impact on pedestrian footpath
- Lack of storage facilities
- Operating hours

The Schedule of Submissions and officer comments are attached at Appendix 10.4.1-E. The applicants response to the Schedule of Submissions are attached at Appendix 10.4.1-F.

#### **Councillor/Officer Consultation**

The proposal has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report.

#### **Applicant Consultation**

The applicant has been informed of the officer recommendation.

#### **Timeline: Council Decision Implementation**

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

#### **Outcome of Meeting 20 February 2024**

Mrs Pauline Fiore delivered a deputation in relation to this item.

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

The Mayor put the motion to the vote, and it was LOST 3/7; Cr Andrew, Cr Turner, C Steele voted for; Mayor Miguel, Cr Brown, Cr Smith, Cr Steck, Cr Ramesh, Cr Ghasseb and Cr Quain voted against.

Cr Brown moved and Cr Andrew seconded an alternate motion to approve the development application. The Mayor put the motion to the vote and it was carried to become Council's decision on this matter.

Mayor Miguel, Cr Andrew, Cr Brown, Cr Quain, Cr Smith, Cr Steck, Cr Ramesh, Cr Ghasseb and Cr Steele voted for, and Cr Turner voted against.

The reason for Council's decision opposing the Executive Recommendation is because Council has the responsibility to decide based on the community's current needs and expectations and has discretion to vary the requirements under LPS8. Various conditions were provided in the alternative recommendation whilst allowing a local business the opportunity to expand.

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**Council Decision 015/24**

**That Council, in accordance with clause 68 (2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bunbury Local Planning Scheme No. 8, resolves to approve the application for a drive through facility and associated alterations at Lot 9 (#57) Minninup Road, South Bunbury subject to the following conditions:**

**General:**

- (1) At all times, the development the subject of this development approval must comply with the definition of Lunch bar and Convenience store as contained in Part 6 of the City of Bunbury Local Planning Scheme.**
- (2) This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.**
- (3) All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.**
- (4) Except with the prior written consent of the City of Bunbury, the approved drive through facility must only operate between the following hours:**
  - 7am to 10pm Monday to Sunday.**

**Parking and Access:**

- (5) Prior to the submission of a building permit, updated detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads Guidelines, and City of Bunbury requirements, for all access, carparking, and pedestrian movement requirements, including but not limited to:**
  - Sufficient queuing for 5 vehicles from the pick up point and a minimum of 4 vehicles from the ordering point;**
  - Bin store location and access/servicing arrangements;**
  - Separate waiting bays contained within the lot;**
  - Pedestrian crossing through the drive through;**
  - Removal of car parking bays 1-4 adjacent to the proposed alfresco.**

**Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.**

- (6) Before the development is occupied, the following infrastructure must be upgraded at the applicant/landowner's cost to the satisfaction of the City of Bunbury. Detailed design plans of the infrastructure upgrade must be submitted to the City of Bunbury for approval prior to construction commencing.**
  - Median strip at Mossop Street preventing southbound vehicles turning right into the drive through and impeding traffic flow.**
  - Median strip along Minninup Road preventing vehicles exiting right from the drive through.**

- (7) Before the development is occupied, any alternations, relocation, or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.**
- (8) Before the development is occupied, linemarking and parking signage must be installed in accordance with the approved plans.**
- (9) Goods or materials must not be stored within the access driveways, parking bays, or landscaping areas.**
- (10) Before the development is occupied, lighting must be provided on site for the access ways, parking areas and turning areas to the satisfaction of the City of Bunbury. Plans are to be submitted to the City of Bunbury for approval prior to construction commencing.**

**Stormwater/Site Works:**

- (11) A minimum of 1 m<sup>3</sup> of storm water storage for each 65 m<sup>2</sup> of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.**

**Detailed design plans of the proposed stormwater management must be submitted for approval prior to the issuing of a building permit and be implemented in accordance with the approved plan prior to development being occupied.**

- (12) All construction activities must be undertaken so as to avoid dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.**

**Landscaping and Design:**

- (13) External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the City of Bunbury.**
- (14) The advertising devices shall be professionally made and kept clean and maintained free of dilapidation at all times.**
- (15) Any illuminated signage is not to flash or pulsate and shall be of an illumination level that is suitable to off-street ambient lighting that does not cause nuisance to the amenity.**
- (16) Before the development commences, a landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan must address the following:**
  - The location, species and size of existing vegetation to be removed.**
  - Exact species, location and number of proposed plants.**
  - A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.**
  - Mulching or similar treatments of garden beds including edges.**
  - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.**
  - Treatment of paved areas (parking and pedestrian areas).**

**Before the development is occupied, the landscaped areas must be planted, established and reticulated in accordance with the endorsed landscape plan. These areas must be maintained as landscaped areas at all times and to the satisfaction of the City of Bunbury.**



**Acoustic:**

- (17) Prior to construction commencing, an Acoustic Report is to be submitted in a manner and form approved by the City of Bunbury, detailing proposed attenuation and mitigation measures to meet the applicable noise levels prescribed under the Environmental Protection Noise Regulations 1997.**
- (18) Prior to occupation of the development, a qualified acoustic engineer shall certify to the satisfaction of the City of Bunbury that all recommendations of the approved Acoustic Report have been implemented. All ongoing operational requirements are to be carried out in accordance with the approved Acoustic Report.**
- (19) Prior to occupation of the development, the business operator shall provide to the satisfaction of the City of Bunbury a Noise Management Plan (NMP) which states the administrative controls to be put in place to address noise emissions of the proposed operation.**

**Waste:**

- (20) Prior to occupation of the development, a Waste Management Plan shall be submitted to the City of Bunbury for approval. The approved plan shall be implemented and adhered to at all times, to the satisfaction of the City of Bunbury.**

**Advice Notes:**

- a) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained. An application for an extension of time to an existing development approval shall require a formal written request, signed by both the landowner and the applicant (if applicable) and the payment of the appropriate application fee (as per Council's Fees & Charges Schedule), details of the relevant development approval are required (e.g. DA number, date of approval, property address).**
- b) This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.**
- c) The development the subject of this development approval is also regulated by the Western Australia Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The owner is advised to liaise further with the City of Bunbury.**
- d) Where a new crossover is proposed, and before construction can commence, a separate verge crossover application must be submitted and approved. A permit application form can be obtained on the City's website [www.bunbury.wa.gov.au](http://www.bunbury.wa.gov.au).**
- e) The City of Bunbury advises that the development the subject of this development approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the City of Bunbury.**

- f) The premises and equipment the subject of this development approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards.**

**Regardless of whether a building permit is required, application shall be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to commencing development.**

- g) The development is defined as a "Food Business" under the Food Act 2008. The development must comply with the Food Act 2008 and Food Regulations 2009. Further information can be obtained from the City of Bunbury.**

- h) The development the subject of this development approval is required to comply with the City of Bunbury Health Local Laws 2001.**

CARRIED

9 votes "for" / 1 vote "against"

Mayor Miguel, Cr Andrew, Cr Brown, Cr Quain, Cr Steele, Cr Smith, Cr Steck, Cr Ramesh and Cr Ghasseb voted for  
Cr Turner voted against

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**11. Applications for Leave of Absence**

Nil

**12. Motions on Notice**

Nil

**13. Questions from Members**

**13.1 Response to Previous Questions from Members taken on Notice**

Nil

**13.2 Questions from Members**

Nil

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

Nil

**15. Meeting Closed to Public**

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

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

**Council Decision 16/24**

**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 RFQ2324/022 - IT Equipment Leasing Arrangement**

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

The meeting was closed to the public at 6:20pm.

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## 15.1 Matters for which the Meeting may be Closed

### 15.1.1 RFQ2324/022 - IT Equipment Leasing Arrangement

<b>File Ref:</b>	RFQ2324/022
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Alec Williams, Contracts and Procurement Officer Paul Jakins, Team Leader Information Technology
<b>Responsible Manager:</b>	Vicki Gregg, Acting Manager Finance Greg Golinski, Manager Governance
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<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
<b>Attachments:</b>	Appendix CRUSC- 1: RFQ2324/022 - IT Equipment Leasing Arrangement

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 20 February 2024**

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

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

#### **Council Decision 17/24**

##### **That the Council:**

- 1. Pursuant to RFQ2324/022 – IT Equipment Leasing Arrangement, accept the quotation from Equigroup Pty Limited ACN 059 138 288 subject to minor variations to be negotiated in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996 (FG Regulations);**
- 2. Delegates power and authority to the Chief Executive Officer to negotiate and agree with Equigroup Pty Limited minor variations in accordance with Regulation 20 of the FG Regulations, 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 Equigroup Pty Limited to provide IT equipment leasing services.**
- 4. Following entry into the contract, negotiate variations with Equigroup Pty Limited to the respective Contracts, 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 Andrew 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 18/24**

***That the meeting be reopened to the public.***

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

The meeting was reopened to the public at 6:24pm.

**15.2 Public Reading of Resolutions that may be made Public**

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

***15.1.1 RFQ2324/022 - IT Equipment Leasing Arrangement***

1. Pursuant to RFQ2324/022 – IT Equipment Leasing Arrangement, accept the quotation from Equigroup Pty Limited ACN 059 138 288 subject to minor variations to be negotiated in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996 (FG Regulations);
  2. Delegates power and authority to the Chief Executive Officer to negotiate and agree with Equigroup Pty Limited minor variations in accordance with Regulation 20 of the FG Regulations, 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 Equigroup Pty Limited to provide IT equipment leasing services.
  4. Following entry into the contract, negotiate variations with Equigroup Pty Limited to the respective Contracts, subject to there being sufficient funds available within the approved budget expenditure for that project or line item.
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## **16. Closure**

The Mayor declared the meeting closed at 6:27pm.

Confirmed this day, 12 March 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 20 February 2024.

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Jaysen de San Miguel  
Mayor