



City of Bunbury Council

Minutes 4 June 2024



CITY OF BUNBURY
4 Stephen Street
Bunbury WA 6230
Western Australia
Correspondence to:
Post Office Box 21
Bunbury WA 6231

Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	6
2.	Disclaimer	6
3.	Announcements from the Presiding Member.....	7
4.	Attendance	8
4.1	Apologies.....	8
4.2	Approved Leave of Absence.....	8
4.3	Attendance at Previous Meetings	9
5.	Declaration of Interest.....	10
6.	Public Question Time.....	11
6.1	Public Question Time	11
6.2	Responses to Public Questions Taken ‘On Notice’.....	12
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	13
7.1	Minutes	13
7.1.1	Minutes – Ordinary Council Meeting	13
7.1.2	Minutes – Council Advisory Committees	13
8.	Petitions, Presentations, Deputations and Delegations.....	14
8.1	Petitions	14
8.2	Presentations	14
8.3	Deputations.....	14
8.4	Council Delegates’ Reports	15
8.5	Conference Delegates’ Reports.....	15
9.	Method of Dealing with Agenda Business.....	16
10.	Reports.....	17
10.1	Proposed City of Bunbury Bush Fire Brigade Local Law 2024 (listed as 10.3.1 in the agenda).....	17
10.2	Financial Management Report for the Period Ending 30 April 2024 (listed as 10.3.8 in the agenda).....	20
10.3	Schedule of Accounts Paid for the period 1 April 2024 to 30 April 2024 (listed as 10.3.9 in the agenda).....	26
10.4	Early Procurement for 2024/2025 Capital Projects (listed as 10.5.1 in the agenda)	27
10.5	Appointment of Community Representative Vacancy on Bunbury Events Advisory Committee (listed as 10.2.1 in the agenda).....	30
10.6	Fees and Charges 2024/25 (listed as 10.3.2 in the agenda).....	33
10.7	Introduction of a Waste Levy in 2024/25 (listed as 10.3.3 in the agenda)	36
10.8	Review of the Pelican Point Grand Canals Specified Area Rate (listed as 10.3.4 in the agenda).....	40
10.9	Proposed Rate Increase for the development of the draft 2024/25 Annual Budget (listed as 10.3.5 in the agenda)	44

Table of Contents

Item No	Subject	Page
10.10	Write-Off of Accounts Receivable 2023/24 (listed as 10.3.6 in the agenda)	48
10.11	Write-Off of Outstanding Community Services Infringements (listed as 10.3.7 in the agenda).....	50
10.12	Public Open Space Contributions for Subdivisions (listed as 10.4.1 in the agenda)	53
11.	Applications for Leave of Absence.....	61
11.1	Cr Quain	61
12.	Motions on Notice	62
13.	Questions from Members.....	62
13.1	Response to Previous Questions from Members taken on Notice	62
13.2	Questions from Members	62
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting	62
15.	Meeting Closed to Public.....	62
15.1	Matters for which the Meeting may be Closed	62
15.2	Public Reading of Resolutions that may be made Public	62
16.	Closure	62

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 culture; 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 culture; and to Elders past, present and emerging.

The Mayor acknowledged the attendance of former Mayor and Freeman of the City John Castrilli, and former Councillor Rolf Stein.

2. Disclaimer

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

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

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

Copyright

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

Recording and Webstreaming of Meetings

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

3. Announcements from the Presiding Member

The Mayor acknowledged the significant weather event that occurred over the weekend, noting that the City is still working through the previous event. There was significant damage to commercial and residential businesses. DFES is currently managing the recovery process, with the City continuing to support. The City is working with the State recovery agency and will continue to do so, with the main priority to get back to normal operations safely and support the community where possible. As information becomes available, the City's communications team will provide information to the Community.

The Mayor gave thanks to City of Bunbury Staff, and other agencies and businesses who have been provided assistance in the recovery, and also commended the response from the community.

The Mayor announced that Gavin Harris, Director Infrastructure, had resigned and thanked him for his service on behalf of the Council.

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
Director Infrastructure	Mr G Harris
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
Manager Infrastructure Maintenance Services	Ms A Clemens
Team Leader Marketing and Communications	Ms R Randall
Governance Officer	Mr L Murphy
Others (Non-Voting)	
Members of the Public	12

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	14/15	15/15	15/15	10/10	15/15	14/15	15/15	9/10	13/15	14/15	15/15
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	13/15	14/15	15/15	9/10	12/15	14/15	14/15	10/10	11/15	13/15	15/15
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 Brown declared a financial interest in item 10.3.4 Review of the Pelican Point Grand Canals Specified Area Rate.

Cr Quain declared a financial interest in item 10.4.1 Public Open Space Contributions for subdivisions as her husband is a partner at Eastmans & Co, with Citygate Properties Pty Ltd being his client.

Cr Steck declared a financial interest in item 10.4.1 Public Open Space Contributions for subdivisions.

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

Notice of public questions were received from Brian Rettinger and Garry Calgaret. Brian Rettinger was not present at the meeting, however the Mayor agreed to read aloud his questions in his absence. The questions and responses are presented below:

Brian Rettinger

Question 1:

Why should every Bunbury Rate Payer have to pay a new "Waste Levy" of \$70 to pay for "historical issues & future developments" at BHRC when they have grossly mismanaged their operations & finances?

Response

The purpose of the Waste Levy is to fund the following activities and not just for the BHRC:

1. *Support waste services within the City*
2. *Address historical issues and future developments at the Bunbury Harvey Regional Council*
3. *Investigate and remediate historic contaminated sites within the City*

This levy would apply to all rateable properties as provided for under Waste Avoidance and Resource Recovery Act 2007, Section 66.

The report to council in Item 10.3.3 provides further details including the future expenditure required for the above purposes.

Question 2:

Why is the CEO recommending an 8.0% Council Rates increase this year when the City's Long Term Financial Plan called for a 6.0% increase after last year's 7.0% increase?

Response

The LTFP is based on numerous assumptions including budget forecasts at the time of adoption (i.e. 25 July 2023).

Each year the LTFP is reviewed, and updates are made to the plan including: changes to the City's services, facilities and projects. Previous cost estimates are also updated where necessary.

To develop a fully funded draft 2024/25 Annual Budget the amount required to be raised from rates is equal to an 8.0% increase.

Question 3

Considering that an 8.0% rates increase plus a new Waste Levy of \$70 and a possible increase in “Waste disposal and recycling” fee, this will cost ratepayers over 10%, so how can the City do this to its ratepayers when many are doing it tough during a cost of living crisis?

Response

Agenda Item 10.3.5 details possible alternative options for Council to consider to reduce the rate increase from 8.0% with an equivalent reduction to operating expenditure.

Garry Calgaret

Question 1:

What is the Council doing in a practical way to address homeless shelters in Bunbury for both short and long term, especially now that it is winter?

Question 2:

I’ve heard and read that Ministers Don Punch and John Carey do not support short term homeless shelters in Bunbury. If this is the case why not, and what is the Council doing to address this?

Question 3

What agencies are supporting the Council in their endeavours to get these homeless shelters up and running?

Response

The CEO took each of Garry Calgaret’s questions on notice. A response will be included in the agenda for the next Ordinary Council Meeting.

6.2 Responses to Public Questions Taken ‘On Notice’

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held 14 May 2024 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 14 May 2024 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 4 June 2024

The recommendation (as written) was moved by Cr Steele 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 088/24

The minutes of the Ordinary meeting of the City of Bunbury Council held 14 May 2024 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Nil

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

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

10.3.3 Introduction of a Waste Levy in 2024/25

Janis Tutisai

10.3.4 Review of the Pelican Point Grand Canals Specified Area Rate

John Collins and Lois Woollams

10.3.5 Proposed Rate Increase for the development of the draft 2024/25 Annual Budget

Janis Tutisai

10.4.1 Public Open Space Contributions for Subdivisions

Ross Underwood and Luis Schilling

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

Council Decision 89/24

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

10.3.3 Introduction of a Waste Levy in 2024/25

Janis Tutisai

10.3.4 Review of the Pelican Point Grand Canals Specified Area Rate

John Collins and Lois Woollams

10.3.5 Proposed Rate Increase for the development of the draft 2024/25 Annual Budget

Janis Tutisai

10.4.1 Public Open Space Contributions for Subdivisions

Ross Underwood and Luis Schilling

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 10.3.1, 10.3.8, 10.3.9 and 10.5.1.

Items 10.2.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.7 and 10.4.1 were discussed and voted on separately.

All items have been renumbered in the order they were considered with the items voted “*by exception*” listed first.

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

10. Reports

10.1 Proposed City of Bunbury Bush Fire Brigade Local Law 2024 (listed as 10.3.1 in the agenda)

File Ref:	COB/5421
Applicant/Proponent:	City of Bunbury
Responsible Officer:	Mark Allies, Team Leader Rangers and Emergency Management Maureen Keegan, Senior Governance Officer
Responsible Manager:	Sarah Upton, Manager Community Wellbeing Greg Golinski, Manager Governance and Integrated Planning
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 10.3.1-A: Proposed City of Bunbury Bush Fire Brigade Local Law

Summary

The purpose of this item is for Council to agree to making a new City of Bunbury Bush Fire Brigade Local Law 2024 following undertakings requested by the Joint Standing Committee on Delegated Legislation (JSCDL) and committed to by Council at its meeting on 12 March 2024.

The purpose of the proposed local law is to repeal the existing Bush Fire Local Law 2023 due to the large number of amendments required through the JSCDL undertakings.

Local laws would ordinarily be channelled through Council's Policy Review and Development Committee (PRDC), however given the timing of this request by the JSCDL and the next scheduled PRDC meeting, the matter is presented directly to Council to ensure timeframes are met.

A copy of the proposed local law is at Appendix 10.3.1-A

Executive Recommendation

That Council agrees to give public notice of its intention to make the City of Bunbury Bushfire Brigade Local Law 2024, in accordance with section 3.12 of the *Local Government Act 1995*.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Planet
Aspiration	A healthy and sustainable ecosystem
Outcome 6.	An aware and resilient community equipped to respond to natural disasters and emergencies.
Objective 6.1	Minimise risks and impacts from fires, floods, heatwaves, and other natural disasters.

Regional Impact Statement

Fire and other emergencies are prevalent right across Western Australia, particularly the Southwest due to its high density of rural spaces and natural bushland. BFB's are necessary to minimise the

impact of fire and other natural disasters within our community and the Greater Bunbury/Geographe regions.

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

Background

The Joint Standing Committee on Delegated Legislation requested the City make a number of undertakings in relation to the City of Bunbury Bush Fire Brigade Local Law 2023 following its gazettal on 24 October 2023.

Council considered and accepted these undertaking at its 12 March 2024 meeting.

Upon implementing the amendments requested by the JSCDL, it has become apparent that due to the significant changes required, the 2023 local law should be repealed and replaced with the City of Bunbury Brigade Local Law 2024. Officers consider such methodology to be much “cleaner” than adopting an amendment local law.

The amendments requested by the JSCDL primarily involved incorporating elements of the Bush Fire Brigade Operating procedures into the local law itself.

Council Policy Compliance

N/A

Legislative Compliance

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

Officer Comments

The purpose of the proposed local law is to repeal the exiting Bush Fire Brigade Local Law 2023 in line with undertakings provided to the Joint Standing Committee on Delegated Legislation by Council on 12 March 2024.

The effect of the proposed local law is the ability for the City to continue to apply a Bush Fire Brigade Local Law without it being disallowed by the Joint Standing Committee on Delegated Legislation.

Analysis of Financial and Budget Implications

Gazettal and advertising costs will be accommodated in the 2024/2025 budget.

Councillor/Officer Consultation

The proposed amendment local law has been drafted in line with the undertakings provided to the Joint Standing Committee on Delegated Legislation by Council on 12 March 2024.

Timeline: Council Decision Implementation

Pending Council endorsement of the Executive Recommendation, advertising of the proposed local law will commence immediately for a period 42 days after which the local law with any further public submission amendment will present to 23 July 2024 Council Meeting.

Outcome of Meeting 4 June 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 090/24

That Council agrees to give public notice of its intention to make the City of Bunbury Bushfire Brigade Local Law 2024, in accordance with section 3.12 of the Local Government Act 1995.

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

- | | | |
|--|-----------|-----------|
| * Working Capital
(Current Assets less Current Liabilities) | \$27.29M | \$13.57M |
| * Equity
(Total Assets less Total Liabilities) | \$500.30M | \$492.14M |
4. Capital Works (**attached** at Appendix 10.3.8-E)
- Actual capital works of \$19M is \$7.76M less than the year-to-date budgeted capital works of \$26.76M (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 10.3.8-F)h
- Actual operating project expenditure of \$4.14M is \$1.55M less than the year-to-date budgeted operating project expenditure of \$5.69M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

The Financial Management Report for the period ending 30 April 2024 be received.

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 10.3.8-A)
- Statement of Financial Activity (**attached** at Appendix 10.3.8-B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.8-C)
- Statement of Financial Position (**attached** at Appendix 10.3.8-D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.8-E)
- Operating Projects Summary (**attached** at Appendix 10.3.8-F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.8-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

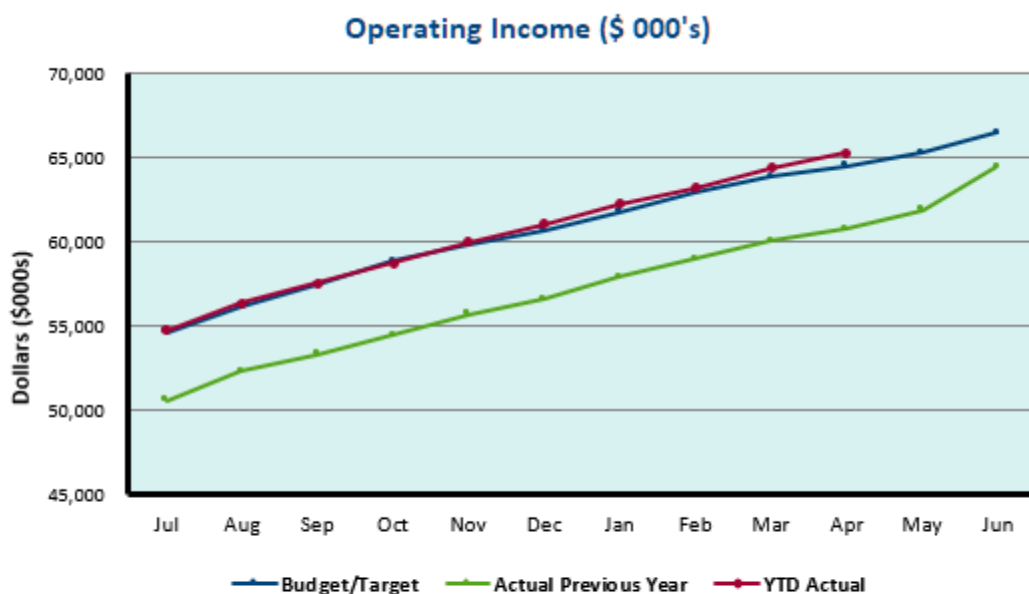
In accordance with the provisions of Section 6.4 of the *Local Government Act 1995* and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix 10.3.8-B) reporting

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

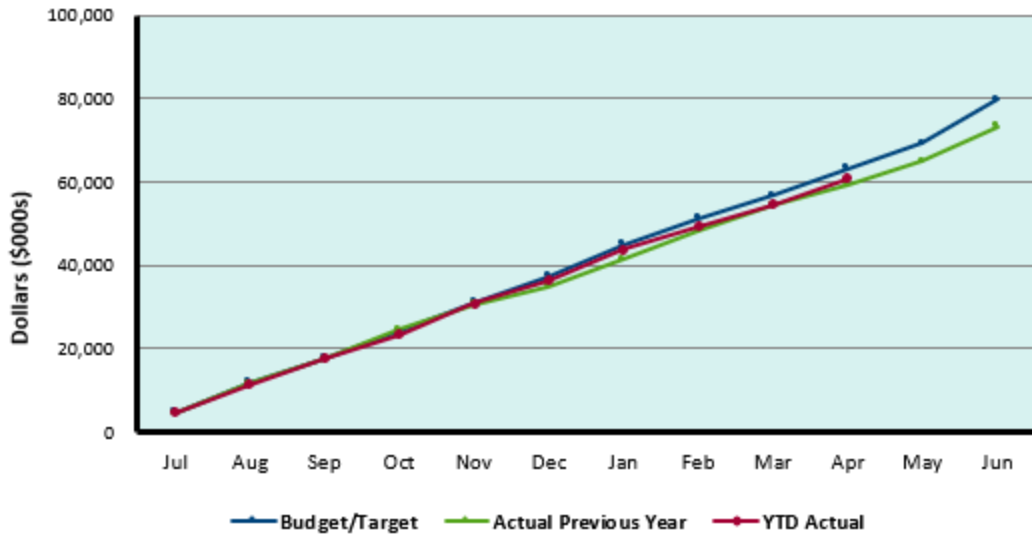
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



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

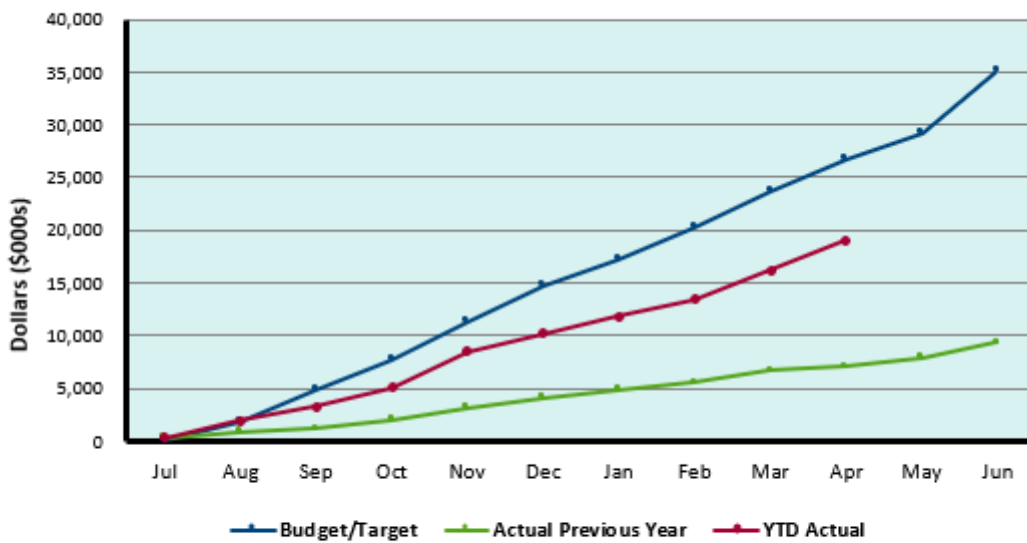
Actual operating income of \$65.24M is \$768K more than the year-to-date budgeted income of \$64.47M.

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is below the year-to-date budget by \$2.38M.

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of April 2024 of \$19M is \$7.76M less than the year-to-date budget of \$26.76M. 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 10.3.8-E and 10.3.8-F for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenue	
<i>Contributions Reimbursements and Donations</i> – Favourable year-to-date variance of \$95K mainly due to higher than expected insurance reimbursements (\$35K), workers compensation reimbursements (\$27K) and government paid parental leave (\$24K). End of year forecasts have been entered.	\$94,905 11%
<i>Interest received</i> – Favourable year-to-date variance of \$26K mainly due to higher than anticipated Investment interest (\$199K) and Rates Debtor Interest (\$62K). End of year forecasts have been entered.	\$261,521 13%
Operating Expenses	
<i>Materials and Contracts</i> – Favourable year-to-date variance of \$2.01M mainly due to consultant expenses \$914K, contractor expenses \$682K, software and licencing expenses of \$218K and material expenses \$175K. These are monitored on a monthly basis.	\$2,010,160 12%
Capital Revenues	
<i>Proceeds on Disposal of Assets</i> – Unfavourable year-to-date variance of \$46K as vehicles have not been sold due to wait times of new vehicles.	\$46,715 15%
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-5114 Beautifying Bunbury Streetscapes 23/24 - \$1.95M PR-5105 Renew foreshore marine walls 2023/24 - \$444K PR-5038 Withers Regional Renewal - \$314K PR-4881 Replace corporate vehicles - \$291K PR-4858 Expand cycleways 2023/24 - \$244K PR-5111 Bunbury Airport apron expansion - \$229K PR-2403 Replace Forrest Park Pavilion - \$213K PR-4871 Renew, resleeve and improve drainage network 2023/24 - \$209K PR-5117 Regional Roadworks program – Leschenault Dr - \$209K PR-1543 Boulters Heights Redevelopment - \$192K PR-3830 Subdivision and sale of part Lot 3 Blair St - \$188K PR-4865 Asset replacement – Personal Computers - \$170K PR-5090 Waterfront Public Art Installation - \$153K PR-5112 Bunbury Airport compass swinging bay - \$105K 	\$7,757,330 29%

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 10.3.8-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 4 June 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 (en-bloc) to become the Council's decision on the matter.

<p>Council Decision 091/24</p> <p>The Financial Management Report for the period ending 30 April 2024 be received.</p> <p>CARRIED UNANIMOUSLY 11 votes "for" / Nil votes "against"</p>
--

10.3 Schedule of Accounts Paid for the period 1 April 2024 to 30 April 2024 (listed as 10.3.9 in the agenda)

File Ref:	COB/4736	
Applicant/Proponent:	Internal Report	
Responsible Officer:	David Ransom, Manager Finance	
Responsible Manager:	David Ransom, Manager Finance	
Executive:	Karin Strachan, Director Strategy & Organisational Performance	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
Attachments:	Appendix 10.3.9-A: Schedule of Accounts Paid	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 April 2024 to 30 April 2024 is attached at Appendix 10.3.9-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$12,131,560.20
2. Trust Account – payments totalling \$25,302.18
3. Visitor Information Centre Trust Account – payments totalling \$1,094.00

Executive Recommendation

The Schedule of Accounts Paid for the period 1 April 2024 to 30 April 2024 be received.

Voting Requirements: Simple Majority

Outcome of Meeting 4 June 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 092/24

The Schedule of Accounts Paid for the period 1 April 2024 to 30 April 2024 be received.

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

10.4 Early Procurement for 2024/2025 Capital Projects (listed as 10.5.1 in the agenda)

File Ref:	COB/1754		
Applicant/Proponent:	Internal		
Responsible Officer:	Gavin Harris, Director Infrastructure		
Responsible Manager:	Gavin Harris, Director Infrastructure		
Executive:	Gavin Harris, Director Infrastructure		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
Attachments:	Nil		

Summary

This report is seeking Council approval to undertake an early procurement process for certain projects currently in the 2024/25 Draft Budget.

Executive Recommendation

That Council approve the following projects to commence procurement as per the Councils Procurement Policy –

PR	Project	Budget
5322	Bunbury Netball Court Refurbishment – D&C contract	\$1,616,510.00
5243	Replace Beach Stair Access- D&C contract Carey Street BY167	\$150,000.00
5223	Frank Buswell Foreshore Playground	\$250,000.00
5209	Greening Bunbury Precinct Plans	\$200,000.00
5251	Replace Waste vehicles / plant	\$1,085,939
5255	Replace Corporate heavy plant	\$533,800
5260	Replace Corporate vehicles	\$516,800

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Nil

Background

The City's annual budget contains capital and operational projects that require procurement which doesn't normally commence until the annual budget is adopted. By the time tenders are called, received, assessed and awarded a minimum of 3 months is required for the procurement process. During current times where there are long lead times for materials and contractors have works programmed months in advance, early procurement is seen as an opportunity to commence some projects early and place orders for plant and materials at the start of the financial year and ensure

that delivery is within the 2024/25 financial year. Contractors can also program works in with some significant lead time which hopefully allows contractors advance warning and has some cost savings with early procurement.

Council Policy Compliance

Purchasing Council Policy

Legislative Compliance

Local Government (Functions and General) Regulations 1996 Part 4 – Provision of Goods and Services Division 2 – Tenders for Providing Goods and Services (s 3.57)

Officer Comments

PR	Project	Budget
5322	Bunbury Netball Court Refurbishment – D&C contract	\$1,616,510.00
5243	Replace Beach Stair Access- D&C contract Carey Street BY167	\$150,000.00
5223	Frank Buswell Foreshore Playground	\$250,000.00
5209	Greening Bunbury Precinct Plans	\$200,000.00
5251	Replace Waste vehicles / plant	\$1,085,939
5255	Replace Corporate heavy plant	\$533,800
5260	Replace Corporate vehicles	\$516,800

The above projects were selected for the following reasons –

- Bunbury Netball Court Refurbishment – the ideal construction period for the courts is between October and March being the offseason. Early procurement allows contractors to program works in well before the optimum construction time in October 2024.
- Frank Buswell Foreshore Playground – commence works as early as possible to ensure completion of the playground prior to Christmas 2024 holidays.
- Replace Beach stair access - commence works as early as possible to assist in completion of works prior to Christmas 2024 holidays.
- Greening Bunbury Precinct plans – Procure early to ensure reports are received prior to the winter 2025 planting programs.
- Fleet procurement for corporate, heavy vehicle and waste vehicles require additional lead time for procurement activities to commence early in the financial year so that purchase orders can be issued as soon as budget approval is given, allowing for vehicle delivery lead times to be met and invoiced within the correct financial year.

This process will assist in ensuring delivery of projects in the financial year when there are known delays in material supplies and allowing contractors to program works in advance into their existing work program.

Analysis of Financial and Budget Implications

While the procurement process will commence in the current financial year no contracts will be awarded until such time as the 2024/25 budget has been adopted by Council. All projects are identified in the current Draft 2024/25 budget and there is no commitment for council to award a contract once it has been called.

Community Consultation

Nil

Councillor/Officer Consultation

The Director Infrastructure has discussed this proposed action at Strategic Council Briefings.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Officers will commence the procurement process with the aim to have procurement for the identified projects completed for Council consideration in July/August 2024

Outcome of Meeting 4 June 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 (en-bloc) to become the Council's decision on the matter.

Council Decision 093/24

That Council approve the following projects to commence procurement as per the Councils Procurement Policy –

PR	Project	Budget
5322	Bunbury Netball Court Refurbishment – D&C contract	\$1,616,510.00
5243	Replace Beach Stair Access- D&C contract Carey Street BY167	\$150,000.00
5223	Frank Buswell Foreshore Playground	\$250,000.00
5209	Greening Bunbury Precinct Plans	\$200,000.00
5251	Replace Waste vehicles / plant	\$1,085,939
5255	Replace Corporate heavy plant	\$533,800
5260	Replace Corporate vehicles	\$516,800

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

10.5 Appointment of Community Representative Vacancy on Bunbury Events Advisory Committee
(listed as 10.2.1 in the agenda)

File Ref:	COB/530
Applicant/Proponent:	Internal
Responsible Officer:	Juaini Taylor, Team Leader Place Activation
Responsible Manager:	Shae Philips, Manager Communication and Place Activation
Executive:	Alan Ferris, Chief Executive Officer
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 Appendix 10.2.1-A: External Member Assessment – BEAC.

Summary

The purpose of this report is for Council to consider appointing a community representative member, to fill the one (1) vacant position on the Bunbury Events Advisory Committee (BEAC).

Executive Recommendation

That Council appoints the candidate identified at Confidential Appendix 10.2.1-A to fill the vacant community representative position on the Bunbury Events Advisory Committee to serve out the remainder of the term, ending in October 2025.

*Voting Requirement: **Absolute Majority***

Strategic Relevance

Bunbury Brighter Strategic Community Plan

Pillar	Performance
Aspiration:	Leading with purpose and robust governance.
Outcome 14	A well-informed community that is deeply engaged in decision making.
Objective 14.1	Effectively inform and engage the community about local issues, facilities, services and events.

Regional Impact Statement

The 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. The BEAC comprise of members from the Greater Bunbury region.

Background

Brian Rettinger, a community member on BEAC, was appointed to the committee at the Ordinary Council Meeting on 7 November 2023, and submitted his resignation on 8 April 2024. The reason stated for the resignation was due to conflicting commitments.

The City's Committee Book outlines membership of BEAC to comprise eight (8) voting members comprising:

- Three (3) City of Bunbury Councillors.
- A Bunbury Chamber of Commerce and Industries Representative.
- A Bunbury Regional Entertainment Centre Representative.

- Three (3) Community Representatives.

Council Policy Compliance

BEAC operates under the Council's Code of Conduct.

Legislative Compliance

Local Government Act 1995.

Section 5.19 of the *Local Government Act 1995* states that a quorum for BEAC requires at least 50% of the number of members (whether vacant or not). As BEAC comprises eight (8) members, the committee requires four (4) members to achieve a quorum.

Officer Comments

The vacant position representing the community on BEAC, was advertised from 6 May and closed on 20 May 2024. The advertisement featured on the City of Bunbury's social media platforms, e-newsletter and City Focus editions.

Applicants were assessed on their responses through a matrix, as attached Confidential Appendix 10.2.1-A. The three (3) questions were equally weighted and scored out of five (5), which were included in the application to determine the skills, attributes and passion they would bring to BEAC.

The combined scores of each applicant were tallied to identify the most appropriate candidate to fulfil the vacant positions.

The following Council Officers completed the assessment matrix:

- Shae Phillips, Manager Communications and Place Activation
- Juaini Taylor, Team Leader Place Activation
- Caddy Richards, Grants Officer

Analysis of Financial and Budget Implications

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

Community Consultation

Nil.

Councillor/Officer Consultation

Nominations received for the BEAC vacancies were assessed by the support staff on the BEAC.

Applicant Consultation

At the last BEAC meeting on 17 April 2024, the committee endorsed the advertisement of the vacant position.

Timeline: Council Decision Implementation

The committee will be made aware of the BEAC appointment in this regard immediately following appointment.

Outcome of Meeting 4 June 2024

The recommendation (as written) was moved by Cr Steele 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 094/24

That Council appoints the candidate identified at Confidential Appendix 10.2.1-A to fill the vacant community representative position on the Bunbury Events Advisory Committee to serve out the remainder of the term, ending in October 2025.

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

For transparency, the candidate identified at Confidential Appendix 10.2.1-A is Ben Jauncey.

Council Policy Compliance

Not applicable.

Legislative Compliance

Section 6.19 requires that Council gives public notice of its intention to impose any new fees and charges if this is not considered at the time of adopting the annual budget. Council is also required to advise the date which the proposed fees and charges will be imposed.

Officer Comments

Officers have reviewed the current Fees and Charges. This has resulted in a number of changes including the removal and increase in fees, and the introduction of several new fees. Increases have been kept to a minimum while trying to balance community benefit with cost increases and remaining commercially competitive. The City has no control over increases in Regulatory Fees imposed by other authorities.

The Fees and Charges will be effective from 1 July 2024. Adopting these now will allow more time for the public to be advised of the Fees and Charges for 2024/25.

Key Highlights:

- Most Council Fees & Charges will increase by approximately 4.1%
- Parks and Reserves:
 - Increase in fees for reticulation site preparation for events to include plant costs and mobilisation.
- Waste:
 - Increase in waste fees for plant hire and special events to align with actual cost.
 - Removal of 1100 Bin Hire for special events.
 - Removal of clean bin swap service as it was not cost effective.
 - New fees for event area preparation and clean-up (if required) to cover cleaning after privately run events. Note: this is in addition to standard cleaning schedules.
- Planning and Development:
 - Updated regulatory Swimming Pool/Spa safety barrier inspection fee for existing pools and spas (Increase from \$14.62 to \$30.00 p.a.).
 - New regulatory Swimming Pool/Spa safety barrier inspection fee for new or altered pools (\$312).
- South West Sports Centre:
 - New price option for casual shower usage due to increased demand (\$3.00).
 - Change in SWSC corporate memberships reduced from 10 to 5 people.
 - New cheaper price option for not for profit for casual hire of sport grounds.
 - New fee for the cleaning of Hands Oval toilets and change rooms after a private booking (if required, at cost).
- Rangers and Emergency Management:
 - Removal of replacement cost of dog/cat registration tags as no other Councils charge this fee.
- Parking:
 - Visitor Carparks will increase by \$0.40 or \$0.50 per hour, depending on location.
 - All Day Carparks will increase by \$0.40 per hour or \$1.80 per day.

Note: Car parking operations for 2024/25 are budgeted to have a loss of \$140K without any adjustment to the parking fees. The proposed increase in car parking fees will increase revenue by \$55K and reduce this loss to \$85K.

- Environmental Health:
 - New fee option for smaller public buildings requiring inspection and Certificate of Approval before opening (\$112.00, previously \$240.00).
 - New fee to reassess public building that have been altered/extended and require a new Certificate of Approval (\$112.00).
 - Removal of general sampling requests for Test Drinking Water Supplies & Test New Subdivision as this is now completed by Aqwest as of 1st July 2024.

Analysis of Financial and Budget Implications

There is no impact to the current budget as the new fees and charges are effective from 1 July 2024. The Schedule of Fees and Charges forms part of the 2024/25 Annual Budget.

Community Consultation

Community consultation will take place with advertising in the local newspaper and copies of the proposed Fees and Charges available from the City's website, libraries, and Customer Service Centre.

Councillor/Officer Consultation

Officers have reviewed the proposed fees and charges, and a Councillor workshop was held on 28 May 2024.

Timeline: Council Decision Implementation

The Schedule of Fees and Charges will apply from 1 July 2024.

Outcome of Meeting 4 June 2024

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

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

Council Decision 095/24

That Council:

- 1. Adopts the Schedule of Fees and Charges effective 1 July 2024.***
- 2. Requests the Chief Executive Officer advertise the 2024/25 Fees and Charges in accordance with Section 6.19 of the Local Government Act 1995.***

CARRIED BY ABSOLUTE MAJORITY

9 votes "for" / 2 votes "against"

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

Councillors Andrew and Ghasseb voted against.

10.7 Introduction of a Waste Levy in 2024/25 (listed as 10.3.3 in the agenda)

File Ref:	COB/6662
Applicant/Proponent:	Internal
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate & Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Nil

Summary

The purpose of this report is to seek Council’s support for the introduction of a Waste Levy as part of the draft 2024/25 Annual Budget.

The levy would fund the following activities:

1. Support waste services within the City
2. Address historical issues and future developments at the Bunbury Harvey Regional Council
3. Investigate and remediate historic contaminated sites within the City

Council’s direction on this matter will assist staff in preparing the draft budget which will be presented to Council for adoption on 23 July 2024.

Executive Recommendation

That Council supports the introduction a Waste Levy under the Section 66 of the Waste Avoidance and Resource Recovery Act 2007 of \$70 on all rateable properties in the 2024/25 financial year to:

- Support waste services within the City
- Address historical issues and future developments at the Bunbury Harvey Regional Council
- Investigate and remediate historic contaminated sites within the City.

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

There is no regional impact as the Waste Levy is only applicable to Bunbury rateable properties.

Background

It is proposed that the Waste Levy would be used for the following purposes:

1. Support waste services within the City

The City is planning for the replacement of the following equipment:

2 x Side Load Rubbish Trucks	24/25	\$1,000,000
1 x Road Sweeper	25/26	\$ 500,000
3 x Side Load Rubbish Truck	27/28	\$1,500,000
1 x Rear Load Rubbish Truck	32/33	\$ 500,000

2. Address historical issues and future developments at the Bunbury Harvey Regional Council –

Timber Waste	\$3,000,000
Banksia Road	\$2,000,000
Capping	\$8,000,000
Operating Subsidy	\$ 950,000 (possibly another 2-3 years?)
Post Closure	\$ 220,000 (monitoring costs p.a. if the site was closed)

3. Investigate and remediate historical contaminated sites within the City:

- 5 x Sites with investigations complete and solutions being implemented (19.7Ha)
- 4 x Sites require further remediation or investigation (40.2Ha)
- 4 x Sites require investigation (62.2Ha)
- 2 x Sites to be determined (25.6Ha)

Preliminary Site Investigations	\$10,000 - \$15,000 (5 to be done)
Detailed Site Investigation	\$100,000 - \$150,000 (11 to be done)
Remediation can range from \$50,000 (Airport) to \$1,300,000 (Nuytsia Ave) or \$2,700,000 (Big Swamp based on old Masterplan).	

Council Policy Compliance

Not applicable.

Legislative Compliance

Waste Avoidance and Resource Recovery Act 2007, Section 66, Local government may impose waste collection rate.

- (1) A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides.
- (2) The annual rate must not exceed —
 - (a) 12 cents in the dollar on the gross rental value; or
 - (b) where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.
- (3) The provisions of the *Local Government Act 1995* relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection (1).

Officer Comments

The meet the purposes of the Waste Levy, the total amount of funds raised would require the Levy to operate for at least the next 4 years. The amount raised in each year would be determined by Council when adopting the budget for that year. Any unspent funds in each year would be held in the Waste Reserve until required and could only be used for the purposes of the Waste Levy.

The following is an example of other councils imposing a Waste Levy.

<u>Council</u>	<u>Purpose</u>	<u>Waste Levy</u>
Harvey	Waste Facilities Maintenance Rate	\$50
Busselton	Waste Infrastructure Development	\$87.50
York	Operate Transfer Stations	\$97
Capel	Waste Services and Infrastructure	\$100
AMR	Waste Facilities Maintenance	\$170
Waroona	Waste Operations	\$228

Analysis of Financial and Budget Implications

The following table shows the total amount that would be raised under various Waste Levy options based on the 16,739 Rateable properties within the City:

<u>Waste Levy Options</u>	<u>Total Raised</u>
\$10	\$167,390
\$30	\$502,170
\$50	\$836,950
\$70	\$1,171,730
\$90	\$1,506,510
\$100	\$1,673,900

Community Consultation

Should Council support the introduction of a Waste Levy in 2024/25, the City would undertake a public information campaign that would go out with the Rate Notices to explain the purpose of the Waste Levy and the benefits this would provide to the community.

Councillor/Officer Consultation

The introduction of a Waste Levy was discussed at Councillor budget workshops held on the 13 October 2023 and 9 May 2024. A further Budget Workshop is schedule for 11 June 2024 prior to presenting the Budget for adoption on 23 July 2024.

Timeline: Council Decision Implementation

Staff will immediately include the Waste Levy in the development of the draft 2024/25 Annual Budget.

Outcome of Meeting 4 June 2024

Janis Tutisai delivered a deputation to Council in relation to this item.

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

The Mayor put the motion to the vote, and it was LOST 3 votes for / 8 votes against.

Councillors Kozisek, Steele and Smith voted for.

Mayor Miguel and Councillors Andrew, Brown, Ghasseb, Quain, Ramesh, Steck and Turner voted against.

Cr Steele moved, and Cr Turner seconded an alternative motion as follows:

That Council supports the introduction of a Waste Levy under the Section 66 of the Waste Avoidance and Resource Recovery Act 2007 of \$50 on all rateable properties in the 2024/25 financial year to:

- *Support waste services within the City*
- *Address historical issues and future developments at the Bunbury Harvey Regional Council*
- *Investigate and remediate historic contaminated sites within the City.*

The Mayor put the motion to the vote, and it was LOST 4 votes for / 7 votes against.

Councillors Kozisek, Steele, Smith and Turner voted for.

Mayor Miguel and Councillors Andrew, Brown, Ghasseb, Quain, Ramesh, and Steck voted against.

Cr Ghasseb moved, and Cr Steck seconded a further alternative motion as follows:

That Council not support a waste levy but include this consideration as part of the setting of the waste refuse charges in adopting the 2024/25 budget.

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

Council Decision 096/24

That Council not support a waste levy but include this consideration as part of the setting of the waste refuse charges in adopting the 2024/25 budget.

CARRIED

7 votes "for" / 4 votes "against"

Mayor Miguel and Councillors Andrew, Brown, Ghasseb, Quain, Ramesh, and Steck voted "for"

Councillors Kozisek, Steele, Smith and Turner voted "against"

Regional Impact Statement

There is no regional impact as the SAR is only applicable to Bunbury rateable properties within the Pelican Point Grand Canal Estate.

Background

The SAR was introduced in 1998/99 to raise funds to allow for the periodic dredging, clearing and maintenance of the canal waterways.

All lots in the Grand Canal precinct were purchased knowing that there was a SAR in place to raise funds for the ongoing management and maintenance of the canals.

Council considers the Rate each year to ensure that the specific works will benefit all ratepayers within the Pelican Point Grand Canals area.

The rate set is heavily dependent on the amount of sand build-up and what the anticipated costs and frequency of dredging will be.

There is a total of 169 properties located in the Pelican Point Grand Canals Estate, 98 canal lots and 71 non-canal lots.

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

That Council request the CEO:

- *To have relevant Officers complete a comprehensive review of the Specified Area Rate, Pelican Point Grand Canals according to Section 6.37 of the Local Government Act.*
- *That Section 6.37 (1) be applied fairly to ratepayers or residents of non-Canal Frontage Lots within the area, and that they be subsequently removed from any financial obligation in the specified area, as from the financial year 2024/25.*
- *That ratepayers or residents of Canal Frontage Lots, who are or will be, the direct beneficiaries and users of the canal waterways facility, bear the contribution costs for their on-going dredging, clearing and maintenance as from the financial year 2024/25.*

At the OCM 12 March 2024 the following motion was carried, Council Decision 038/24:

That Council:

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

Council Policy Compliance

Not applicable.

Legislative Compliance

The *Local Government Act*, Section 6.37 Specified area rates

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

- (2) A local government is required to —
 - (a) use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or
 - (b) to place it in a reserve account established under section 6.11 for that purpose.

Officer Comments

It is currently estimated that it will cost \$900K-\$1M for dredging the canals, with works planned in the next 2 years (if required).

There is currently \$714,655 in the Canal Management Reserve.

The SAR – Grand Canals raised \$56K in 2023/24, an average of \$332 per property.

Under the Local Government Act, Section 6.37 Specified Area Rate requires that a ‘benefit’ is required for the City to charge for the cost of the specific works, i.e. dredging of the canals. However, this benefit does not have to be equal. It is noted that the properties have different benefits based on their location i.e. dwellings that have:

- 1. Direct frontage to the canals
- 2. No canal frontage but have views to the canals
- 3. No frontage or views to the canals.

The Valuer General (Landgate) recognises this and adjusts its valuation (Gross Rental Value) using their own Pelican Point Canal Estate GRV sub market area based on the above three locational scenarios; even those with no canal frontage. The GRV is determined accordingly.

This is shown in the following table with Canal frontage lots having a higher valuation which sees them contribute more to General Rates and the SAR.

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

Landgate has also advised that a standard residence (not influenced by a canal frontage) in the Canals Estate is assessed higher than the other sections of Pelican Point, being the Lakes Estate and the Golf Course Estate. The difference in the GRV assessing charts show that the Lakes Estate is approx. 10% below the Canals and the Golf Course Estate is approx. 5% below the Canals.

As the canals provide higher property values and greater amenity (i.e. the attractiveness of the area due to the canals) than other properties within Pelican Point, it is considered that the cost of ongoing management and maintenance of canals benefits all properties, and that all should contribute to this cost based on the GRV of their property.

Analysis of Financial and Budget Implications

There are no financial or budget implications on the current 2023/24 adopted budget.

Any change to the area of the Specified Area Rate, e.g. not including non-canal frontage properties would result in either an increase in the annual contribution for remaining properties, or leave inadequate funds being available when dredging of the canals are required.

Community Consultation

Community consultation is not required at this stage. Consultation would be required if the current SAR is changed. The SAR forms part of the Annual Budget and is detailed on Annual Rate Notice issued to ratepayers.

Elected Member/Officer Consultation

A Councillor workshop on the Pelican Point Grand Canal SAR was held on 7 May 2024.

Timeline: Council Decision Implementation

The Pelican Point Grand Canal Specified Area Rate will form part of the 2024/25 Budget which is scheduled to be adopted by Council on 23 July 2024.

Outcome of Meeting 4 June 2024

Councillor Brown left the meeting at 6:20pm as he had declared a financial interest.

John Collins and Lois Woollams delivered a deputation to Council in relation to this item.

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

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

Council Decision 097/24

That Council:

- 1. Considers that all properties within the Pelican Point Grand Canal Estate benefit from the cost of managing and maintaining the canals due to the higher amenity and higher property values, than other properties, from being part of this precinct.***
- 2. Council continues to charge all properties within the Pelican Point Grand Canal Estate the Specified Area Rate to provide for the ongoing management and maintenance of canals in the 2024/25 Budget.***

CARRIED

9 votes "for" / 1 vote "against"

Mayor Miguel and Councillors Andrew, Kozisek, Quain, Ramesh, Smith, Steck, Steele and Turner voted "for"

Councillor Ghaseb voted "against"

Councillor Brown rejoined the meeting at 6:33pm

Regional Impact Statement

No regional impact as the increase in property rates is only applicable to Bunbury rateable properties.

Background

Each year Council is requested to adopt the proposed increase in property rates to provide guidance to staff in preparing the draft annual budget.

As the increase in the property rates is a key assumption to balancing the draft budget, providing this advice early ensures that Council has the capacity to fund the services, facilities and projects included in the draft 2024/25 Annual Budget.

Councillor budget workshops have been held on the 13 October 2023, 5 March 2024 and 9 May 2024.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not Applicable.

Officer Comments

The proposed increase in rates (as supported by Council) will be used as the basis for developing the draft 2024/25 Annual Budget

The following table shows the potential increase in average residential rates for 2024/25:

Rate Increase Percentage	Average Increase	Total Rates 2024/25
5%	\$95	\$1,956
6%	\$114	\$1,975
7%	\$132	\$1,993
7.5%	\$142	\$2,003
8%	\$153	\$2,014

Note: With an increase of 8.0% the average residential property would increase by \$153 to a total of \$2,014. The average residential rates for 2023/24 is \$1,861.

From the rate percentage increase it is proposed to allocate a percentage of this for the following purposes:

- 0.5% Coastal Hazard Risk Management and Adaptation (CHRMAP)
- 0.5% City Growth and Major Development Reserve
- 0.5% Asset Management and Renewal Reserve

The balance is the Base Rate Increase to meet raising costs, and new and improved services.

Analysis of Financial and Budget Implications

There are no financial or budget implications on the current 2023/24 adopted budget.

By establishing the proposed rate increase this assists staff in the development of the draft 2024/25 Annual Budget.

The following table shows that an 8.0% Rate increase provides enough funds to essentially cover the budget funding gap. Whereas any rate increase below this would need a significant decrease in expenditure to balance the budget, resulting in a cut to current services or planned maintenance of facilities. Note: Other sources of funds, i.e. reserves and loans funds are not available in 2024/25 as they are allocated for future year budgets.

Rate Increase Percentage	Budget (Shortfall) / Surplus
5%	\$(1.4)M
6%	\$(987)K
7%	\$(532)K
7.5%	\$(304)K
8%	\$(76)K

Options for consideration

Option 1 – Executive Recommendation

That Council request the CEO to prepare the draft 2024/25 Annual Budget based on an **8.0%** Rate increase on all rateable properties.

Option 2

That Council request the CEO to prepare the draft 2024/25 Annual Budget based on an **7.5%** Rate increase on all rateable properties with a \$304K reduction in operating expenditure (yet to be identified).

Option 3

That Council request the CEO to prepare the draft 2024/25 Annual Budget based on an **7.0%** Rate increase on all rateable properties with a \$532K reduction in operating expenditure (yet to be identified).

Community Consultation

Community consultation is not required.

Elected Member/Officer Consultation

Councillor budget workshops have been held on the 13 October 2023, 5 March 2024 and 9 May 2024. A further Budget Workshop is schedule for 11 June 2024 prior to presenting the Budget for adoption.

Timeline: Council Decision Implementation

Staff will immediately use the proposed rate increase in the development of the draft 2024/25 Annual Budget.

Outcome of Meeting 4 June 2024

Janis Tutisai delivered a deputation to Council in relation to this item.

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

During debate, the Mayor moved, and Cr Andrew seconded a motion pursuant to 17.1 of the *City of Bunbury Standing Orders Local Law* that Standing Order 10.5 *Order of call in debate* be suspended. The Mayor put the motion to the vote and it was carried unanimously.

The Mayor put the motion to the vote, and it was LOST 4 votes for / 7 votes against
Councillors Brown, Kozisek, Smith and Steele voted for.
Mayor Miguel and Councillors Andrew, Ghasseb, Quain, Ramesh, Steck and Turner voted against.

The Mayor moved, and Cr Andrew seconded a motion to reinstate Standing Order 10.5 *Order of call in debate*. The Mayor put the motion to the vote and it was carried unanimously.

Councillor Steele moved, and Councillor Kozisek seconded an alternative motion as follows:

That Council request the CEO to prepare the draft 2024/25 Annual Budget based on an 7.0% Rate increase on all rateable properties.

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

Council Decision 098/24

That Council request the CEO to prepare the draft 2024/25 Annual Budget based on an 7.0% Rate increase on all rateable properties.

CARRIED

6 votes "for" / 5 vote "against"

Mayor Miguel and Councillors Andrew, Brown, Kozisek, Smith and Steele voted "for"

Councillors Ghasseb, Quain, Ramesh, Steck and Turner voted "against"

10.10 Write-Off of Accounts Receivable 2023/24 (listed as 10.3.6 in the agenda)

File Ref:	COB/5705
Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate & 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 10.3.6-A: 2023-24 Accounts Receivable Debtor Write-Offs

Summary

All endeavours to facilitate collection of the outstanding Accounts Receivable Balances have been exhausted. This list of accounts receivable invoices (as **attached** at Appendix 10.3.6-A) totalling \$6,274.66 is proposed to be written off as at 30 June 2024.

Executive Recommendation

That Council approves the write-off of accounts receivable invoices totalling \$6,274.66 as at 30 June 2024.

*Voting Requirement: **Absolute Majority***

Strategic Relevance

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

Regional Impact Statement

Not applicable

Background

A review of outstanding invoices is regularly conducted to determine that unpaid amounts can be recovered. Account receivable follow-up of unpaid invoices unusually ensures that invoices raised are collected within 90 days of issue. However, there are instances where amounts are deemed to be not collectable or the cost recovery is not economically feasible for the amount outstanding.

In all instances:

- All the necessary measures have been taken to recover the debt,
- The debt remains unpaid for a minimum period of 90 days after its date for payment, and
- A list of debts to be written off is presented to Council.

Council Policy Compliance

This item complies with Council’s policy for the write-off of accounts receivable balances.

Legislative Compliance

In accordance with the provisions of Section 6.12 of the *Local Government Act 1995*, Council may write-off any amount of money which is owed to the local government. An absolute majority vote is required.

Officer Comments

All endeavours to facilitate collection of the outstanding Accounts Receivable Balances have been exhausted.

Analysis of Financial and Budget Implications

The write-off of these accounts receivable balances has been provided for in the current budget, therefore there will be no impact on the 2023/24 budget.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

Council's Executive Leadership Team, Department Managers and Finance staff monitor the City's accounts receivable balance and after all endeavours to facilitate collection have been exhausted outstanding balances are referred to Council.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

30 June 2024

Outcome of Meeting 4 June 2024

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

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

Council Decision 099/24

That Council approves the write-off of accounts receivable invoices totalling \$6,274.66 as at 30 June 2024.

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

10.11 Write-Off of Outstanding Community Services Infringements (listed as 10.3.7 in the agenda)

File Ref:	COB/5705		
Applicant/Proponent:	Internal Report		
Responsible Officer:	David Ransom, Manager Finance		
Responsible Manager:	David Ransom, Manager Finance		
Executive:	Karin Strachan, Director Corporate & 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:	Nil		

Summary

Each year the outstanding infringements from 2 years ago are recommended to Council for write-off.

Endeavours to facilitate the collection of outstanding infringements will continue through the Ministry of Justice Fines Enforcement Registry (FER), however the certainty of success is reduced after 2 years and it is prudent that these amounts are removed from the financial statements to accurately reflect the collectability of infringements.

Although fines will be written off by the City, these fines will remain with FER and the City will receive any monies if successfully recovered.

Executive Recommendation

That Council approves the write-off of 2021/2022 outstanding Community Services Infringements totalling \$20,350.18 as at 30 June 2024.

*Voting Requirement: **Absolute Majority***

Strategic Relevance

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

Regional Impact Statement

Not applicable.

Background

The City aims to collect 90% of infringement notices issued each year. Debt collection actions include internal efforts by staff and lodging infringements with the FER.

The following is a summary of outstanding infringements from 2021/2022. The amounts presented to Council last year for 2020/2021 are also shown as a comparison:

Infringement:	Amount Raised (including penalties) 2021/2022	Outstanding Balance (including penalties) 2021/2022	% Outstanding 2021/2022	Amount Raised (including penalties) 2020/2021	Outstanding Balance (including penalties) 2020/2021	% Outstanding 2021/2021
Parking	\$34,094.30	\$6,797.90	19.9%	\$135,980.50	\$20,960.30	15.4%
Dog Act	\$18,434.00	\$11,714.78	63.5%	\$58,490.30	\$36,485.54	62.4%
Cat Act	\$527.30	\$327.30	62.1%	\$5,241.40	\$3,550.00	67.7%
Litter	\$0.00	\$0.00	0.0%	\$843.20	\$321.60	38.1%
Bushfire	\$1,510.20	\$1,510.20	100%	\$5,876.70	\$664.80	11.3%
Local Laws	\$500.00	\$0.00	0.0%	\$6,198.30	\$1,236.40	19.9%
Off Road Vehicle	\$0.00	\$0.00	0.0%	\$0.00	\$0.00	0.0%
Health Act	\$0.00	\$0.00	0.0%	\$0.00	\$0.00	0.0%
Food Act	\$763.60	\$0.00	0.0%	\$0.00	\$0.00	0.0%
Environmental Protection	\$377.80	\$0.00	0.0%	\$0.00	\$0.00	0.0%
Total	\$ 56,207.20	\$ 20,350.18	36.2%	\$ 212,630.40	\$ 63,218.64	29.7%

During 2021/2022 Community Services issued 514 infringements, totalling \$56,207.20 (original penalty and additional costs) with 435 or 84.6% collected to date. The amount that has not been recovered to date is \$20,350.18. This represents approximately 36.2% of the infringement total (original penalty and additional costs) issued during the 2021/2022 financial year.

The number of infringements issued in the 2021/22 financial year were considerably less than previous years which can be attributed to the changes in parking charges and also the impact of the COVID-19 pandemic.

Council Policy Compliance

This item complies with Council's policy for the write-off of monies.

Legislative Compliance

In accordance with the provisions of Section 6.12 of the *Local Government Act 1995*, Council may write off any amount of money which is owed to the local government. An absolute majority vote is required.

Officer Comments

Although fines will be written off by the City, these fines will remain with FER and the City will receive any monies if successfully recovered.

Analysis of Financial and Budget Implications

The write-off of these infringements has been provided for in the current budget, therefore there will be no impact on the 2023/24 budget.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

This item has been referred to Council after consultation with the Manger Community Wellbeing who will continue efforts to recover outstanding infringements through the FER.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

30 June 2024.

Outcome of Meeting 4 June 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 100/24

That Council approves the write-off of 2021/2022 outstanding Community Services Infringements totalling \$20,350.18 as at 30 June 2024.

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

10.12 Public Open Space Contributions for Subdivisions (listed as 10.4.1 in the agenda)

File Ref:	DD/11/2024/10/1
Applicant/Proponent:	Ross Underwood, Planning Solutions
Responsible Officer:	Alice Baldock, Planning Officer
Responsible Manager:	Barbara Macaulay, Manager Planning and Development
Executive:	Sarah Upton, Acting Director Sustainable Development
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Confidential Appendix 10.4.1-A – Planning Solutions Briefing Note

Summary

Planning Solutions, on behalf of Citygate Properties Pty Ltd, have submitted a request to the City of Bunbury to impose a five-year moratorium on the imposition of a condition requiring public open space (POS) contributions on all built strata, and survey-strata applications in infill areas.

Citygate Properties Pty Ltd obtained development approval to construct 54 apartments and 2 commercial tenancies at the Lot 59 (#2) and Lot 51 (#6) Austral Parade, East Bunbury (Leschenault Quays site). The approval included an advice note advising a POS contribution may be required at subdivision stage in accordance with the requirements of the *Planning and Development Act 2005* and as per the recommendation of draft Development Control Policy 2.3 (DCP2.3).

The applicant and landowner are requesting that the City waive the requirement for future POS contributions for a five-year period for all built strata applications, and survey strata subdivisions in infill areas, stating that the POS contribution is a cost burden and barrier to delivering infill housing.

In the absence of a Public Open Space Audit and Gaps Analysis, the assessment of this proposal by planning staff recommends an interim position of a 5% POS contribution, until such a time that the draft State Planning Framework has been gazetted or until such a time that the City has completed its Public Open Space Audit and Gaps Analysis. Planning staff are recommending that a blanket approach to waiving POS contributions across the City is not supported by Council as it is inconsistent with advice received by the Department of Planning, Lands and Heritage (DPLH).

The DPLH has advised that the City should consider the planning merits of POS contributions on a case-by-case basis. Officers consider the collection of POS contributions plays an important part in planning for current and future infrastructure for the economic and social well-being of the community.

Executive Recommendation

That Council:

1. Do not support the imposition of a blanket five-year moratorium on:
 - a. Imposition of a condition requiring Public Open Space contributions on built strata proposals; and
 - b. Seeking a condition requiring Public Open Space contributions on survey strata subdivisions in infill areas.
2. Support an interim POS contribution position as follows until such a time that the draft Operational Policy 2.3 Planning for Public Open Space is gazetted by the Department of Planning, Lands and Heritage or until the City has completed a Public Open Space Audit and Gaps Analysis to inform the required contribution rate, whichever is sooner

- a. For all built strata, and survey-strata applications in infill areas (i.e. 6 lots/units or more), 50% of the normal public open space contribution, as calculated in accordance with the *Planning and Development Act 2005* will be requested at the time of subdivision.
3. Notes that the City will commission the development of a Public Open Space Audit and Gaps Analysis to gain an understanding the amount, type and distribution of existing POS and to identify any POS shortfalls.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well-planned City
Outcome No.7	A community with high-quality urban design and housing diversity.
Objective No.7.1	Promote responsible planning and development.

Pillar	Place
Aspiration	An integrated, vibrant and well-planned City
Outcome No.8	A Place with attractive and welcoming community spaces where people want to live.
Objective No.8.4	Revitalise the coastline, foreshores, parks and playgrounds.

Regional Impact Statement

The proposal is not considered to have a regional impact.

Background

On 27th November 2023 Citygate Properties Pty Ltd received development approval through the Joint Development Assessment Panel (JDAP) to construct a mixed-use development at Lot 51 (#6) & Lot 59 (#2) Austral Parade, East Bunbury (Leschenault Quays). The proposal was approved with 2 commercial tenancies and 54 residential apartments.

As part of the approval process, an advice note was placed on the determination notice stating the following:

“The applicant is advised that a public open space contribution may be applicable should the lot be subdivided in the future”.

This advice note was placed in accordance with the requirements of Liveable Neighbourhoods and Draft Operational Policy 2.3 Planning for Public Open Space (OP2.3). The advice note placed on the approval notice is not an enforceable condition, instead was applied to inform the applicant that at the later built strata stage, there may be a requirement for a POS contribution.

If a built strata subdivision application is lodged in the future and the City is of the mind to recommend the imposition of a condition for POS contribution in accordance with the planning framework, the application would need to be forwarded to the Western Australian Planning Commission (WAPC) for determination. The City does not have delegation for built strata determinations where a POS contribution is considered. Whilst the City can recommend the condition on a built strata application, the WAPC will be the determining authority on if that condition is applied and enforced. The WAPC is the determining authority for all survey strata subdivision applications, and the City of Bunbury is a referral agency only.

The initial enquiry from Planning Solutions requested that the City impose a five-year moratorium on imposition of a condition requiring POS contributions on built strata applications and infill survey strata subdivisions. Planning Solutions request contained in Confidential Appendix 10.4.1-A included a proposed Council resolution for the proposed five-year moratorium for built strata and survey strata subdivisions.

The Department of Planning, Lands and Heritage (DPLH) have advised the City of Bunbury that (at an officer level) that they do not support such a moratorium as it would be inconsistent with Section 153 of *Planning and Development Act 2005*, Liveable Neighbourhoods and Development Control Policy 2.3 Public Open Space in Residential Areas (DCP 2.3). DPLH have advised that the City has discretion to vary DCP 2.3 and waive the POS contribution, however this should be considered on a case-by-case basis against the relevant planning framework.

Planning Solutions met with representatives from the City of Bunbury in December 2023 and March 2024 to discuss a moratorium for POS contributions for built strata applications for the next five-years. On the basis of this meeting, the City agreed to present an item to Council with the request to waive the POS contributions. City staff have advised the proponent that it did not support a 5 year moratorium on all built strata and survey strata applications as this is inconsistent with the State planning framework.

Council Policy Compliance

Not applicable.

Legislative Compliance

The City has discretion to decide whether it seeks a POS contribution, having regard to the considerations set out in the WAPC's Development Control Policy 2.3 Public Open Space in Residential Areas (DCP2.3) and Development Control Policy 1.3 Strata Titles (DCP1.3), Liveable Neighbourhoods and draft Operational Policy 2.3 Public Open Space.

Liveable Neighbourhoods

State Policy Liveable Neighbourhoods (2007) sets out the requirements of the WAPC for foreshore reserves and public open space and the provision of land for community facilities in urban areas. Liveable Neighbourhoods requires a minimum of 10% of the gross subdivisible area of Structure Plans or subdivisions to be ceded as POS. The policy sets out a minimum percentage of active and passive recreation spaces and requires a balance of district, neighbourhood and local parks which are safe and conveniently located for the majority of residents.

Liveable Neighbourhoods sets out the types of parks and how many residents they should serve:

- Local parks should be provided for local children's play and as resting places. They are designed as small spaces up to 3,000m² and allow for pedestrian connectivity and a sense of place. Local parks should be provided in 150 to 300 metres of safe walking distance to all dwellings.
- Neighbourhood parks are larger parks of around 3,000 to 5,000m² and should each serve 600 to 800 dwellings. These parks should be located between or towards the edge of neighbourhoods and be a maximum of 400m walk from most dwellings.
- District parks are around 2.5 to 7 hectares and should notionally serve 3 neighbourhoods. These parks should be able to accommodate grassed area for both formal and informal games and organised sport, and be within a 600m to 1km walk from most dwellings.

Development Control Policy 2.3 Public Open Space in Residential Areas

The WAPC's Development Control Policy 2.3: Public Open Space in Residential Areas (DCP 2.3) embodies a long-established requirement for 10% of the gross subdivisible area of residential land to be given up and vested in the Crown as a reserve for recreation, generally where the subdivision results in the creation of more than five lots. The DCP 2.3 recognises that it may be preferable to provide cash-in-lieu of land for POS in some circumstances, including where:

- The land area is such that a 10% contribution would be too small to be of practical use;
- There may be sufficient POS already in the locality; or
- POS is planned in another location.

Where ceding 10% of land for POS is not desirable, Sections 153 – 156 of the *Planning and Development Act 2005*, facilitate the payment of money to the Local Government in lieu of giving up land (free of charge) for POS. to determine the cash-in-lieu payable, a licensed valuer is required to undertake a valuation of the land to determine the unimproved market value. The valuation is then provided to the local government to review, and the cash-in-lieu payment is 10% of the land value and must be paid within 90 days.

Local governments collect POS cash contributions and retain the funds in a dedicated account which then can be used to purchase land for new POS or used to redevelop or upgrade existing POS facilities.

Draft Operational Policy 2.3 Planning for Public Open Space

DPLH have advised that this document is not to be used for decision making purposes at this stage, however the draft Operational Policy 2.3 proposes to facilitate the 10% POS contribution to be reduced by up to half where there is some established existing POS.

The changes proposed in the draft policy include amendments to the calculation of the contribution from those subdividing land to make the POS contribution process simpler, more predictable, fairer and more consistent. If the draft Operational Policy is endorsed by the Western Australian Planning Commission (WAPC) the key changes include:

- Subdividers in established suburbs, known as infill sites, may contribute less if there is existing POS available and the additional POS demand can be met within these existing parks. In these situations, the contribution amount will be determined after an endorsed 'POS Needs Analysis' has been undertaken by the local government. If this analysis is yet to be done, a default rate of 5% contribution will apply.
- Where only one additional lot (such as re-subdividing 2 lots into 3 lots) is proposed, a reduction to a default contribution rate of 2.5% applies.
- Where a mix of residential and non-residential land uses is possible, the contribution may be reduced proportional to the planned residential component to default rate of 5% or 7.5%.
- Subdividers of non-residential lots will continue to typically be exempt from a POS contribution unless a demonstrated community need exists.

Development Control Policy 1.3 Strata Titles

This policy deals with those classes of strata title proposals which require the approval of the Western Australian Planning Commission (WAPC) and sets out the criteria to be used in the determination of applications for that approval, as would be applicable for a built strata application for the subject site. Consistent with other legislation surrounding POS contributions, this policy specifies that for a proposal involving more than a small number of lots, the WAPC may require a contribution towards the provision of public facilities, such as POS.

City of Bunbury Local Planning Strategy 2018

The City's Local Planning Strategy 2018 outlines the need for a Public Open Space Strategy. It should be noted that the 2018 Local Planning Strategy is due for a review and there may be opportunity to include POS needs analysis in the Local Planning Strategy review. However, it is recommended that this work is not commenced until certainty is established on draft Operational Policy 2.3.

Officer Comments

Upon review of the above-mentioned planning framework, officers are of the opinion that it would be difficult to justify waiving the POS requirements which sets a default position of requiring 10% POS provision for each subdivision application creating more than 5 lots. The DCP2.3 is clear that a 10% POS contribution is to be sought for all greenfield subdivisions and infill subdivisions.

The 10% POS requirement originally stems from the Stephenson and Hepburn Report 1955 which was loosely based on the English model and assumed an average residential density of 30 persons per hectare. As densities increase, this will necessitate a greater need for easily accessible and improved quality of POS.

State Administrative Tribunal Findings

The State Administrative Tribunal (SAT) has made numerous findings in relation to POS since the gazettal of DCP 2.3. The SAT has consistently upheld the validity of the 10% contribution sought in accordance with DCP 2.3, with key findings as follows:

- Proximity of Regional Open Space does not negate the need for subdividers to cede 10% gross subdivisible area for POS, as Regional and POS serve different functions (Bestry v WAPC, 2019).
- The matter of 'need' or 'nexus' need not be limited to the 400m and 800m walkable catchments, but to strategic planning for POS that may be outside these catchments (Bilecki v WAPC, 2019).
- POS contributions can be sought from built strata-title subdivisions in a similar manner to those sought for green title subdivisions (CNES Property Pty Ltd v City of Gosnells, 2018).
- A POS contribution can be sought for both strata title and green title subdivisions where a subdivision plan does not (and cannot) provide for allocation of POS (Claddagh Holdings Pty Ltd v City of Gosnells, 2014, and Tierney v WAPC, 2011).

Parks and Playgrounds Action Plan 2023

Council endorsed the City of Bunbury Parks and Playgrounds Action Plan 2023-2033 (Action Plan) in 2023 which is to guide the provision, management and design of recreation parks and playgrounds over a 10 year period. Whilst the plan has mapped recreation parks and playgrounds at a suburb level and undertook a broad gaps analysis, the plan clearly states that it has not assessed the

current situation of open space according to the formula set out in planning framework (3.36 hectares per 1,000 people). The plan has broadly identified the areas with the greatest future demand for recreation parks and playgrounds based on population growth, which is the suburbs of Bunbury, Carey Park, East Bunbury, Glen Iris, South Bunbury, Withers and Usher.

For the purpose of this request, the Parks and Playgrounds Action Plan suburb analysis as been reviewed, however officers are unable to utilise this document to determine if there is sufficient POS across the City for the following reasons:

- The Action Plan has not undertaken an analysis on the overall provision of POS per 1000 people.
- The Action Plan has not addressed walkability through a walkability study or catchment analysis.
- The Action Plan has not assessed the quality or amenity of the existing POS.
- The Action Plan has undertaken a broad gaps analysis at the suburb level, rather than the neighbourhood level (i.e. the provision of POS across East Bunbury).
- The Action Plan has assessed Regional Open Space reserves (such as Queens Gardens and Frank Buswell Reserve) as a recreation park.
- The Action Plan has not undertaken an investigation of the location or amount of passive and active recreation spaces in accordance with Liveable Neighbourhoods.
- It is noted that the Action Plan included an action for a POS Strategy to be developed. A POS Strategy would analyse the existing provisions of POS across the City and identify any shortfalls in the POS and its amenities.

It is considered that the percentage of POS land across each suburb in the City of Bunbury varies and may not reflect the current or future community needs, particularly given the increase in population density. In the current situation, the City has no evidence that it has/or has not got sufficient POS provision across each suburb. A POS Audit and Gaps Analysis would need to be undertaken for the City based on the current population and likely growth, to determine if there is a gap in the current POS provision of local or neighbourhood parks. This analysis could then be utilised to inform the City's future position with regards to POS contributions at the subdivision stage.

Recommendation

It is considered that a blanket approach to waiving POS contributions across the City is inconsistent with existing State planning framework in terms of providing essential infrastructure to the community that is of economic and social benefit. Council should note that in the absence of a POS Audit and Gaps Analysis, waiving POS contributions entirely may result in the City not meeting its obligations under the *Planning and Development Act 2005* and catering for the needs of the community in the future.

Whilst acknowledging the above, it is recognised that the draft Operational Policy 2.3 identifies provisions which better respond to contemporary planning and community needs. The policy identifies that a lesser POS contribution may be applied when there is an infill subdivision proposal in a suburb with existing POS. In light of the City not having an existing POS Audit to determine whether a suburb provides sufficient amount or quality of POS, it is considered that a 5% POS contribution is a balanced interim approach to subdivisions until such a time that the draft Operational Policy is gazetted or the City has undertaken an assessment of its POS.

Analysis of Financial and Budget Implications

Officers are unable to qualify the full financial impacts of the five-year moratorium request by the applicant on the City, as they cannot determine the number of applications which may require

payment of a cash-in-lieu contribution for POS. However, it can be advised that over the past three-year period, the City has collected a total of \$239,500 in POS cash-in-lieu contributions which will be reinvested into existing POS within the community.

Officers have estimated the annual rates for the approved mixed-use development at the Leschenault Quays site. It is estimated that the future rates would equate to approximately \$114,150 in residential rates and approximately \$16,500 in commercial rates payable to the City annually.

Specifically with reference to the approved Leschenault Quays development, it is acknowledged that the landowner has raised concerns regarding the viability of the development if a 10% POS contribution is payable at the built strata subdivision stage. Based on a 2023 valuation by Landgate, the estimated cash-in-lieu contribution for 2-6 Austral Parade for the two lots is calculated at \$146,500. Noting, valuations are only valid for 9 months. It is acknowledged that the proposed development would facilitate the objectives of the City's Housing Strategy and positively contribute to the level of available housing stock within the City of Bunbury.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Not applicable.

Applicant Consultation

Planning Solutions have been advised of the report to be presented to Council and of the executive recommendation.

Timeline: Council Decision Implementation

The applicant and landowner will be advised of the Council meeting outcome within 7 days of the unconfirmed minutes being released.

Outcome of Meeting 4 June 2024

Councillors Steck and Quain left the Chamber at 7:29pm as they had each declared a financial interest.

Ross Underwood and Luis Schilling delivered a deputation to Council in relation to this item.

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

The Mayor put the motion to the vote, and it was LOST 3 votes for / 6 votes against.

Councillors Ramesh, Steele and Smith voted for.

Mayor Miguel and Councillors Andrew, Brown, Ghasseb, Kozisek, and Turner voted against.

Cr Brown moved, and Cr Turner seconded an alternative motion as follows:

That Council:

1. *Supports the imposition of a blanket five-year moratorium on:*
 - a. *Imposition of a condition requiring Public Open Space contributions on built strata proposals; and*

- b. Seeking a condition requiring Public Open Space contributions on survey strata subdivisions in infill areas.*
- 2. Agrees that this will only apply to the 'Residential', 'Mixed Use – Residential', 'Mixed Use -Commercial', 'Regional Centre', 'District Centre', Neighbourhood Centre', 'Local Centre' zone in infill areas.*
- 3. Notes that reasons for supporting the moratorium are to incentivise and encourage the supply of infill development and contribute to new affordable housing options consistent with aspirations of the planning framework including clause 5.5 of State Planning Policy 3.0 Urban Growth and Settlement which requires that housing affordability should always be taken account of for development contributions.*

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

Council Decision 101/24

That Council:

1. Supports the imposition of a blanket five-year moratorium on:

- a. Imposition of a condition requiring Public Open Space contributions on built strata proposals; and**
- b. Seeking a condition requiring Public Open Space contributions on survey strata subdivisions in infill areas.**

2. Agrees that this will only apply to the 'Residential', 'Mixed Use – Residential', 'Mixed Use - Commercial', 'Regional Centre', 'District Centre', Neighbourhood Centre', 'Local Centre' zone in infill areas.

3. Notes that reasons for supporting the moratorium are to incentivise and encourage the supply of infill development and contribute to new affordable housing options consistent with aspirations of the planning framework including clause 5.5 of State Planning Policy 3.0 Urban Growth and Settlement which requires that housing affordability should always be taken account of for development contributions.

CARRIED

8 votes "for" / vote "against"

Mayor Miguel and Councillors Andrew, Brown, Ghasseb, Kozisek, Ramesh, Steele and Turner voted "for"

Councillor Smith voted "against"

Councillors Steck and Quain rejoined the meeting at 8:02pm.

11. Applications for Leave of Absence

11.1 Cr Quain

Cr Quain requests a leave of absence from all Council-related business for the following periods:

- 12 to 16 June 2024 inclusive; and
- 19 June to 7 July 2024 inclusive.

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

Executive Recommendation

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Quain is granted leave of absence from all Council-related business for the following periods:

- 12 to 16 June 2024 inclusive; and
- 19 June to 7 July 2024 inclusive.

Outcome of Meeting 4 June 2024

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

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

Council Decision 102/24

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Quain is granted leave of absence from all Council-related business for the following periods:

- **12 to 16 June 2024 inclusive; and**
- **19 June to 7 July 2024 inclusive.**

CARRIED UNANIMOUSLY

11 votes "for" / Nil votes "against"

12. Motions on Notice

Nil

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

Nil

15.2 Public Reading of Resolutions that may be made Public

Nil

16. Closure

The Mayor declared the meeting closed at 8:07pm.

Confirmed this day, 25 June 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 4 June 2024.

Jaysen de San Miguel
Mayor