



City of Bunbury Council

Minutes 14 May 2024



CITY OF BUNBURY
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Western Australia
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Acknowledgement of Country

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

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

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

WE ARE OPEN

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

WE ARE BRAVE

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

Nature of Council's Role in Decision Making

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

1. Declaration of Opening / Announcements of Visitors

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

2. Disclaimer

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

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

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

Copyright

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Recording and Webstreaming of Meetings

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

3. Announcements from the Presiding Member

The Mayor put out a heartfelt message to all those who were impacted by the recent weather event, noting that there were several people who were severely impacted with loss of property.

The Department of Fire and Emergency Services (DFES) led the Emergency Situation, and the City of Bunbury will now be managing the Recovery process. The Mayor thanked DFES, SES, Western Power, ATCO Gas and all other agencies and individuals who were involved in ensuring the safety of the Community and assisting the cleanup. There were over 160 calls for assistance, and DFES have now confirmed that they have all been attended to.

The Mayor also thanked the CEO and the City staff for the work they have undertaken over the last few days. The Mayor noted that at a recent meeting, the Commissioner for Emergency Services applauded the City of Bunbury's response to managing this event. The Mayor noted that there will be a long road to recovery, however the City will continue to work with those affected.

The Mayor commended the response from the Community, with neighbours helping each other out, providing support and helping the spread of information.

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
	Councillor K Steele
	Councillor P Ramesh
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Ferris
A/Director Infrastructure	Ms A Clemens
A/Director Sustainable Communities	Ms S Upton
Director Corporate and Community	Ms K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Finance	Mr D Ransom
Manager Governance	Mr G Golinski
Manager Planning & Building	Ms B Macaulay
Team Leader Procurement	Ms J Parsons
Strategic Planning Officer (Heritage)	Ms L Brown
Governance Officer	Mr L Murphy
Senior Corporate Communications Officer	Ms K Fielding
Others (Non-Voting)	
Members of the Public	30

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

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	13/14	14/14	14/14	9/9	14/14	13/14	14/14	8/9	12/14	13/14	14/14
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	12/14	13/14	14/14	8/9	11/14	13/14	13/14	9/9	10/14	12/14	14/14
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	2/2	N/A	1/1	N/A	2/2
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	3/3	N/A	3/3	N/A	3/3	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	3/3	N/A	N/A	2/2	2/3	3/3	N/A	N/A	3/3	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	1/1

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 a financial interest in relation to item *10.1.9 Proposed Tree Streets Heritage Area – Outcomes of Public Consultation* as his business has a contract in place with a property relating to their business.

Cr Steele declared an impartial interest in relation to item *10.1.9 Proposed Tree Streets Heritage Area – Outcomes of Public Consultation* as she knows some people who live in this area.

Cr Steele declared an impartial interest in relation to item *15.1.1 Supply and Lay of Asphalt and Road Profiling Services* as she knows one of the business owners

Cr Quain declared a financial interest in relation to item *15.1.1 Supply and Lay of Asphalt and Road Profiling Services*.

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'

At the Ordinary Council Meeting held 24 April 2024, a question from Michael Buswell was taken on notice by the Mayor. The question, and the response is presented below:

Question

I noted in the Council agenda report that there was a reference that the recognition of this matter may impinge on the masthead of the City of Bunbury. I see on the agenda that there is another emblem. Does this emblem impinge on the masthead of the City of Bunbury?

Response

Officers believe that the other emblem referred to above is the City's Common Seal. The City only uses one logo for City communications and branding, which is separate from the Common Seal.

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 23 April 2024 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 23 April 2024 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 14 May 2024

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

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

Council Decision 067/24

The minutes of the Ordinary meeting of the City of Bunbury Council held 23 April 2024 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 7.1.2-A: Heritage Advisory Committee Minutes Appendix 7.1.2-B: Bunbury Events Advisory Committee Minutes Appendix 7.1.2-C: Policy Review and Development Committee Minutes

Summary

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

1. Title: Heritage Advisory Committee Minutes
Author: Lacey Brown, Strategic Officers (Heritage)
Appendix: 7.1.2-A
2. Title: Bunbury Events Advisory Committee Minutes
Author: Juaini Taylor, Team Leader Place Activation
Appendix: 7.1.2-B
3. Title: Policy Review and Development Committee
Author: Liam Murphy, Governance Officer
Appendix: 7.1.2-C

Council Committee Recommendation

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

1. Heritage Advisory Committee 10 April 2024
2. Bunbury Events Advisory Committee 17 April 2024
3. Policy Review and Development Committee 24 April 2024

Voting Requirement: Simple Majority

Outcome of Meeting 14 May 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 068/24

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

- 1. Heritage Advisory Committee 10 April 2024**
- 2. Bunbury Events Advisory Committee 17 April 2024**
- 3. Policy Review and Development Committee 24 April 2024**

CARRIED UNANIMOUSLY

11 votes "for" / Nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Andrew Cooke requested to address Council in relation to item 10.1.9 *Proposed Tree Streets Heritage Area – Outcomes of Public Consultation*.

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

Council Decision 069/24

Pursuant to clause 6.9 (2)(b) of Council's Standing Orders, Council approves Andrew Cooke's deputation request to address item 10.1.9 Proposed Tree Streets Heritage Area – Outcomes of Public Consultation and allows a period of up to 10 minutes to present to Council:

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

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council "*adopted by exception*" (i.e. without discussion) those recommendations listed for item 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.10, 10.1.11, 10.2.1, 10.3.1, 10.3.2 and 10.3.3.

Items 10.1.8 and 10.1.9 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 Steck and seconded by Cr Andrew.

10. Reports

10.1 Review of Council Policy: BRAG Trust (listed as 10.1.1 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Georgia-Mae O’Brien, A/Manager Community Connection
Responsible Manager:	Georgia-Mae O’Brien, A/Manager Community Connection
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.1-A: BRAG Trust Council Policy

Summary

This report is presented to Council by the Policy Review and Development Committee to facilitate a review of existing Council Policy Bunbury Regional Art Gallery Trust. A copy of the policy is attached at Appendix 8.1-A.

Executive and Committee Recommendation

That Council note the review of Council Policy BRAG Trust, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

This policy applies only within the City of Bunbury.

Background

At the Council meeting held on 29 September 2015, Council resolved as follows (refer decision 336/15):

That Council supports the establishment of an independent trust or foundation for the Bunbury Regional Art Galleries with the aim of seeking and maintaining funds for acquisition of art works for the City collection and support of the gallery.

The Bunbury Regional Art Gallery Trust was established to receive the portable assets of the Bunbury Regional Art Gallery from the Bunbury Regional Arts Management Board (BRAMB) following the changeover in management from the Board to the City.

Legal advice obtained by the City in 2016 identified that the Bunbury Regional Art Gallery Trust can also be used to receive gifts, bequests and donations specifically for the purposes of the City of Bunbury Art Collection and the programs and facilities of Bunbury Regional Art Gallery.

Ultimately, the beneficiaries of the trust will be any and all benefactors providing a gift, bequest or donation to the BRAG under the terms of the trust deed. The trustee will be the City of Bunbury, with the CEO and Mayor being signatories to the trust deed.

The policy will also serve as a:

“gift fund used and maintained only for the principle purpose of the fund, authority or institution”

This is a requirement for obtaining Deductible Gift Recipient (DGR) status for the Bunbury Regional Art Gallery from the Australian Tax Office.

The legal advice alluded to above confirms that the Trust Deed set up after the dissolution of the BRAMB is sufficient to meet the future needs for Gift Deductibility status for gifts, bequests and donations specifically for the purposes of the City of Bunbury Art Collection and the programs and facilities of Bunbury Regional Art Gallery.

This Policy was adopted in 2017 and was last reviewed in June 2020.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

- Income Tax Assessment Act 1997 Division 376 – Gifts or Contributions
- Cultural Bequests Program Guidelines (no 1) 1997
- Cultural Bequests Program (Maximum Approval Amounts) Determination (No 1) 1997
- Australian Government’s Cultural Gifts Program
- *Copyright Act 1968*
- *Copyright Amendment (Moral Rights) Act 2000*

Officer Comments

Officers have undertaken a review of the existing policy and do not recommend any changes at this time.

Analysis of Financial and Budget Implications

The promotion of the Bunbury Regional Art Gallery Trust is likely to encourage gifts, bequests and donations for the purposes of Bunbury Regional Art Galleries Trust which will augment funding provided by Council.

Community Consultation

N/A

Councillor/Officer Consultation

The policy is presented to Council for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Once adopted by Council, any revisions to the Policy become effective immediately.

Outcome of Meeting 14 May 2024

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

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 070/24

That Council note the review of Council Policy BRAG Trust, with no changes recommended.

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

The City of Bunbury Sustainability Strategy was endorsed by Council at its meeting on 5 September 2023 (Council Decision 174/23).

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

The responsibility for Local Governments to mitigate the impacts of climate change is reflected in the *Local Government Act 1995* (WA):

“In carrying out its functions a Local Government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity. (Section 1.3(3))”.

Officer Comments

Officers have reviewed the existing council policy and recommend minor amendments to the Policy. The amendments recommended ensure that the policy aligns with the recently adopted City of Bunbury Sustainability Strategy.

A copy of the revised policy with tracked changes is presented at appendix 10.1.2-A.

Analysis of Financial and Budget Implications

Any financial or budget implications which result from the endorsement of this policy will be considered by council as part of future budget deliberations.

Community Consultation

N/A

Councillor/Officer Consultation

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

Applicant Consultation

N/A

Timeline: Council Decision Implementation

N/A

Outcome of Meeting 14 May 2024

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

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 071/24

That Council endorse the revised Policy Climate Change as presented at Appendix 10.1.2-A.

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

10.3 Review of Council Policy: Disaster Relief Reserve Fund (listed as 10.1.3 in the agenda)

File Ref:	COB/4469
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.3-A: Disaster Relief Reserve Fund Council Policy

Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Disaster Relief Reserve Fund Council Policy. The policy was last reviewed in December 2019 and is now due for review.

Executive and Committee Recommendation

That Council note the review of Council Policy Disaster Relief Reserve Fund, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

At the Ordinary Council Meeting held 12 December 2017, Council requested (refer Council Decision 446/17) the Policy Review and Development Committee develop a policy that guides the collection, accrual and distribution of funds by the City of Bunbury Disaster Relief Fund.

The policy outlines criteria to be considered when determining whether funding should be provided to certain causes, as well as proposing that such determinations could generally be made by an informal group comprised the Mayor, Deputy Mayor and Chief Executive Officer to ensure timeliness in decision-making.

The Policy was last reviewed in May 2022.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Section 2.7(2) of the *Local Government Act 1995* applies.

2.7 Role of Council.

...

- (2) *Without limiting subsection (1), the council is to –*
- (a) oversee the allocation of the local government’s finances and resources;*
 - and*
 - b) determine the local government policies.*

Officer Comments

Officers have undertaken a review of Council’s current Privacy Policy and suggest that the content still meets best practice in this regard. Accordingly, no changes are recommended.

Analysis of Financial and Budget Implications

Any payments approved under the terms of this policy are made from the specific reserve account for that purpose.

Community Consultation

Nil

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement, any revisions to the policy will become effective immediately.

Outcome of Meeting 14 May 2024

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

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 072/24

That Council note the review of Council Policy Disaster Relief Reserve Fund, with no changes recommended.

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

10.4 Review of Council Policy: Recreation Facilities (listed as 10.1.4 in the agenda)

File Ref:	COB/306		
Applicant/Proponent:	Policy Review and Development Committee		
Responsible Officer:	Gary Thompson, A/Manager Sport and Recreation		
Responsible Manager:	Gary Thompson, A/Manager Sport and Recreation		
Executive:	Sarah Upton, A/Director Sustainable Development		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input checked="" type="checkbox"/> Legislative		
Attachments:	Appendix 10.1.4-A: Revised Council Policy Recreation Facilities		

Summary

The Recreation Facilities Council Policy is due for review by Council in line with specified time frames with only minor changes recommended.

Executive and Committee Recommendation

That Council adopt the revised Recreation Facilities Council Policy as attached at Appendix 10.1.4-A

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The City needs to ensure renewing, upgrading or providing new recreational facilities and grounds is done with an awareness of neighbouring local government localities to ensure that duplication or dilution of facilities does not occur. Consultation with the Department of Local Government, Sporting and Cultural Industries is paramount to get the regional perspective on areas of priority.

Background

The Recreation Facilities Council Policy is reviewed every two years to reflect any updates and amendments to ensure it is relevant in providing appropriate management, maintenance and renewal/upgrade of the City of Bunbury sporting facilities and grounds.

The policy was last reviewed in May 2022.

Council Policy Compliance

Recreation Facilities Council Policy

Legislative Compliance

There is no advertising period required for this item as once a Council has initially endorsed a Recreation Facilities Council Policy (where advertising is required), further amendments can be made at any time without an advertising or notification period.

Officer Comments

Officers have reviewed the policy and suggest minor changes to ensure the policy refers to current City of Bunbury organisational documents.

A copy of the revised changes with tracked changes is attached at appendix 10.1.4-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil – not required.

Elected Member/Officer Consultation

Officers have reviewed this policy which is now presented to Council by the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable – statutory update

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 14 May 2024

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

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 073/24

That Council adopt the revised Recreation Facilities Council Policy as attached at Appendix 10.1.4-A

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

10.5 Review of Council Policy: Private use of Mayoral Vehicle (listed as 10.1.5 in the agenda)

File Ref:	COB/6306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.5: Council Policy Private Use of Mayoral Vehicle

Summary

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

Executive and Committee Recommendation

That Council notes the review of Council Policy Private Use of Mayoral Vehicle, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

Although the *Local Government Act 1995* (the Act) does not expressly provide for the provision of motor vehicles to Elected Members, the Department of Local Government, Sport and Cultural Industries (the Department) considers that there is scope in section 5.98 of the Act to allow the Mayor to be provided with the use of a motor vehicle for the purpose of carrying out his or her official functions and duties.

The Act is however silent in relation to the use of the vehicle for private purposes. The Department advises that private use is clearly considered as a personal benefit over and above the normal entitlements of fees, expenses and allowances that are provided to elected members under the Act. Accordingly, private use does not fall within the scope of an elected member performing their functions and duties under the Act.

To assist in clarifying the provision of a vehicle for official purposes and the payment of expenses, the Department has previously introduced section 5.101A as a new section of the Act to allow for regulations to be made about the method of payment of an expense for which a person may be

reimbursed. A motor vehicle is now prescribed in the *Local Government (Administration) Regulations 1996* (the Regulations) as one of those methods of payment of an expense for which a person may be reimbursed.

The Regulations also require that the Council Member to which a vehicle is provided must sign an agreement setting out the responsibilities of the Council Member in relation to the use of that vehicle.

Cognisant of the earlier change to the legislation, the Department suggested that local governments adopt a policy in relation to Mayoral vehicle use. Council has previously adopted a policy in this regard (Appendix 10.1.5), which is consistent with guidelines provided by the Department for this purpose.

Furthermore, an agreement is currently in place between the Mayor and the City which formalises acceptance of the terms and conditions of the policy, noting that the Mayor currently chooses not to utilise a vehicle under the terms of this policy.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Section 5.101A of the *Local Government Act 1995* and regulation 34AD of the *Local Government (Administration) Regulations 1996* apply.

5.101A. Regulations about payment of expenses

Regulations may be made about the method of payment of an expense for which a person can be reimbursed.

34AD. Method of payment of expenses for which person can be reimbursed (Act s. 5.101A)

- (1) *The provision of a vehicle owned by a local government —*
 - (a) *to a council member who is a mayor or president of the local government; or*
 - (b) *to a council member who is not a mayor or president of the local government if —*
 - (i) *no reasonable alternative method of travel is available to the council member; and*
 - (ii) *the CEO, mayor or president of the local government has given prior written approval for the provision of the vehicle,*

is prescribed under section 5.101A as a method of payment of expenses for which a council member can be reimbursed.
- (2) *Before a vehicle owned by a local government is provided to a council member the local government and the council member must sign an agreement setting out the responsibilities of the council member in relation to the use of the vehicle.*

Officer Comments

The PRDC have reviewed the current policy and recommend no changes, as the policy still reflects best practice in this regard.

Analysis of Financial and Budget Implications

Nil as the policy is currently in place.

Community Consultation

Nil

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Following Council endorsement, any revisions to the policy will become effective immediately.

Outcome of Meeting 14 May 2024

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

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 074/24

That Council notes the review of Council Policy Private Use of Mayoral Vehicle, with no changes recommended.

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

10.6 Revocation of Council Policy: Shark Hazard Management (listed as 10.1.6 in the agenda)

File Ref:	COB/
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Mark Allies, Team Leader Rangers & Emergency Management
Responsible Manager:	Sarah Upton, Manager Community Wellbeing
Executive:	David Russell, A/ Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.6-A Shark Hazard Management Council Policy Appendix 10.1.6-B Draft Shark Hazard Management Policy

Summary

The Shark Hazard Management Council Policy (attached at appendix 10.1.6-A) is due for review.

The process for managing beach closures is based on best practice which is provided by Surf Life Saving WA (SLSWA), Water Police and Shark Smart (a dedicated division of Department of Primary Industries & Regional Development (DPIRD)). DPIRD are also the owners of the WA Shark Mitigation Strategy and manage the alerts and notifications for shark sightings. DPIRD are also the owners of the Beach Emergency Numbers (BEN) program that manages the signs designed for emergency response and beach closures.

The City of Bunbury cannot reasonably maintain a two (2) year Policy where the content is owned by State Government and WA Police. A Management Policy would allow for more frequent reviews as required and provide guidance for internal policy users only. A Council Policy would make that Policy applicable to community members also and we would risk contradictions with State Government recommendations.

Executive and Committee Recommendation

That Council:

1. Revoke the existing Shark Hazard Management Council Policy
2. Request the CEO implement a new Management Policy as attached at appendix 10.1.6-B.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Planet
Aspiration	A healthy and sustainable ecosystem.
Outcome No. 1	An aware and resilient community equipped to respond to natural disasters and emergencies.
Objective No. 1.1	Improve community readiness and resilience when preparing for and responding to natural disasters.

Regional Impact Statement

The implementation of Management Policy will allow greater procedural flexibility to ensure the City of Bunbury is adapting to current Shark Hazard Management processes that is consistent with State Government and WA Police messaging and response.

Background

The City originally adopted a Shark Hazard Management Policy (Res 227/15) on 7 July 2015 in response to the number of Shark Sightings at the time. State Government has developed numerous strategies and systems to manage this threat since that time and now offer guidance, resources and response to all Western Australian community members rendering the City Policy obsolete.

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

A flexible Management Policy will allow City of Bunbury Authorised Officers to consistently respond to Shark Sightings in a manner consistent with experts and state guidance. A proposed management policy is attached at appendix 10.1.6-B.

Analysis of Financial and Budget Implications

Nil Implications to Budget.

Community Consultation

Not applicable as messaging and management of this issue is managed by DPIRD.

Councillor/Officer Consultation

This process was discussed with Manager Community Wellbeing and Manager Governance, and it was determined a Management Policy was the appropriate way to manage improvement to the Policy.

Applicant Consultation

This process was discussed with Manager Community Wellbeing and Manager Governance and updated information available on DPIRD and Shark Smart websites.

Outcome of Meeting 14 May 2024

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

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 075/24

That Council:

- 1. Revoke the existing Shark Hazard Management Council Policy**
- 2. Request the CEO implement a new Management Policy as attached at appendix 10.1.6-B.**

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

10.7 Review of Council Policy: Privacy (listed as 10.1.7 in the agenda)

File Ref:	COB/6306
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Elijah Glass, Manager Information Services Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.7-A: Revised Council Policy Privacy

Summary

The purpose of this report is to facilitate a review of existing Council's existing policy relating to Privacy.

Executive and Committee Recommendation

That Council:

1. Adopt the revised Privacy policy as presented at Appendix 10.1.7-A; and
2. Note that an extensive review of the Policy will be undertaken following the implementation of new privacy legislation scheduled for 30 June 2024, that will be effective from 1 July 2025.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

The current policy was adopted by Council in March 2020 as a replacement for an earlier policy that covered publication of information. The earlier policy only covered scenarios where information was received as a result of a public consultation process (i.e., when submissions are sought for a particular development matter), and so it was felt that there were obvious gaps in terms of how the City dealt with other information that was received through the normal course of our business. The result was the current Council Privacy Policy.

New legislation is set to be introduced through the WA Parliament by 30 June 2024 outlining responsibilities for government agencies in relation to privacy and responsible information sharing. This legislation is set to take effect from 1 July 2025 at this stage.

Once legislated, the WA Government will be producing guidelines as to the practicalities of implementing the new legislation, at which point it is suggested that a thorough review of the City's responsibilities in this regard will need to take place.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

As detailed above, new legislation will soon be enacted which will govern privacy and responsible information sharing.

Officer Comments

Notwithstanding the pending legislative changes, Officers have undertaken a desktop review of the current Privacy Policy and for the interim have suggested some very minor changes as detailed at Appendix 10.1.7-A.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.

Outcome of Meeting 14 May 2024

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

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 076/24

That Council:

- 1. Adopt the revised Privacy policy as presented at Appendix 10.1.7-A; and**
- 2. Note that an extensive review of the Policy will be undertaken following the implementation of new privacy legislation scheduled for 30 June 2024, that will be effective from 1 July 2025.**

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

10.8 Governor Stirling Survey Peg Location (listed as 10.1.10 in the agenda)

File Ref:	COB/517		
Applicant/Proponent:	Heritage Advisory Committee		
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)		
Responsible Manager:	Barbara Macaulay, Manager Planning and Building		
Executive:	Dave Russell, Acting Director Sustainable Development		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input type="checkbox"/> Information Purposes
	<input checked="" type="checkbox"/> Executive/Strategic		
	<input type="checkbox"/> Legislative		
Attachments:	Nil		

Summary

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

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

The Electors’ Motion was reported to the Council Meeting of 12 March 2024 where it was decided to refer the matter to the Heritage Advisory Committee for a recommendation to Council. The motion raises the question of the role of memorials in contemporary society and if all perspectives are incorporated. It is recommended that no further memorials to Governor Stirling are set aside on this site, given the existing recognition. Future heritage initiatives will be conducted in consultation with the local Elders Group and community to ensure a richer understanding of our shared history and story.

Executive and Heritage Advisory Committee Recommendation

That Council:

1. Not endorse the setting aside of land for further memorials to Governor Stirling.
2. Note that the significance of the Bunbury Townsite Peg No.1 is currently identified by a plaque and that the content of the plaque is contested by historians.
3. Note that the proposed Stirling Street Heritage Trail 2025/26, will be subject to engagement with the local Elders Group and community to ensure that all narratives, and manner in which these narratives are told, are considered in the trail.

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.
Objective 7.2	Grow recognition and respect for local history and heritage.

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The colonial events that occurred had major impacts on the history and heritage of the region.

Background

At the Annual General Meeting of Electors Mr Bischoff asked:

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

The Mayor provided a preliminary response at the meeting which outlined that the current works at Frank Buswell Foreshore were on the eastern half of the foreshore only. The works include the replacement of the existing seawall and footpath, as well as the replacement of the playground equipment at a location to be determined following community consultation.

There is an existing cairn and plaque, that is in need of maintenance, located at the western end of Frank Buswell Foreshore. Governor Stirling had investigated this point as part of his explorations for a personal land grant in 1830. The content states:

*GOVERNOR STIRLINGS’S LOCATION 26
NORTHERN BOUNDARY*

Governor James Stirling pegged the northern boundary of his selected land (Leschenault Location 26) 10 metres west of this point.

In June 1841 Surveyor H.M. Ommaney placed a 9 ft peg on the spot, labelled Townsite Peg No 1 as part of the official survey of the Bunbury Townsite.



Location of cairn and plaque in Frank Buswell Foreshore Reserve

Council Policy Compliance

There is currently no Council Policy applicable.

Legislative Compliance

Not applicable.

Officer Comments

The motion raises a wider consideration in contemporary society as to what monuments or commemorations represent. Whilst events cannot be removed from history, they can be part of a ‘truth telling’ which acknowledge the impacts on the traditional owners of the land, the Noongar people. The Explorers’ Monument in Fremantle is an example of where a colonial monument was altered to include a ‘counter-memorial’, where one view of the past takes issue with another and history is seen, not as a final statement, but a contested narrative.

It is noted that there are already building and road recognitions in the name of Stirling. No further acknowledgements have been planned or budgeted at this stage but may be revisited in future Bunbury Heritage Trails, such as the proposed Stirling Street Heritage Trail 2025/26. This trail, subject to budget allocation, would engage with the local Elders Group and community to ensure that the trail tells a shared history from all perspectives.

This report was presented to the Heritage Advisory Committee on 10 April 2024 where it was resolved to recommend to Council as per the Executive Recommendation.

Analysis of Financial and Budget Implications

There are no funds currently budgeted for further memorial works to be undertaken on the Frank Buswell Foreshore. A budget bid has been put forward for a proposed Stirling Street Heritage Trail in 2025/26.

Community Consultation

There has been commentary in the media that Elders across the region strongly reject any further memorials to Governor Stirling. Meeting with the Bunbury Elders Group on 26 March 2024 also confirmed that the timing of the proposed Stirling Street Heritage Trail in 25/26 would be more appropriate to engage with the local Elders Group and community to establish the narrative and the manner in which it should be told. The matter was also discussed at “The Yarning Circle” on 28 March 2024 which highlighted that any further memorial to Governor Stirling would be strongly opposed. Discussions with the local elector that raised the motion confirmed that the intent of the motion was to tell all narratives associated with any colonial events through the form of public art or storyboards, rather than a statue.

Councillor/Officer Consultation

The Council Decision (039/24) was to refer this matter to the Heritage Advisory Committee and report back to Council with a recommendation. Consultation with the Community Development Officer – First Nations occurred and the recommendation to consult further with the Bunbury Elders Group was actioned.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The Council Decision would be applicable for the proposed Stirling Street Heritage Trail 2025/26.

Outcome of Meeting 14 May 2024

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

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 077/24

That Council:

- 1. Not endorse the setting aside of land for further memorials to Governor Stirling.**
- 2. Note that the significance of the Bunbury Townsite Peg No.1 is currently identified by a plaque and that the content of the plaque is contested by historians.**
- 3. Note that the proposed Stirling Street Heritage Trail 2025/26, will be subject to engagement with the local Elders Group and community to ensure that all narratives, and manner in which these narratives are told, are considered in the trail.**

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

10.9 Review of the Terms of Reference for the Bunbury Events Advisory Committee (listed as 10.1.11 in the agenda)

File Ref:	COB/530
Applicant/Proponent:	Internal
Responsible Officer:	Juaini Taylor, Team Leader Place Activation
Responsible Manager:	Shae Phillips, Manager Communication and Place Activation
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.11-A: Proposed Terms of Reference for the Bunbury Events Advisory Committee.

Summary

The purpose of this report is for Council to review the Terms of Reference for the committee (attached at Appendix 10.1.11-A). This is in accordance with Council Decision 237/23, where all Council Committees were requested to review their respective terms of reference and report back to Council.

Committee and Executive Recommendation

That Council endorse the amended Terms of Reference as follows:

Purpose

The Bunbury Events Advisory Committee (BEAC) is dedicated to enhancing the calendar of events in Bunbury, by supporting signature events that highlights Bunbury as a premier events destination, welcoming residents and tourists alike.

1. Identifying the gaps and make recommendations in the events market to compliment the teams service delivery for consideration.
2. Provide advice on the Signature Events Category within the City of Bunbury Grant Program.
3. Assess and make recommendations on applications received through the Signature Events Tier 2 category within the City of Bunbury Grant Program.
4. Provide advice on the acquittal of events delivered through the Signature Events Tier 2 Category within the City of Bunbury Grant Program Guidelines to ensure the outcomes are achieved.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The revised Terms of Reference for the BEAC will provide a clear direction for the committee to build on its foundation of success and achieve greater liveability and prosperity for our region.

Background

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

Council Policy Compliance

BEAC operates under the Council's Code of Conduct.

Legislative Compliance

Local Government Act 1995.

Officer Comments

The BEAC were provided an opportunity to review the below headings that make up the committees Terms of Reference:

- Purpose
- Aims and Objectives
- Membership Composition
- Meeting Frequency
- Authorisation

In summary the changes to the committees Terms of Reference are justified as per below:

Heading	Rationale
Purpose	The purpose statement of the BEAC has been amended to focus on maintaining the local calendar of events, as opposed to growing it, due to the successful number of new events attracted to Bunbury over the past 5 years and the need to maintain these existing events.
Aims and Objectives	A new objective was added to include an opportunity for the BEAC to identify the gaps in the events market to compliment the City's teams service delivery for consideration.
Membership Composition	The membership composition for voting members remained the same. Non-voting members removed the Manager Community Connection, Team Leader Community Partnerships and Team Leader Marketing and Communications. These Officers have been replaced with the Grants Officer, due to the Grants Officer implementing the annual Grants Program and the Manager Communications and Place Activations, because of the recent organisation restructure.
Meeting Frequency	The meeting frequency remains unchanged, however the meeting day and time has changed from Tuesday at 1pm, to Wednesday at 4:30pm, to accommodate the new committee members.
Authorisation	No changes have been made to the BEAC's authorisation, which currently states that the committee makes recommendations, regarding the allocation of funding under the City's Grant Funding Policy (Signature Events Category) to the CEO for implementation under delegated authority. All other recommendations by the committee will be presented to council for consideration.

	The authority levels of the BEAC pertaining to the Grant Program remains the same since 27 May 2014 under the City’s Funding Policy at the time.
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Based on the above justification, Council Officers are comfortable that the revised Terms of Reference for the committee will allow the BEAC to continue to focus on building the City’s Grants Program, by providing strategic advice to Council on the development of signature events that contributes to Bunbury’s thriving events calendar.

The assessment and recommendations of events made by the committee via the Grants Program, has been invaluable in growing Bunbury’s events calendar, to ensure a diverse calibre of events that welcomes visitors and supports the community.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications associated with this report.

Community Consultation

Nil.

Councillor/Officer Consultation

Nil.

Applicant Consultation

An informal meeting with BEAC was held on Tuesday 13 February 2024 to welcome the committee members over lunch, and to provide the committee members an opportunity to discuss the revised Terms of Reference as proposed by Council Officers. Comments from the members have been incorporated into the revised Terms of Reference.

Timeline: Council Decision Implementation

Immediately following Council endorsement.

Outcome of Meeting 14 May 2024

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

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 078/24

That Council endorse the amended Terms of Reference as follows:

Purpose

The Bunbury Events Advisory Committee (BEAC) is dedicated to enhancing the calendar of events in Bunbury, by supporting signature events that highlights Bunbury as a premier events destination, welcoming residents and tourists alike.

- 1. Identifying the gaps and make recommendations in the events market to compliment the teams service delivery for consideration.**
- 2. Provide advice on the Signature Events Category within the City of Bunbury Grant Program.**
- 3. Assess and make recommendations on applications received through the Signature Events Tier 2 category within the City of Bunbury Grant Program.**
- 4. Provide advice on the acquittal of events delivered through the Signature Events Tier 2 Category within the City of Bunbury Grant Program Guidelines to ensure the outcomes are achieved.**

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

10.10 CEO Key Performance Indicators Quarter 3 2023-24 (listed as 10.2.1 in the agenda)

File Ref:	COB/6080
Applicant/Proponent:	Internal
Responsible Officer:	Alan Ferris, Chief Executive Officer
Responsible Manager:	Alan Ferris, Chief Executive Officer
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.2.1-A CEO KPIs Report – Period ending 31 March 2024

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 3, 2023-24.

Executive Recommendation

That Council notes the CEO KPIs Quarter 3 2023-24 Report. For the period ending 31 March 2024, 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.

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 August 2024, which will be reporting on Quarter 4 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 3 2023-24 report.

Outcome of Meeting 14 May 2024

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

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 079/24

That Council notes the CEO KPIs Quarter 3 2023-24 Report. For the period ending 31 March 2024, as presented in Appendix 10.2.1-A.

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

(Current Assets less Current Liabilities)	\$33.92M	\$13.49M
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* Equity (Total Assets less Total Liabilities)	\$505.09M	\$492.11M
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4. Capital Works (**attached** at Appendix 10.3.1-E)
- Actual capital works of \$16.19M is \$7.55M less than the year-to-date budgeted capital works of \$23.74M (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 10.3.1-F)
- Actual operating project expenditure of \$3.58M is \$1.27M less than the year-to-date budgeted operating project expenditure of \$4.86M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

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

Voting Requirement: Simple Majority

Strategic Relevance

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

Background

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.1-A)
- Statement of Financial Activity (**attached** at Appendix 10.3.1-B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.1-C)
- Statement of Financial Position (**attached** at Appendix 10.3.1-D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.1-E)
- Operating Projects Summary (**attached** at Appendix 10.3.1-F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.1-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.

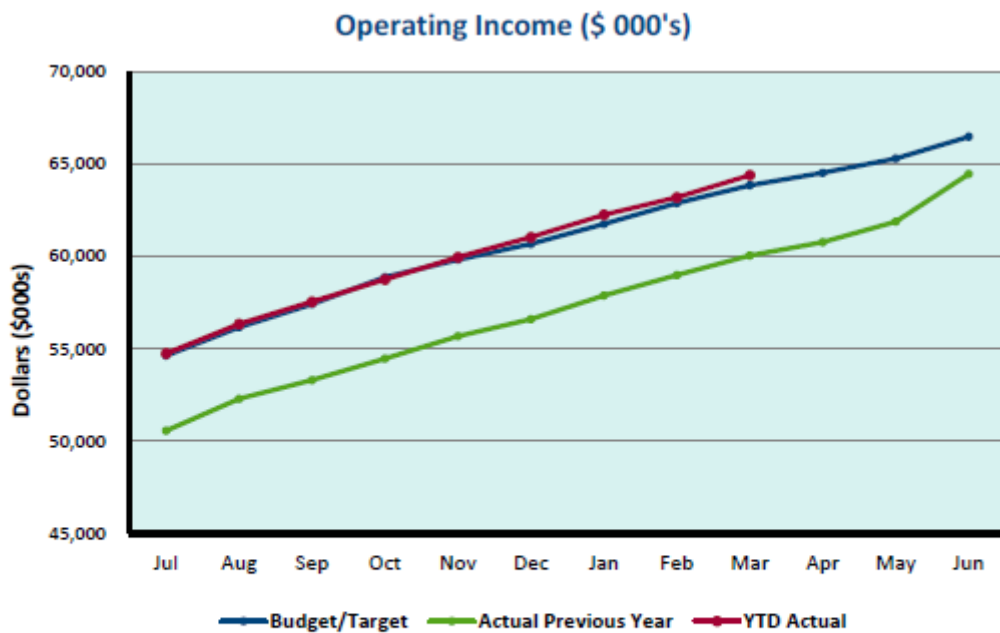
Legislative Compliance

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 10.3.1-B) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

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

Officer Comments

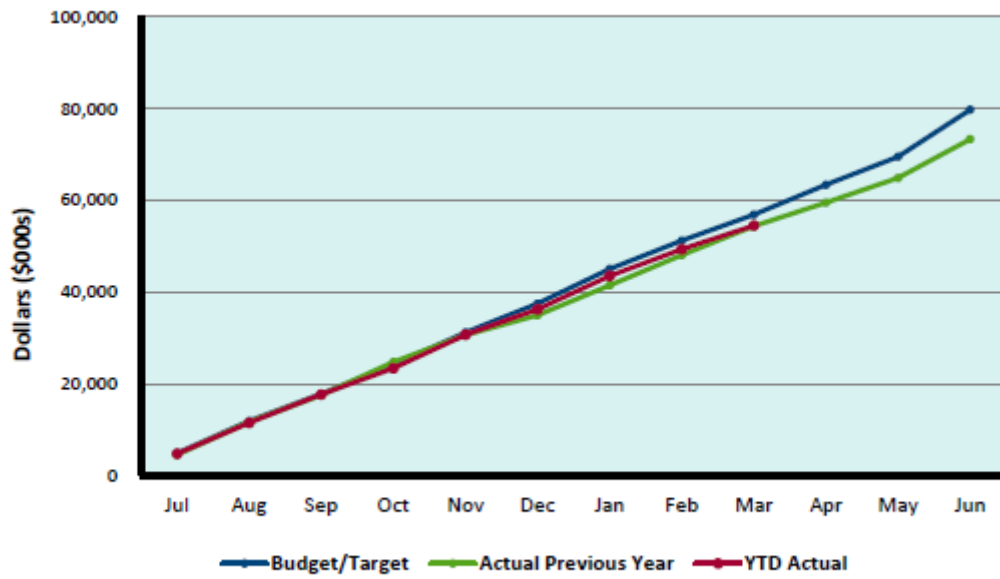
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



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

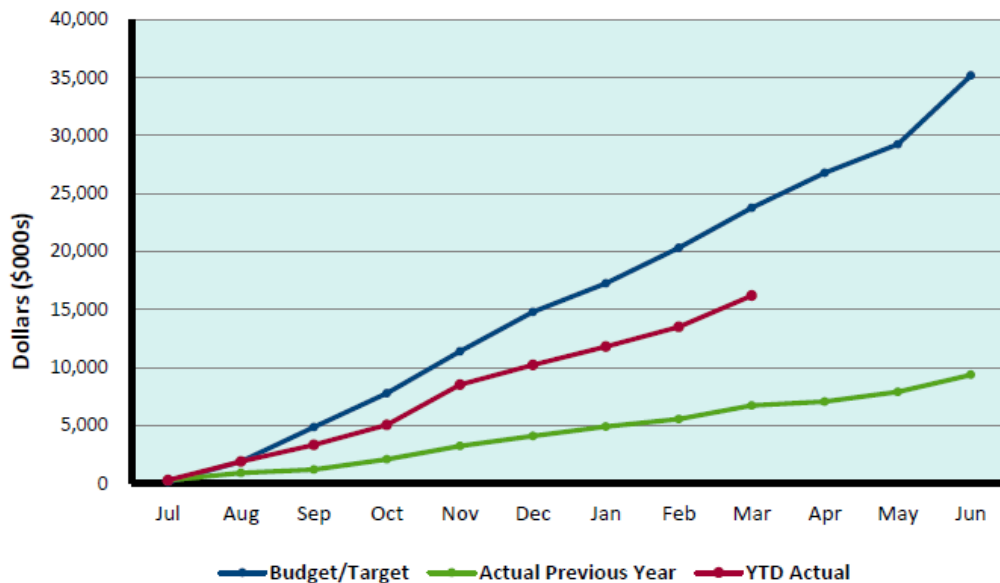
Actual operating income of \$64.23M is \$400K more than the year-to-date budgeted income of \$63.83M.

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is below the year-to-date budget by \$2.21M.

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of March 2024 of \$16.19M is \$7.55M less than the year-to-date budget of \$23.74M. 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 10.3.1-E and 10.3.1-F for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Expenses	
<p><i>Materials and Contracts</i> – Favourable year-to-date variance of \$1.99M mainly due to contractor expenses \$903K, consultant expenses \$817K, material expenses \$161K and software and licencing expenses of \$91K. These are monitored on a monthly basis.</p>	<p>\$1,998,555 13%</p>
Capital Expenses	
<p><i>Acquisition of Assets</i> – year-to-date variance due to the timing of capital expenditure. The capital projects are monitored monthly. Key project variances include:</p> <ul style="list-style-type: none"> PR-3720 Hands Oval Redevelopment - \$2.82M PR-5105 Renew foreshore marine walls 2023/24 - \$801K PR-2403 Replace Forrest Park Pavilion - \$298K PR-5118 Regional Roadworks program – Bussell Hwy - \$266K PR-4858 Expand cycleways 2023/24 - \$230K PR-5111 Bunbury Airport apron expansion - \$229K PR-4871 Renew, resleeve and improve drainage network 2023/24 - \$218K PR-5117 Regional Roadworks program – Leschenault Dr - \$209K PR-5090 Waterfront Public Art Installation - \$203K PR-5038 Withers Regional Renewal - \$202K PR-1543 Boulters Heights Redevelopment - \$192K PR-4881 Replace corporate vehicles - \$171K PR-4865 Asset replacement – Personal Computers - \$170K PR-3830 Subdivision and sale of part Lot 3 Blair St - \$169K PR-5114 Beautifying Bunbury Streetscapes 23/24 - \$153K PR-5116 Regional Roadworks program – Clifton St - \$136K PR-4890 Renew irrigation infrastructure - \$113K PR-5112 Bunbury Airport compass swinging bay - \$105K PR-5115 Regional Roadworks program – Casuarina Dr - \$90K PR-4877 Renew / Upgrade Local Roads – Strickland - \$73K 	<p>\$7,554,443 32%</p>

Analysis of Financial and Budget Implications

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

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.1-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 14 May 2024

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

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 080/24

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

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

10.12 Corporate Business Plan Quarter 3 2023-24 (listed as 10.3.2 in the agenda)

File Ref:	COB/6080
Applicant/Proponent:	Internal
Responsible Officer:	Natalie Passmore, Corporate Reporting Officer
Responsible Manager:	Greg Golinski, Manager Governance and Integrated Planning
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.3.2-A Corporate Business Plan Report – Period ending 31 March 2024

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 3 2023-24.

Executive Recommendation

That Council notes the Corporate Business Plan Quarter 3 2023-24 Report. For the ending 31 March 2024, as presented in 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

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.

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 3 2023-24 report.

Outcome of Meeting 14 May 2024

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

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 081/24

That Council notes the Corporate Business Plan Quarter 3 2023-24 Report. For the ending 31 March 2024, as presented in Appendix 10.3.2-A.

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

10.13 Schedule of Accounts Paid for the period 1 March 2024 to 31 March 2024 (listed as 10.3.3 in the agenda)

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

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 March 2024 to 31 March 2024 is attached at Appendix 10.3.3-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$16,305,996.69
2. Trust Account – payments totalling \$25,252.71
3. Visitor Information Centre Trust Account – payments totalling \$10,126.30

Executive Recommendation

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

Voting Requirement: Simple Majority

Outcome of Meeting 14 May 2024

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

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 082/24

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

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

10.14 Proposed Tree Street Heritage Area – Outcomes of Public Consultation (listed as 10.1.9 in the agenda)

File Ref:	COB/100
Applicant/Proponent:	Heritage Advisory Committee
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Barbara Macaulay, Manager Planning and Building
Executive:	Dave Russell, Acting Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.9-A – Schedule of Submissions Appendix 10.1.9-B – Draft Local Planning Policy 4.3

Summary

Following Council’s decision on 27 June 2023 to proceed to advertising of the proposed Tree Streets Heritage Area and associated draft Local Planning Policy 4.3, the public consultation has now been completed. Consideration of the submissions received during the public consultation period has been completed and was presented to the Heritage Advisory Council for their review and recommendation. Based on the submissions and strong opposition to the proposal, it is recommended that Council do not proceed with the designation of the heritage area and associated local planning policy.

Executive and Heritage Advisory Committee Recommendation

That Council:

1. Note the Schedule of Submissions following public consultation of the proposed Tree Street Heritage Area and associated draft Local Planning Policy 4.3 (Appendix 10.1.9-A);
2. Not proceed with the proposal of the Tree Streets Heritage Area designation and associated Local Planning Policy 4.3 (Appendix 10.1.9-B);
3. Advise the property owners/occupiers in writing of the Council decision.

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.
Objective 7.2	Grow recognition and respect for local history and heritage.

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the deemed provisions) identify that a heritage area should be designated 'if, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area...'. A separate local planning policy (LPP) is required for each heritage area designated under the local planning scheme. The requirements of such an LPP are detailed in Clause 9(2), Schedule 2 of the deemed provisions.

In 2004, the City of Bunbury commissioned an investigation into the cultural heritage significance of the Tree Street Area. The initial investigation was undertaken by Considine and Griffiths Architects with Historian Robin Chinnery. During the 2004 analysis of the proposed Tree Street Heritage Area, the study area included Karri Street, Jarrah Street, Banksia Street, Stockley Road, Beach Road and included a section of Tuart Street from Sampson Road to Beach Road. There were opposing views from the community and extensive consultation through the formation of a working group. The finalisation of a heritage area did not proceed due to the lack of consensus. Recent demolitions and new built form have triggered further consideration of this area as part of the Local Heritage Survey (LHS) review.

The City of Bunbury Local Housing Strategy (2021) investigated, amongst other matters, appropriate infill areas. The proposed Tree Streets Heritage Area is in a location close to the CBD and schools that would normally trigger higher density investigations. However, given the character and cluster of heritage listings in this area, it was an action of the Strategy to investigate the Tree Streets potential as a heritage area in the first instance (Action 8).

In December 2021, the City engaged heritage professionals, Stephen Carrick Architects, to undertake heritage assessments of priority locations across the City. The HAC and members of the public had previously identified the CBD and the 'Tree Streets' (HAC recommendation August 2021). The project team included a heritage architect and historian. Consideration of previous work (Considine and Griffiths, 2004), street surveys and desktop research informed the assessment as previously reported to Council in January 2023. The assessment was based on the DPLH 2022 Guidelines for Heritage Areas (draft) and set out –

- a) a map showing the boundaries of the heritage area;
- b) a statement about the heritage significance of the area;
- c) a record of places of heritage significance in the heritage area.

The Bunbury Council resolved on 31 January 2023 (Decision 009/23) to support the proposal of a designated heritage area and require the preparation of a local planning policy and an engagement plan. Further on 27 June 2023 (Decision 110/23) Council resolved to proceed to advertise the proposal and draft local planning policy for a period of 42 days (later extended to 56 days in total). A public information session was held on 8 August 2023 and a further Public Information Session on the consultation outcomes was held on 15 March 2024.

Council Policy Compliance

Not applicable.

Legislative Compliance

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

Legislation

- *Heritage Act 2018*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- The Burra Charter

State Planning Framework

- Guidelines for Local Heritage Surveys 2019
- Guidelines for Establishing a Heritage List 2021
- Statement of Planning Policy 3.5 Historic Heritage Conservation

Local Planning Framework

- City of Bunbury Local Planning Strategy
- City of Bunbury Local Planning Scheme No.8 (LPS8)
- Local Planning Policy 6.1 – Heritage Conservation and Development
- Local Planning Policy 6.2 – Heritage Listing, Assessment and Concessions

Officer Comments

The proposed heritage area and associated local planning policy

The criteria in the draft Local Planning Policy 4.3 (LPP) (Appendix 10.1.9-B) are based on the assessment conducted by Stephen Carrick Architects and best heritage practice. LPP's contain design guidelines that demonstrate how the values of a heritage area can be retained. They are based on performance criteria and design solutions to reinforce the heritage streetscapes and conserve and retain significant housing stock. The aim is to guide development without detracting from the values of the area.

Demolition of places of little or no significance may be considered but any new builds will need to respond to the design guidelines in the LPP. Design review is an important approach to determine whether the required performance criteria have been achieved. The City provides a free Heritage Advisory Service to assist with design review of proposals.

Another key consideration is that new buildings in heritage areas should not replicate or mimic existing buildings in design, appearance and materials. This provides a more honest or identifiable response to architecture and demonstrates that buildings do not have to look 'old' to respond to their setting and surroundings.

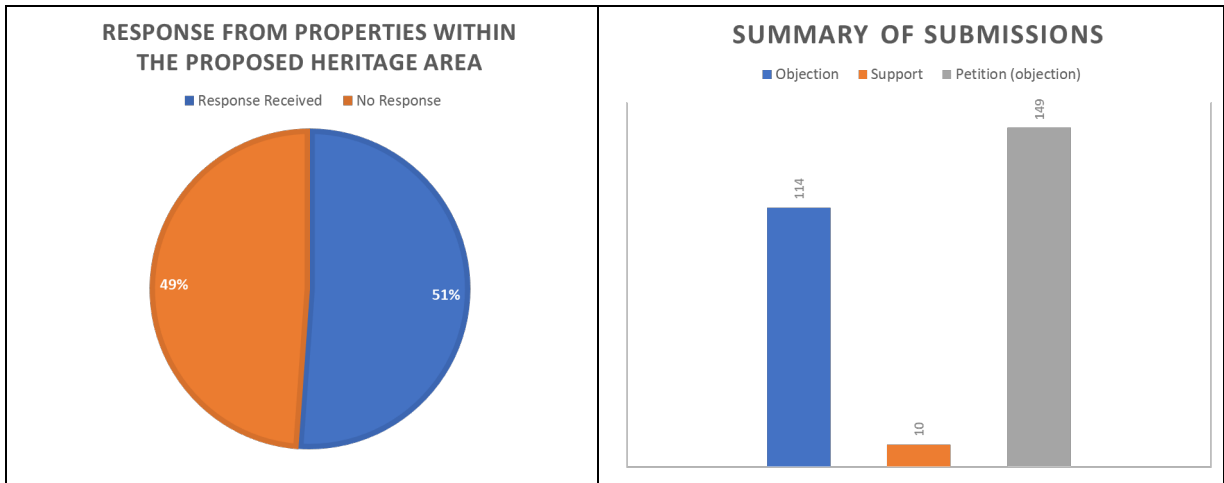
These objectives were explained in the Frequently Asked Questions (FAQ) sheets and Public Information Session of 8 August 2023.

Outcomes of the Public Consultation

At the close of the public consultation period, the following submissions were received:

- 114 submissions (16 outside of area) of objection;
- 10 submissions (1 outside of area) of support; and
- A petition with 149 signatories.

Approximately 51% of properties within the proposed heritage area submitted some form of response (submission/petition signatory). Of these submissions, 94% did not support the proposal.



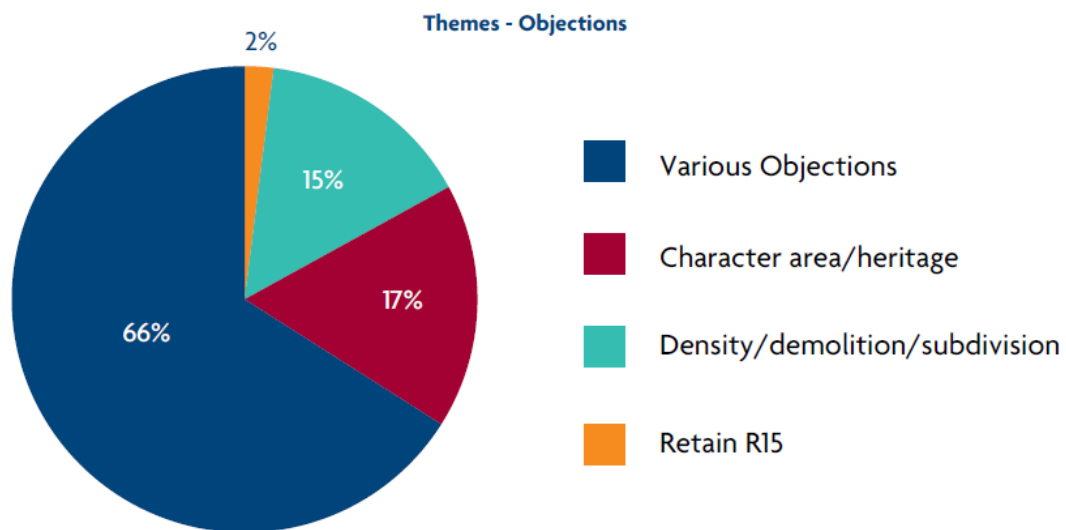
Themes of Public Consultation

Objection

The grounds of objection from the submissions were varied, with the key themes including:

- retaining the status quo of the area
- pursuing a character area
- redevelopment of the area through demolition, density increase and/or subdivision.

The petition was against the proposed local planning policy, however sought for the City to engage in a more extensive dialogue with owners/residents to investigate options that could preserve the integrity of the Tree Streets area and respect the character, while supporting the longer-term owners.



In addition to the key themes addressed above, some of the matters raised in the objections included:

- Residents are doing a good job of self-managing the character to date with no need for intervention.
- There is very little erosion of character (low numbers of demolition or unsympathetic development).
- No heritage area, rather individual heritage listings.
- Concerns regarding associated costs with a heritage area, including insurance premiums, maintenance and repair of an old house, devaluation of property, bureaucratic red tape of development applications.

- The local planning policy should not address internal works, gardens or require like-for-like materials (noting hardwood timber, such as jarrah, not easily available and expensive).
- Old houses are not energy efficient and cannot achieve this without double glazing, insulation, solar panels etc.
- Belief that the heritage assessment survey was flawed.
- Concerns relating to the boundary of the proposed heritage area, such as it being too large and should not include mixed-use section on Beach Road, Wattle Street or Sampson Road.
- Social and well-being impacts of the heritage area and local planning policy, such as stress, anxiety, financial burden, uncertainty.
- No adequate compensation.

Support

The grounds of support were in recognition that this proposal was a mechanism to retain and conserve heritage places, reduce demolition, conserve mature trees and facilitate new development. A number of amendments to the local planning policy were recommended to address greater flexibility with regards to materials, acceptable solutions and maintenance. It was recognised that there were broader community benefits in having a heritage area that would leave an architectural legacy for current and future generations.

Responses to key themes

The majority of objections did not want to enforce a statutory protection of places within the proposed heritage area. A full schedule of submissions is provided at Appendix 1. The key issues identified in the submissions are set out below:

Issue Raised	Officer Comments
Concerns with demolitions occurring in the area	It is noted that there have been a number of demolitions within the area in recent years. The City has limited controls as to the design of the new build, apart from Residential Design Code and Local Planning Scheme compliance. The only mechanism available to the City to prevent demolitions of a single house is through a heritage listing/heritage area designation.
Concerns that residents are not able to demolish	The submissions and discussion at the public information sessions indicate that there is portion of the community that do want to demolish and redevelop (push for increased density to facilitate subdivision). It is considered that future demolitions may have impacts on the existing character of the area. Through the draft local planning policy, demolition of properties which have been identified as having 'little or no significance' can be supported. Partial demolition of high or moderate properties may also be considered if removing detracting additions.
Economic impacts of proposal	Officers do not consider economic matters as part of the heritage area designation process. However submitters concerns regarding property valuations, insurance premium increases and maintenance costs are included in the full schedule of submissions for Council's consideration.
Energy efficiency of older homes	It is noted that a range of energy efficiency measures can be incorporated into older houses such as insulation and solar panels. There are best practice heritage principles as to where and how these measures are incorporated into the heritage building so to not impact negatively on the streetscape or the cultural heritage value.
Concerns regarding initial	The heritage assessment undertaken was based on approved

heritage assessment	guidelines from the Heritage Council of WA and was conducted by an experienced heritage practitioner. For heritage areas, it is acceptable to base levels of significance on a street survey, with more detailed assessments and consultation being generally associated with individual heritage listing proposals.
Concerns with the impact of living in a designated heritage area and future development	<p>The intent of a heritage area is not to stop development but to ensure that it is carried out in a sympathetic manner whilst retaining the values of a heritage place. It is recognised that some change is often required to ensure homes provide a comfortable and contemporary living standard. Sympathetic modern extensions are possible.</p> <p>The criteria that is considered in determining the significance of an area mean places can be significant for reasons other than age and grandeur. Places of different ages, modest and grand, plain and beautiful alike form part of history and heritage.</p>
Concerns regarding the heritage area boundaries	Determining heritage area boundaries is challenging and the heritage consultant acknowledged this, however advised that the first response is to usually incorporate roads and reserves as boundaries. This approach was utilised to determine the boundaries for this proposal. Matters raised in consultation would have been given further consideration in determining the boundaries.
Concerns regarding draft local planning policy	The content of local planning policies for heritage areas should be based on best practice heritage standards, however may be as comprehensive or limited in scope as decided by the Council. The content of the draft policy is often guided by consultation and feedback from the community. It is noted that the City received positive feedback from the Department of Planning, Lands and Heritage (Heritage Services) on the content of the draft local planning policy.

The key message from the submissions is that property owners/occupiers overwhelmingly object to the proposal of the heritage area and associated local planning policy. It is noted that the objections are for different reasons, with some being conflicting in their future vision for the area. This may need to be addressed through place-making or community driven-initiatives that establish what the future should look like for this community.

Research has been undertaken with other local governments that adopted a community-driven approach for character areas or heritage areas. These local governments required residents to take an active role in what they deemed significant or worth protecting, with residents nominating a street/area for consideration as a character or heritage area. These local governments require at least 40% of the property owners within that area to support the proposal. If this level of support was achieved then the local government would investigate the proposal in accordance with approved Heritage Council of WA guidelines and local government policy to see if there was merit in proceeding with the proposal.

It was also raised at the Public Information Session on 15 March 2024 that the planning framework is not static and that the City may be directed from other levels of government or lobby groups to review planning controls. Further background on this includes that there are no plans by the City to review residential density coding in the Tree Streets area in the immediate or short term – noting that the City’s Local Housing Strategy demonstrated sufficient capacity (through development of vacant land and residential infill) to meet the City’s forecasted housing needs well into the foreseeable future. Notwithstanding, revisiting density coding at a citywide scale can be expected

as part of a broader assessment of housing supply and demand that will inform Scheme and Local Planning Strategy review prior to 2028. The State will have oversight and responsibility for determining and endorsing the outcomes of this review. Acknowledging the State's current heightened efforts to stimulate new housing opportunity and development wherever possible, it is plausible that well serviced, centrally located lower density housing areas (such as the Tree Streets area) will become the focus of increased attention at the time of the review and assessment.

This report was presented to the Heritage Advisory Committee on 10 April 2024 where it was resolved to recommend to Council as per the Executive Recommendation.

Analysis of Financial and Budget Implications

If Council does not proceed with the proposal, there would be no financial or budget implications.

If Council is to proceed with the proposal, additional places included within a heritage area could result in an increase of rate concession applications. The area proposed includes 302 properties of varying significance. Historically the take up of rate concessions is generally quite low, however this could have future budget implications. Rate concessions, subject to eligibility, may be 30% or a maximum of \$1000/year, whichever is the lesser.

Any rate concessions would be considered in accordance with the City of Bunbury Local Planning Policy 6.2 Heritage Listing, Assessment and Concessions.

Community Consultation

The proposal was publicly advertised to all property owners and occupiers within the area as per legislative requirements outlined under the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 56 days. Feedback was being sought on the proposal of a heritage area, the proposed boundary, the levels of contribution and the design criteria as detailed within the LPP.

Throughout the advertising period, City Officers were available for 1 on 1 meetings to discuss the proposal. Two public information sessions have been held regarding the proposal, with the first being held on the 8 August 2023 during the consultation period and one on the 15 March 2024 to discuss the outcomes of the consultation.

Councillor/Officer Consultation

A Council Briefing was held on 9 May 2023 in which the intent of a heritage area and LPP were discussed. Councillors were also invited to attend the Public Information Sessions. Consultation has also occurred at an officer level with the Development Coordination Unit and City Planning. Associated policy implications have been discussed with officers across the Infrastructure, and former Sustainable Communities and Strategy and Organisational Performance Directorates. The Western Australian Planning Commission (WAPC) was also consulted on any variations sought against the State Planning Policy 7.3 - Residential Design Codes and DLPH (Heritage Services) commended the City on the local planning policy content which was reflective of best practice.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediate.

Outcome of Meeting 14 May 2024

Cr Andrew left the Chamber at 5:35pm

Andrew Cooke delivered a deputation in relation to this item.

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

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

Council Decision 083/24

That Council:

- 1. Note the Schedule of Submissions following public consultation of the proposed Tree Street Heritage Area and associated draft Local Planning Policy 4.3 (Appendix 10.1.9-A);**
- 2. Not proceed with the proposal of the Tree Streets Heritage Area designation and associated Local Planning Policy 4.3 (Appendix 10.1.9-B);**
- 3. Advise the property owners/occupiers in writing of the Council decision.**

CARRIED

9 votes "for" / 1 vote "against"

Mayor Miguel and Councillors Brown, Ghaseb, Kozisek, Quain, Ramesh, Steck, Steele and Turner voted "for"

Councillor Smith voted "against"

Cr Andrew rejoined the meeting at 5:46pm.

10.15 Statutory Annual Review of Delegations – 2023/24 (listed as 10.1.9 in the agenda)

File Ref:	COB/6494
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Maureen Keegan, Senior Governance Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.8-A: Current City of Bunbury Delegation Register where Council is the delegator

Summary

The purpose of this report is for Council to receive the annual review of delegations made under the *Local Government Act 1995*, *Building Act 2011*, *Bush Fires Act 1954*, *Cat Act 2011*, *Dog Act 1976*, *Food Act 2008*, *Graffiti Vandalism Act 2016*, *Health (Miscellaneous Provisions) Act 1911*, *Planning and Development Act 2005*, *Public Health Act 2016*, *Health (Asbestos) Regulations 1992* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It is important to note that although Council is required to review its register of delegations to the CEO annually, individual delegations can be considered/amended on a standalone basis at any time.

Executive and Committee Recommendation

That Council receives this report as the review of the delegations for the 2023/24 financial year pursuant to section 5.46(2) of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011*, and section 10AB (2) of the *Dog Act 1976*.

Voting Requirements: Absolute Majority Required

Strategic Relevance

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

Regional Impact Statement

Not applicable to this report.

Background

The *Local Government Act 1995*, *Cat Act 2012* and *Dog Act 1976* require delegations to be reviewed by the Delegator at least once each financial year. This standard is applied to all delegations regardless of the Head of Power. Council last reviewed its delegations in its entirety on 27 June 2023. Therefore, this review is being conducted to ensure Council is compliant with the requirements of the applicable legislation. A copy of the Register, including any amendments made by Council since the last annual review is attached at Appendix 10.1.8-A. This Register includes all delegated authority where the delegator is Council.

Council Policy Compliance

The City's Management Policy Legislative Compliance applies.

Legislative Compliance

The following sections of legislation apply when delegating powers or duties to the Chief Executive Officer:

- section 5.42(1) of the *Local Government Act 1995*;
- section 45 of the *Cat Act 2011*;
- section 10AA of the *Dog Act 1976*;
- section 16 of the *Graffiti Vandalism Act 2016*;
- section 127 (1) and (3) of the *Building Act 2011*;
- section 48 and 59(3) of the *Bush Fires Act 1954*;
- section 118 of the *Food Act 2008*;
- section 26 of the *Health (Miscellaneous Provisions) Act 1911*;
- schedule 2, Clause 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- section 21 of the *Public Health Act 2016*; and
- regulation 15D(7) of the *Health (Asbestos Regulations 1992)*

Officer Comments

As part of the review the City's operational requirements, the volume of decisions under each statutory power or duty and the conditions and limitations integrated to mitigate risks and sensitivities of the decisions have been considered.

There have been no amendments to the delegations during the 2023/24 financial year.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

The CEO and Executives have been consulted in the review of the City's delegations and the matter is now presented to Council by the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any amendments to delegations will apply immediately following Council decision.

Outcome of Meeting 14 May 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 084/24

That Council receives this report as the review of the delegations for the 2023/24 financial year pursuant to section 5.46(2) of the Local Government Act 1995, section 47(2) of the Cat Act 2011, and section 10AB (2) of the Dog Act 1976.

CARRIED BY ABSOLUTE MAJORITY
11 votes “for” / Nil votes “against”

11. Applications for Leave of Absence

Nil

12. Motions on Notice

12.1 Cr Ghasseb

File Ref:	COB/4309	
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:	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial
Attachments:	Appendix 12.1-A Dossier for SW 2020 CoB Version Issued 04 24 G Ghasseb (Page 10)	

Cr Ghasseb's Motion

That the City of Bunbury advocates through the WALGA South West Country Zone, to increase the annual State Government expenditure in the former South West Electoral Region to at least 75% of revenue collected from the same Region.

Cr Ghasseb's Comments

According to my research, far less than half of the revenue collected by the State from the 'theoretical' former South West Electoral Region (SW Region) is returned in the form of expenditure. This appears to be historical for a prolonged period. The precise revenue and expenditure in the SW Region is difficult to ascertain and is mostly obtained through analysis, extrapolation and ratios from available data. Please refer to page 10 of the attached "Dossier for SW 2020 CoB Version Issued 04 24 G Ghasseb (Appendix 12.1-A)".

The updated estimate for FYE 2023, is that the State collected around \$5 billion in revenue from the SW Region and returned around \$1.8 billion in expenditure (to be confirmed). As it is the intent of government is usually to have a balanced budget, the shortfall of around \$3.2 billion collected from our SW Region is expended elsewhere, mostly in the greater Perth metropolitan area.

By comparison, and hence justification for a review, we can apply the same principle used in the GST return to Western Australia from the Federal Government, currently 70%, and 75% in 2025.

If the 75% ratio is applied to our SW Region, then we should receive nearly \$2 billion (annually, in current money) more in SW Region expenditure based on the FYE 2023 data. That is a lot of projects.

The intention is to present the case to the State that it would be fairer, more just, and more economically prudent, to alter the expenditure/revenue ratio to at least 75%. It is very important to note that Western Australia's wealth is created mostly in the regions. It would be highly beneficial for the State to return and invest more funds back in regional infrastructure, utilities and services. This would increase opportunities for wealth creation via private commerce and investment, and hence create more revenue to the State. It would also build the State by investing where the resources are based.

The economic return on Government investment is far higher in the Region, about three times the return on investment compared to the metropolitan area.

Funds can be dispersed through the State government agencies as well as the Local Government Authorities.

Note - These figures exclude federal government expenditure.

Officer Comments

Officers have no concerns with the suggested motion, noting that advocacy is within the scope of the Council's powers.

Outcome of Meeting 23 April 2024

Cr Ghasseb advised that he had withdrawn his motion from this agenda, and no discussion took place on this matter.

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 Kozisek.

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

Council Decision 085/24

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 Supply and Lay of Asphalt and Road Profiling Services

CARRIED

9 votes "for" / 2 votes "against"

Mayor Miguel and Councillor Andrew, Brown, Kozisek, Quain, Ramesh, Smith, Steck and Turner voted "for"

Councillors Ghasseb and Steele voted "against"

The meeting was closed to the public at 5:48pm.

Cr Quain left the chamber at 5:48pm.

15.1 Matters for which the Meeting may be Closed

15.1.1 Supply and Lay of Asphalt and Road Profiling Services

File Ref:	RFQ2324/009
Applicant/Proponent:	Internal
Responsible Officer:	Alec Williams, Contracts and Procurement Officer Tristan Davenport, Coordinator Works
Responsible Manager:	David Ransom, Manager Finance
Executive:	Gavin Harris, Director Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Confidential Report CRUSC-1 - Supply and Lay of Asphalt and Road Profiling Services

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 14 May 2024

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

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

Council Decision 086/24

That the Council:

- 1. Pursuant to RFQ2324/009 – Supply and Lay of Asphalt and Road Profiling Services, accept the quotation from Malatesta Group Holdings Pty Ltd T/As Malatesta Road Paving & Hot Mix ABN 70 132 969 307 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 Malatesta Group Holdings Pty Ltd T/As Malatesta Road Paving & Hot Mix 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 Malatesta Group Holdings Pty Ltd T/As Malatesta Road Paving & Hot Mix to provide the Supply and Lay of Asphalt and Road Profiling Services; and**
- 4. Following entry into the contract, negotiate variations with Malatesta Group Holdings Pty Ltd T/As Malatesta Road Paving & Hot Mix 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 Steck and seconded by Cr Kozisek.

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

Council Decision 087/24

That the meeting be reopened to the public.

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

The meeting was reopened to the public at 5:50pm.

Cr Quain returned to the chamber at 5:50pm

15.2 Public Reading of Resolutions that may be made Public

The Mayor read aloud the decision for item 15.1.1 *Supply and Lay of Asphalt and Road Profiling Services* as follows:

1. *Pursuant to RFQ2324/009 – Supply and Lay of Asphalt and Road Profiling Services, accept the quotation from Malatesta Group Holdings Pty Ltd T/As Malatesta Road Paving & Hot Mix ABN 70 132 969 307 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 Malatesta Group Holdings Pty Ltd T/As Malatesta Road Paving & Hot Mix 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 Malatesta Group Holdings Pty Ltd T/As Malatesta Road Paving & Hot Mix to provide the Supply and Lay of Asphalt and Road Profiling Services; and*
4. *Following entry into the contract, negotiate variations with Malatesta Group Holdings Pty Ltd T/As Malatesta Road Paving & Hot Mix to the respective Contracts, subject to there being sufficient funds available within the approved budget expenditure for that project or line item.*

16. Closure

The Mayor declared the meeting closed at 5:52pm.

Confirmed this day, 4 June 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 14 May 2024.

Jaysen de San Miguel
Mayor