

City of Bunbury Council

Minutes 2 April 2024



CITY OF BUNBURY 4 Stephen Street Bunbury WA 6230 Western Australia

Correspondence to: Post Office Box 21 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

Nature of Council's Role in Decision Making

When Council advocates on its own behalf or on behalf of its community to Advocacy: 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 <u>http://www.bunbury.wa.gov.au/Pages/Live-</u> <u>Stream.aspx</u>
- Recordings can be accessed at <u>http://www.bunbury.wa.gov.au/Pages/Council-Meeting-Videos-2022.aspx</u>
- 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 M Steck
	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	Ms S Upton
Director Strategy and Organisational Performance	Ms K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
A/Manager Community Connection	Ms G O'Brien
Governance Officer	Mr L Murphy
Senior Corporate Communications Officer	Ms K Fielding
Others (Non-Voting)	
Members of the Public	8

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Cr Steele is on an approved leave of absence from 25 March to 15 April 2024.

Cr Ramesh is on an approved leave of absence from 29 March to 15 April 2024

4.3 Attendance at Previous Meetings

*Data begins from 1 July 2023.

Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Brown	Cr Ghasseb	Cr Kozisek	Cr Quain	Cr Ramesh	Cr Steck	Cr Steele	Cr Turner
Ordinary Council Meeting	11/12	12/12	12/12	7.7	12/12	11/12	11/12	6/7	10/12	10/12	12/12
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	10/12	11/12	12/12	6/7	9/12	11/12	11/12	7/7	9/12	10/11	12/12
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	1/1	0/1	N/A	N/A	1/1	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."*

Cr Andrew declared an Impartiality interest in item 10.2.1 Proposed Disposal Lot 200 on Deposited Plan 89310, Robertson Drive, Davenport and Lot 2 Deposited Plan 18580 Forrest Avenue, South Bunbury as he is a member of the Cemetery Board.

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'

Mike Fenton asked 2 questions at the Ordinary Council Meeting held 12 March 2024 which were taken on notice by the CEO. The questions are now presented below with responses:

<u>Preamble</u>

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.

Question 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?

Response:

The invoice is for two separate jobs-

- 1. Crown lift of tree on corner of Stirling and Wittenoom Street
- 2. Works on verge opposite 2 8 Picton Crescent

Question 2

Is this sum, \$1,857.45, the one and only payment associated with removal of that same hazardous Picton Cr overgrowth?

Response:

As stated the invoice for 1,857.45 is for two jobs. This invoice includes the one and only payment for the works on verge opposite 2 - 8 Picton Crescent

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held 12 March 2024 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 12 March 2024 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 2 April 2024

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

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

Council Decision 045/24

The minutes of the Ordinary meeting of the City of Bunbury Council held 12 March 2024 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees

Applicant/Proponent:	Internal Report				
Author:	Various				
Executive:	Alan Ferris, Chief Executive Offi	icer			
Authority/Discretion:	□ Advocacy		Quasi-Judicial		
	Executive/Strategic	\boxtimes	Information Purposes		
	□ Legislative				
Attachments:	Appendix 7.1.2-A: International Relations Committee Minutes				

Summary

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

1.	Title:	International Relations Committee Minutes
	Author:	Qing Ye, International Relations Officer
	Appendix:	7.1.2-A

Council Committee Recommendation

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

1. International Relations Committee Minutes – 19 February 2024

Voting Requirement: Simple Majority

Outcome of Meeting 2 April 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 046/24

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

1. International Relations Committee Minutes – 19 February 2024

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:

<u>12.1</u> Cr Ghasseb – Emergency Homeless Shelter Ingrid Hilario Jane Anderson Jonathon Byles

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 047/24

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:

<u>12.1 Cr Ghasseb – Emergency Homeless Shelter</u> Ingrid Hilario Jane Anderson Jonathon Byles

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, 10.3.3 and 10.5.1.

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

10. Reports

10.1 Proposed Disposal Lot 200 on Deposited Plan 89310, Robertson Drive, Davenport and Lot 2 Deposited Plan 18580 Forrest Avenue, South Bunbury (listed as 10.2.1 in the agenda)

File Ref:	COB/5952			
	COB/3352			
Applicant/Proponent:	Bunbury Cemetery Board			
Responsible Officer:	Gemma Stewart, Senior Property Officer			
Responsible Manager:	Jessica Kelly, Team Leader Economic Development			
Executive:	Alan Ferris, Chief Executive Officer			
Authority/Discretion	□ Advocacy □ Quasi-Judicial			
	Executive/Strategic Information Purposes			
	☑ Legislative			
Attachments:	Appendix 10.2.1-A – Location Plan.			
	Appendix 10.2.1-B – Government Gazette, WA, 26 June 1992			

Summary

The City of Bunbury (the "City") has received a request from the Bunbury Cemetery Board ("BCB") to transfer the Freehold Land at Lot 200 on Deposited Plan 89310 Roberston Drive, Davenport, ("Lot 200") and Lot 2 on Deposited Plan 18580 Forrest Avenue, South Bunbury ("Lot 2"). A location plan is **attached** at Appendix 10.2.1-A.

Executive Recommendation

That Council agrees to the transfer of Freehold land at Lot 200 on Deposited Plan 89310, Robertson Drive, Davenport and Lot 2 on Deposited Plan 18580 Forrest Avenue, South Bunbury to Bunbury Cemetery Board at no charge and any terms and conditions outlined in this report, In accordance with the provisions of Section 5(1) of the *Cemeteries Act 1986*.

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

Not applicable.

Background

BCB privately owns the adjoining parcels of land to Lot 200 and Lot 2, Lot 3053 on Deposited Plan P89278 Forrest Avenue, Lot 478 on Deposited Plan 210577 Belcher Street and Lot 479 on Deposited Plan 210577 Hales Street as per location plan <u>attached</u> at Appendix 10.2.1-A. These parcels of land were transferred to BCB in 1992 from the City as per the *Cemeteries Act 1986*.

BCB have maintained all parcels of land since 1992.

Lot 200 and Lot 2 are currently owned by the City and forms part of the Lawn Cemetery. These parcels of land should also have been transferred to the BCB as per the Government Gazette, WA, 26 June 1992.

As per the Government Gazette, WA, 26 June 1992, Lot 200 was previously known as Lot 67 on Plan 2075 and therefore, the City requires a new Council Decision to finalise a new Government Gazette.

Council Policy Compliance

Not applicable.

Legislative Compliance

In accordance with Section 5(1) of the *Cemeteries Act 1986*.

Officer Comments

The City's Property Officer has researched the City's record system between 1989 to 1993 in relation to the land transfer of Lot 200 and Lot 2 to BCB. There was no documentation found as to why these parcels of land were not transferred to BCB in 1992.

The City's Property Officer has reviewed the Government Gazette, WA, 26 June 1992, and it was identified Lot 200 and Lot 2 should have been transferred to BCB at the same time as Lot 3053 on Deposited Plan P89278 Forrest Avenue, Lot 478 on Deposited Plan 210577 Belcher Street and Lot 479 on Deposited Plan 210577 Hales Street.

Following Council decision, all relevant documentation will be provided to Department of Local Government, Sport and Cultural Industries who will seek approval from the Minister to gain the Governor's approval to publish the Order in the Government Gazette.

Analysis of Financial and Budget Implications

The City is responsible for all costs associated with the Government Gazette and all cost associated with the State Law Publisher. Lot 200 and Lot 2 are non-rateable parcels of land.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The City's relevant departments were contacted, and no objections were received to transfer Lot 200 and Lot 2.

Applicant Consultation

Discussions with the BCB commenced in August 2023 when the issue of ownership was identified when the BCB required access over Lot 200 to take water from the bore. The City approved temporary access over the land whilst investigating why the land was not transferred.

In consultation with BCB, BCB advised the City that Lot 200, Bunbury Lawn Cemetery, had its first burial in 1971. Between 1971 and late 2023 there has been 3217 burials which includes 2nd and 3rd interments (re-opening of an existing grave).

The total number of plots in the Cemetery is approx. 3350, and since the 1 July 1992 there have been 1819 burials (includes 2nd and 3rd interments).

BCB have advised that there is no requirement for Lot 2 to be used for burials in the near future, however, this cannot be guaranteed indefinitely. BCB agrees to continue maintaining the grass within Lot 2.

The City will continue consultation with the BCB until completion of the transfer.

Timeline: Council Decision Implementation

The BCB will be contacted immediately following the Council decision to implement the next stage of the process.

Outcome of Meeting 2 April 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 048/24

That Council agrees to the transfer of Freehold land at Lot 200 on Deposited Plan 89310, Robertson Drive, Davenport and Lot 2 on Deposited Plan 18580 Forrest Avenue, South Bunbury to Bunbury Cemetery Board at no charge and any terms and conditions outlined in this report, In accordance with the provisions of Section 5(1) of the Cemeteries Act 1986.

10.2 Schedule of Accounts Paid for the period 1 February 2024 to 29 February 2024 (listed as 10.3.1 in the agenda)

File Ref:	COB/4736					
Applicant/Proponent:	Internal Report					
Responsible Officer:	David Ransom, Manager Finance	David Ransom, Manager Finance				
Responsible Manager:	David Ransom, Manager Finance					
Executive:	Karin Strachan, Director Corpora	te and Community				
Authority/Discretion:	□ Advocacy	Quasi-Judicial				
	Executive/Strategic	☑ Information Purposes				
	⊠ Legislative					
Attachments:	Appendix 10.3.1-A: Schedule of Accounts Paid					

Summary

The City of Bunbury "Schedule of Accounts Paid" covering the period 1 February 2024 to 29 February 2024 is attached at Appendix 10.3.1-A. The schedule contains details of the following transactions;

- 1. Municipal Account payments totalling \$7,471,414.43
- 2. Trust Account payments totalling \$21,588.59
- 3. Visitor Information Centre Trust Account payments totalling \$668.00

Executive Recommendation

The Schedule of Accounts Paid for the period 1 February 2024 to 29 February 2024 be received.

Voting requirements: Simple Majority

Outcome of Meeting 2 April 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 049/24

The Schedule of Accounts Paid for the period 1 February 2024 to 29 February 2024 be received.

10.3 Financial Management Report for the Period Ending 29 February 2024 (listed as 10.3.2 in the agenda)

File Ref:	COB/5709			
Applicant/Proponent:	Internal Report			
Responsible Officer:	David Ransom, Manager Finance	2		
Responsible Manager:	David Ransom, Manager Finance	2		
Executive:	Karin Strachan, Director Corpora	te and Community		
Authority/Discretion	Advocacy			
	□ Executive/Strategic	Quasi-Judicial		
	☑ Legislative	Information Purposes		
Attachments:	Appendix 10.3.2-A: Statement of Comprehensive Income			
	Appendix 10.3.2-B: Statement of Financial Activity			
	Appendix 10.3.2-C: Statement of Net Current Assets			
	Appendix 10.3.2-D: Statement of	of Financial Position		
	Appendix 10.3.2-E: Capital Projects Expenditure Summary			
	Appendix 10.3.2-F: Operating Pr	rojects Expenditure Summary		
	Appendix 10.3.2-G: Monthly Co	mmunity Financial Report		

Summary

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

1. Statement of Comprehensive Income (<u>attached</u> at Appendix 10.3.2-A)

Actual Financial Performance to 29 February 2024 (refer explanations within the report)

- Actual operating income of \$63.15M is \$240K more than the year-to-date budgeted income of \$62.91M.
- Actual operating expenditure of \$49.33M is \$1.88M under the year-to-date budgeted expenditure of \$51.21M.
- Actual operating surplus of \$13.82M is \$2.12M more than the year-to-date budgeted operating surplus of \$11.70M.
- 2. Statement of Financial Activity (attached at Appendix 10.3.2-B)

Closing funding surplus to 30 June 2024 is \$246K, which is \$6K higher than the current budget.

3. Statement of Financial Position (<u>attached</u> at Appendix 10.3.2-D)

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

		Year-to-date	Forecast
*	Current Assets of \$52.54M includes:		
	- Cash and Investments	\$42.35M	\$24.47M
	- Rates Receivable	\$8.52M	\$1.93M
	- Other Current Assets	\$1.67M	\$2.28M
*	Current Liabilities of \$13.74M includes:		
	- Trade and Other Payables	\$6.08M	\$8.48M
	- Annual Leave and LSL Provisions	\$5.22M	\$5.58M
*	Working Capital		
	(Current Assets less Current Liabilities)	\$38.79M	\$13.04M

- * Equity
 (Total Assets less Total Liabilities)
 \$508.21M
 \$491.48M
- 4. Capital Works (<u>attached</u> at Appendix 10.3.2-E)
 - Actual capital works of \$13.24M is \$6.98M less than the year-to-date budgeted capital works of \$20.30M (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 10.3.2-F)
 - Actual operating project expenditure of \$3.36M is \$1.28M less than the year-todate budgeted operating project expenditure of \$4.64M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

The Financial Management Report for the period ending 29 February 2024 be received.

Voting requirements: Simple Majority

Strategic Relevance

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

Background

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

- Statement of Comprehensive Income (<u>attached</u> at Appendix 10.3.2-A)
- Statement of Financial Activity (attached at Appendix 10.3.2-B)
- Statement of Net Current Assets (attached at Appendix 10.3.2-C)
- Statement of Financial Position (attached at Appendix 10.3.2-D)
- Capital Projects Expenditure Summary (<u>attached</u> at Appendix 10.3.2-E)
- Operating Projects Summary (attached at Appendix 10.3.2-F)
- Monthly Community Financial Report (attached at Appendix 10.3.2-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

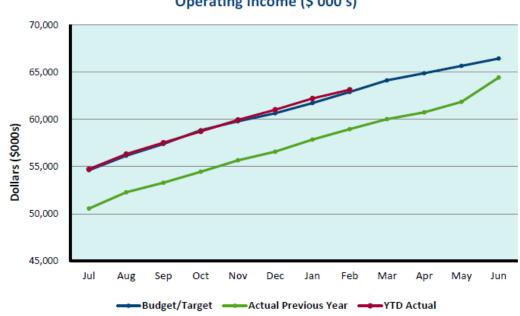
In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is

to prepare each month a Statement of Financial Activity (attached at Appendix 10.3.2-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.

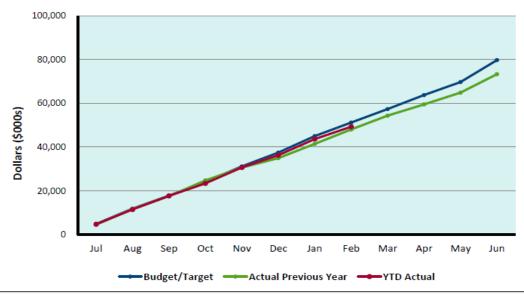


Operating Income (\$ 000's)

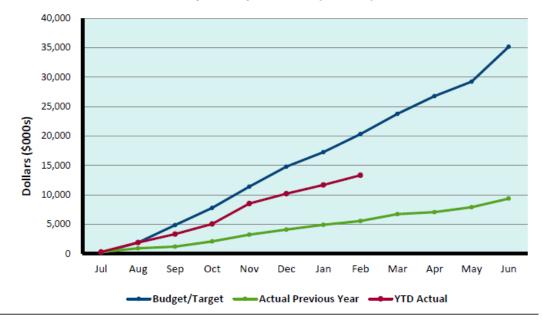
Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions, reimbursements and donations, interest and other revenue.

Actual operating income of \$63.15M is \$240K more than the year-to-date budgeted income of \$62.91M.





Note: Actual operating expenditure is below the year-to-date budget by \$1.88M.



Capital Expenditure (\$ 000's)

Note: The actual capital expenditure at the end of February 2024 of \$13.24M is \$6.98M less that the year-to-date budget of \$20.30M. 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 10.3.2-E and 10.3.2-F for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Expenses	
Materials and Contracts – Favourable year-to-date variance of \$1.82M mainly	
due to contractor expenses \$727K, consultant expenses \$833K, material expenses \$120K and software and licencing expenses of \$109K. These are monitored on a monthly basis.	\$1,818,601 13%
Capital Expenses	
Acquisition of Assets – year-to-date variance due to the timing of capital expenditure. The capital projects are monitored monthly. Key project variances include:	\$6,977,796 34%
PR-3720 Hands Oval Redevelopment - \$2.36M	
PR-5105 Renew foreshore marine walls 2023/24 - \$1.03M	
PR-2403 Replace Forrest Park Pavilion - \$622K	
PR-5118 Regional Roadworks program – Bussell Hwy - \$266K	
PR-5111 Bunbury Airport apron expansion - \$229K	
PR-1103 Realign and widen Ocean Drive - \$220K	
PR-4871 Renew, resleeve and improve drainage network 2023/24 - \$221K	
PR-1543 Boulters Heights Redevelopment - \$192K	
PR-5038 Withers Regional Renewal - \$186K	
PR-5114 Beautifying Bunbury Streetscapes 23/24 - \$153K	
PR-5090 Waterfront Public Art Installation - \$152K	
PR-4859 Expand Path Network 2023/24 - \$150K	
PR-3830 Subdivision and sale of part Lot 3 Blair St - \$149K	
PR-4867 Renew community buildings 2023/24 - \$146K	
PR-4877 Renew / Upgrade Local Roads – Strickland - \$124K	
PR-5112 Bunbury Airport compass swinging bay - \$105K	
PR-4858 Expand cycleways 2023/24 - \$105K	
PR-4890 Renew irrigation infrastructure - \$103K	
PR-5116 Regional Roadworks program – Clifton St - \$100K	
PR-5115 Regional Roadworks program – Casuarina Dr - \$90K	

Analysis of Financial and Budget Implications

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

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.2-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 2 April 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 050/24

The Financial Management Report for the period ending 29 February 2024 be received.

10.4 Bunbury Regional Art Gallery Advisory Group (listed as 10.3.3 in the agenda)

File Ref:	COB/4197		
Applicant/Proponent:	BRAG Advisory Group Terms of Reference		
Responsible Officer:	Mike Bianco, Team Leader (Director) BRAG		
Responsible Manager:	Elizabeth Denniss, Manager Community Connection		
Executive:	Karin Strachan, Director Corporate and Community		
Authority/Discretion	□ Advocacy □ Quasi-Judicial		
	Executive/Strategic		Information Purposes
	□ Legislative		
Attachments:	Appendix 10.3.3-A BRAG Advisory Group Terms of Reference		

Summary

The Bunbury Regional Art Gallery (BRAG) Advisory Group Terms of Reference have been developed for endorsement by Elected Members to provide guidance in progressing the implementation of the BRAG Strategic Action Plan. This item seeks Council endorsement of the Terms of Reference and membership of the BRAG Advisory Group, and for the CEO to proceed with advertising the regional community member positions on the BRAG Advisory Group. The two industry experts and the three Aboriginal community members will be directly appointed by the selection panel.

Executive Recommendation

That Council:

- 1. Endorses the BRAG Advisory Group Terms of Reference as at Attachment 10.3.3-A.
- 2. Notes the continuation of the existing Elected Member representatives on the BRAG Advisory Group as:
 - Cr Cheryl Kozisek
 - Cr Karen Steele
 - Cr Tresslyn Smith
- 3. Endorses the balance of the BRAG Advisory Group membership comprising:
 - Up to eight regional community members
 - Up to two arts industry experts
 - Up to three Aboriginal community members with arts expertise
- 4. Request the CEO to:
 - a) advertise the vacant regional community member positions and,
 - b) directly appoint 2 arts industry experts and 3 members of the Aboriginal community with arts expertise.

Voting Requirement: Simple Majority

Strategic Relevance

<i>Pillar</i> Outcome 2 Objective 2.1 Objective 2.2	People Our Community and Culture A growing hub of culture and creativity Promote and celebrate Noongar culture
Pillar	Place
Outcome 8	A place with attractive and welcoming community spaces where people want to live
Objective 8.1	Create a strong and vibrant City Centre
<i>Pillar</i> Outcome 12 Objective 12.1	Prosperity A Unique and desirable destination within the South West Region Develop and promote a competitive tourism offer to attract more visitors.

The 2022 MARKYT Scorecard identified that the community view of Council's performance in the delivery of art, culture, events and festivals is "strong but declining "and that this area of service delivery was a priority for optimisation by the community.

Background

At the October 2023 Meeting, Council endorsed (218/23) that Council would receive the Bunbury Regional Art Gallery Draft Action Plan as attached at Appendix 10.1.1-A and support the Committee recommendations below:

- 1. Commit to building a new state of the art world class purpose built Art Gallery, with the ambition to deliver the project to the community within the next seven years.
- 2. Request the CEO to investigate the capacity for the Long Term Financial Plan to reflect a commitment to fund 25% of the capital costs associated with a purpose built, iconic art gallery within 7 years based on a preliminary cost estimate of \$45,000,000 total capital expenditure.
- *3.* Consider the appointment of a Project Manager for the creation of a new gallery in the next review of the Work Force Plan.
- 4. Re-establish the BRAG Advisory Group until September 2025 with new terms of reference and four sub committees with the following responsibilities:
 - i. New Gallery Development Sub-Committee Identifies potential sites to locate a new gallery in alignment with budgets, resources, and COB strategies.
 - Gallery Foundation and Fundraising Sub-Committee
 Develops and implements the creation of a Foundation to support the purchasing capacity for the permanent collection, the care of the collection, and to enhance
 BRAG's ability to develop exhibitions of national and international touring quality.
 - iii. Aboriginal Reference Group Sub-Committee Provides advice and high-level expertise across all mediums of contemporary and traditional Aboriginal art, including museum and gallery leadership, curatorial experience, and insights into making BRAG a more culturally safe gallery.
 - iv. COB Policy and Public Art Sub-Committee
 Provides advice and high-level expertise in regard to policies as they pertain to
 BRAG and the COB Public Art Collection, in addition to making recommendations to
 the care, promotion, and commissioning of new works for Public Art in the City of
 Bunbury.
- 5. Request the CEO to explore the establishment of a BRAG Foundation to support the expansion and care of the permanent collection, to enhance public programs, and to assist

in the development of major exhibitions that will drive tourism and generate alternative revenue streams.

6. Request the CEO to explore the development of a levy to support arts and cultural activation in COB in alignment with other regional local government authorities in WA.

At the 7 November 2023 Meeting, Council decision 236/23 endorsed (in part) an increase to the BRAG Advisory Group of 3 elected members and appointed Councillors Kozisek, Smith and Steele as members of the Bunbury Regional Art Gallery Advisory Group, and all other Elected Members as deputy members.

Council Policy Compliance

The City's Governance Framework makes provision for the establishment of Working/Advisory Groups as a mechanism for facilitating and improving broader participation in the City's decision-making process.

Legislative Compliance

Not applicable.

Officer Comments

Due to the need to ensure that the Advisory Group has expertise in the art and culture field as well as local Aboriginal community artist representation there is a need to actively seek and directly appoint certain individuals (2 arts industry experts and 3 members of the Aboriginal community with arts expertise) to this Advisory Group with appropriate consultation approaches. This will still allow for wider community expressions of interest to be received.

Analysis of Financial and Budget Implications

There are no financial implications outside of the City's current resource budget, arising from the recommendations.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The Chief Executive Officer, Director Corporate and Community, Team Leader BRAG (Director).

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

- April 2024 Consultation and expressions of interest sought to finalise membership.
- May 2024 First meeting of BRAG Advisory Group
- May 2024 Establishment of Subcommittees

Outcome of Meeting 2 April 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 051/24

That Council:

- 1. Endorses the BRAG Advisory Group Terms of Reference as at Attachment 10.3.3-A.
- 2. Notes the continuation of the existing Elected Member representatives on the BRAG Advisory Group as:
- Cr Cheryl Kozisek
- Cr Karen Steele
- Cr Tresslyn Smith
- 3. Endorses the balance of the BRAG Advisory Group membership comprising:
- Up to eight regional community members
- Up to two arts industry experts
- Up to three Aboriginal community members with arts expertise

4. Request the CEO to:

a) advertise the vacant regional community member positions and,

b) directly appoint 2 arts industry experts and 3 members of the Aboriginal community with arts expertise.

10.5 City of Bunbury Climate Action and Sustainability Working Group (listed as 10.5.1 in the agenda)

File Ref:	COB/2815		
Applicant/Proponent:	Internal		
Responsible Officer:	Saphron Wheeler, Environmental Sustainability Officer		
Responsible Manager:	Aaron Lindsay, Manager Projects and Asset Management		
Executive:	Gavin Harris, Director Infrastructure		
Authority/Discretion	□ Advocacy □ Quasi-Judicial		
	Executive/Strategic Information Purposes		
	□ Legislative		
Attachments:	Appendix 10.5.1-A Climate Action and Sustainability Working Group –		
	draft Terms of Reference		

Summary

The purpose of this report is to request Council support to establish a Climate Action and Sustainability Working Group (CASWG) with the draft Terms of Reference (ToR) as per appendix 10.5.1-A and support the advertisement for membership.

Executive Recommendation

That Council resolves to:

- 1. Support the establishment of a Climate Action and Sustainability Working Group (CASWG) with the draft Terms of Reference (ToR) as per appendix 10.5.1-A.
- 2. Support the advertising for membership of the CASWG as per the draft ToR.
- 3. Request the CEO provide a subsequent report to Council by August 2024 to finalise appointments to the CASWG.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Planet
Aspiration	Healthy and sustainable ecosystem.
Outcome 5:	A natural environmental that is cared for and preserved.
Objective 5.1	Sustainably manage, conserve and enhance our natural habitats.
Objective 5.2	Encourage the adoption of sustainable practices.
Objective 5.3	Develop a sustainable, low waste, circular economy.
Objective 5.4	Conserve and manage water resources.
Objective 5.5	Move to net zero gas emissions.
Outcomes 6:	An aware and resilient community equipped to respond to natural disasters
and emergencie	S.
Objective 6.1	Minimise risks and impacts from fires, floods, heat waves, and other natural

Objective 6.1 Minimise risks and impacts from fires, floods, heat waves, and other natural disasters.

Regional Impact Statement

A Working Group that focuses on climate action, sustainability, local climate mitigation and adaptation measures would enrich engagement and collaboration between the City of Bunbury (City), community representatives, local organisations and Council Members.

Background

The City's Environmental and Sustainability Strategy 2023-2028 (SES) was adopted in September 2023 (Council Decision 173/23) and City Officers are currently developing the SES's Action Plan for implementation. A Working Group consisting of skilled representatives from the community and local organisations, Council Members and City Officers, could greatly contribute towards increased collaboration and participation of external stakeholders in the development of the SES Action Plan and its ongoing implementation, monitoring and evaluation. The working group could also provide a forum for members of the community with relevant expertise and skills to discuss, network and share information on local climate and sustainability issues and opportunities.

Council Policy Compliance

The City's Governance Framework makes provision for the establishment of Advisory Committees and Working Groups as a mechanism for facilitating and improving broader participation in the City's decision-making process.

Legislative Compliance

The requirements of the Local Government Act 1995 Section 1.3, states:

(1) The general function of a local government is to provide for the good government of persons in its district.

(1A) Without limiting subsection (1), the general function of a local government must be performed having regard to the following -

(a) the need —

(i) to promote the economic, social and environmental sustainability of the district; and

(ii) to plan for, and to plan for mitigating, risks associated with climate change; and

(iii) in making decisions, to consider potential long-term consequences and impacts on future generations;

Officer Comments

At the Ordinary Council Meeting held 15 March 2022, Council resolved as follows as part of Council Decision 059/22:

Support the re-establishment of the Bunbury Environmental Sustainability Advisory Committee (BESAC) as per the original motion which was moved at the Annual General Meeting of Electors' held 1 February 2022.

This report recommends that Council approve the establishment of the CASWG as a more suitable option to re-establishing the historic BESAC.

The key reasons for the recommendation to establish the CASWG are as follows:

- Limitations of the historic BESAC: The BESAC was disbanded on 26 June 2012 (Council Decision 187/12) following a comprehensive review of the structure and function of all Council committees. As stated within Council Report 10.4 of the Ordinary Council Meeting held on 15 March 2022, the Terms of Reference of the BESAC was to:
 - a) Provide advice on strategic and contentious issues pertaining to the natural environment and sustainability.
 - b) Provide advice upon the expenditure of Council's Environmental Reserve fund.
 - c) Undertake a self-review on an annual basis and provide advice to Council regarding the committee's continual improvement as deemed necessary.

d) Form working groups to investigate specific issues on behalf of the committee where required.

The BESAC experienced a range of ongoing issues that led to its disbandment in 2012, such as:

- Member dissatisfaction and attendance/quorum issues.
- Limited capacity to provide technical advice to Council owing to the non-technical nature of the majority of the Committee's members.
- Limited capacity to represent the breadth of views and opinions in the community on environmental issues due to the Committee's relatively small membership.

The Community Environmental Reference Group (CERG) was one of the initiatives developed to replace the BESAC and provide for effective on-going communication between the Council and the community on environmental issues and natural area resource management.

- 2. **CERG's focus on Natural Area Resource Management**: The City's CERG provides a forum for effective on-going communication between City Officers, Council and the community, primarily on natural area resource management and conservation. CERG's membership predominantly includes community members representing 'friends of' groups and conservation focused organisations. The CERG's current focus and membership does not allow for the additional collaboration needed between the community and organisation on the implementation, monitoring and evaluation of the SES Action Plan and reporting, as well as broader climate mitigation and adaptation initiatives. If approved, the City intends to advertise for CASWG membership with criteria requiring prior experience and expertise in the areas of:
 - Sustainability governance and reporting
 - Energy and emissions reduction
 - Water management, quality and conservation
 - Biodiversity and ecosystem protection and enhancement (*lower priority as covered* by CERG membership)
 - Sustainable transport and urban infrastructure
 - Circular economy and waste management
 - Climate resilience and adaptation
 - Community engagement and behaviour change
 - 3. Working Group as a suitable structure for the proposed roles of CASWG: The less formal nature of working groups allows for greater participation by the community in the generation of ideas and involvement in decision making. Compared to a Committee of Council, a Working Group has less governance constraints as meetings operate outside the bounds of the Act and Standing Orders, providing a more flexible arrangement. The Working Group structure would provide a suitable arrangement for the draft roles of the CASWG (see draft ToR as per appendix 10.5.1-A) which are to:
 - a) Receive updates and provide input on the City's Sustainability and Environmental Strategy, the Sustainability and Environmental Action Plan and other related plans.
 - b) Provide advice on sustainability issues and opportunities, from within their area of experience and expertise.
 - c) Maintain a forum for networking and sharing of ideas and opportunities for collaboration with community and corporate stakeholders.
 - d) Participate in community consultation opportunities and strengthen community connections, awareness and education around sustainability and climate action.
 - e) Form recommendations on sustainability actions, which can be presented to Council, where appropriate.
 - f) Represent the interests of relevant local groups.

Definitions from the City of Bunbury Governance Framework

Council Committees are established to assist with its decision-making responsibilities, Council is able to establish committees from time to time. The work of committees is significant in local government due to the wide range of activities and functions of Council. Committees report to Council and are subject to the requirements of the Act and the City's meeting procedures for meetings.

Working Groups are established from time-to-time as a mechanism for facilitating and improving broader participation in the City's decision-making process. While not formally established under legislation, working groups provide an engagement mechanism for Elected Members, staff and, where appropriate the community, on a wide range of issues. The opportunity to obtain such views assists Elected Members and Council to address strategic issues and priorities at their genesis, well before the culmination of ideas results in a report to Council or a Committee. Working groups make recommendations to the organisation, who in turn detail those recommendations and comments within formal reports to Council or a Committee on a particular issue or topic.

	Council Committee	Working Group
Purpose	To assist with its decision- making responsibilities.	To facilitate and improve broader participation in the City's decision-making process; and provide an engagement mechanism for Elected Members, staff and, where appropriate the community, on a wide range of issues.
Bound by WA Local Government Act 1995 and Standing Orders	Yes	No
Mandatory (is there a legal requirement for LG to provide)	Some mandatory - Otherwise discretionary	No
Recommendations made to	Council	The organisation, who in turn detail those recommendations and comments within formal reports to Council or a Committee.
Members chosen by	Council and require absolute majority	City Officers preselect and Council approval
Reports to	Council	City Officers (meeting minutes provided to Councillors)
City represented by	Councillors	City Officers and Councillors
Term of office	Yes	No requirement
Admin provided by	City Officers	City Officers

See the table below for key differences:

Case Study – Augusta Margaret River Shire Sustainability Advisory Committee Dissolved

The Augusta Margaret River Shire (AMRS)'s Sustainability Advisory Committee (SAC) of Council under section 5.8 of the Local Government Act 1995 (Act), was first established in 2007. Like the BESAC, AMRS officers identified that the SAC was constrained by the requirements in the Act, including, but not limited to:

• Timeframes and statutory advertising;

- prescription of meeting procedures;
- methods of voting;
- disclosures of interest (delegates with financial interests must remove themselves from the meeting and not partake in any discussion or vote); and
- election of Chair /Deputy Chair processes, resulting in a rigid and formal style of meeting.

AMRS dissolved the SAC in September 2023 and established a working group; Climate Action and Biodiversity Reference Group as a replacement to allow for flexibility and opportunity for members to raise ideas and promote general discussion which primarily is aimed at assisting officers rather than Council.

Analysis of Financial and Budget Implications

Nil

Community Consultation

City Officers consulted officers from AMRS and Capel Shire on their experience with Sustainability Advisory Committees to understand the benefits and the limitations of a formal Committee of Council when focusing on sustainability issues and opportunities.

City Officers also consulted a couple of community group representatives that may have interest in applying for membership to gauge the perceived benefits of a working group that focuses on climate action and sustainability. The below statement was provided by Bunbury's Milligan¹ People and Place Lead in October 2024:

Having a less structured and bureaucratic working group to address local Sustainability and Environmental issues in Bunbury would attract a range of passionate people who are diverse in expertise and perspectives, giving opportunities for collaborative problem solving. This diversity can lead to more comprehensive and innovative solutions to the more complex problems. Working groups can have faster discussion making timeframes to formal advisory committees, which might be bound by more stringent protocols and decision-making processes. Working groups can be incubators for innovation and experimentation, to test new ideas and approaches.

Councillor/Officer Consultation

Nil

Applicant Consultation

Nil

Timeline: Council Decision Implementation

If Council resolve to support the establishment of the CASWG, the City will advertise for the membership through its communication networks and channels within the 2023/24 financial year. Council will receive a subsequent report to Council in August 2024 to finalise appointments to the CASWG.

¹ <u>https://milligan.org.au/</u>

Outcome of Meeting 2 April 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 052/24

That Council resolves to:

1. Support the establishment of a Climate Action and Sustainability Working Group (CASWG) with the draft Terms of Reference (ToR) as per appendix 10.5.1-A.

2. Support the advertising for membership of the CASWG as per the draft ToR.

3. Request the CEO provide a subsequent report to Council by August 2024 to finalise appointments to the CASWG.

11. Applications for Leave of Absence

Nil

12. Motions on Notice

12.1 Cr Ghasseb – Emergency Homeless Shelter Advocacy

File Ref:	COB/***		
Applicant/Proponent:	Councillor Gabi Ghasseb		
Responsible Officer:	Alan Ferris, Chief Executive Officer		
Responsible Manager:	Alan Ferris, Chief Executive Officer		
Executive:	Alan Ferris, Chief Executive Officer		
Authority/Discretion:	🛛 Advocacy 🗌 Review		Review
	□ Executive/Strategic		Quasi-Judicial
	Legislative		
Attachments:	Appendix 12.1-A Letter to Councillor Ghasseb		

Cr Ghasseb's Motion

That the City of Bunbury Council requests the State Government to support the provisioning of a temporary Emergency Homeless Shelter in Bunbury, while the longer-term needs for social housing are addressed.

Voting requirements: simple majority

Cr Ghasseb's Comments

Cr Ghasseb provided a letter with the background of the above motion which is attached at appendix 12.1-A.

Officer Comments

Officers have no concerns with the advocacy position outlined in the motion. It is also noted that a report proposing terms of reference for the previously endorsed Homelessness and Housing Solutions Working Group (Council Decision 269/23) will be presented at the Ordinary Council Meeting to be held 23 April 2024.

Outcome of Meeting 2 April 2024

Three deputations were delivered in relation to this item.

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

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

Council Decision 053/24

That the City of Bunbury Council requests the State Government to support the provisioning of a temporary Emergency Homeless Shelter in Bunbury, while the longer-term needs for social housing are addressed.

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

Nil

15.2 Public Reading of Resolutions that may be made Public

N/A

16. Closure

The Mayor declared the meeting closed at 6:00pm.

Confirmed this day, 23 April 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 2 April 2024.

Jaysen de San Miguel Mayor