



City of Bunbury Council

Minutes

25 June 2024



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

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Acknowledgement of Country

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

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Recording and Webstreaming of Meetings

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

3. Announcements from the Presiding Member

Nil

4. Attendance

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor B Andrew
	Councillor G Ghasseb
	Councillor M Kozisek
	Councillor K Turner
	Councillor K Steele
	Councillor P Ramesh
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Ferris
A/Director Infrastructure	Ms A Clemens
A/Director Sustainable Communities	Ms S Upton
Director Corporate and Community	Ms K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Finance	Mr D Ransom
Manager Governance	Mr G Golinski
Manager Waste Operations & Infrastructure Business Services	Ms C Nottle
Governance Officer	Mr L Murphy
Others (Non-Voting)	
Members of the Public	4

4.1 Apologies

Cr Brown and Cr Steck were apologies for the meeting.

4.2 Approved Leave of Absence

Cr Quain is on an approved leave of absence from 19 June to 7 July 2024.

4.3 Attendance at Previous Meetings

*Data begins from 1 July 2023.

Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Brown	Cr Ghasseb	Cr Kozisek	Cr Quain	Cr Ramesh	Cr Steck	Cr Steele	Cr Turner
Ordinary Council Meeting	15/16	16/16	16/16	10/11	16/16	15/16	15/16	10/11	13/16	15/16	16/16
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	13/16	15/16	16/16	10/11	13/16	15/16	15/16	11/11	12/16	13/16	16/16
Audit Committee	3/3	N/A	1/1	N/A	2/2	1/1	2/2	N/A	2/2	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.”*

Councillor Andrew declared an impartiality interest in item 10.2.1 *Proposed closure of Drainage Reserve and have Minister acquire as Crown Land – Lot 133 on Deposited Plan 6803 Willoughby Street, South Bunbury* as he is acquainted with the Veen family.

Councillor Andrew declared an impartiality interest in item 10.3.1 *Bunbury Regional Art Gallery Advisory Group Appointments* as he is acquainted with several of the appointments.

Councillor Andrew declared an impartiality interest in item 10.5.1 *Appointments to Climate Action and Sustainability Working Group* as he is acquainted with two of the nominees.

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

Garry Calgaret asked the following questions:

Question 1

Given that the matter of homelessness has been raised with Minister Punch, what was his response?

Response:

No formal response from Minister Punch has been received at this time. The CEO and Mayor did meet with the Minister who assisted with arranging a meeting with Minister Carey and also requested that any correspondence to Minister Carey be provided to his office.

Question 2

Given that the matter was raised with Minister Carey, what was his response in that meeting?

Response:

Minister Carey provided some verbal feedback during a meeting, however requested a formal letter from the City to which he would provide a response.

Question 3

With regard to Minister Carey's request for a letter from the Council:

- a. Has it been sent?
- b. If so, can the letter be made publicly available?
- c. If so, has there been a response?

Response:

Yes, the City has sent a letter on 11 June 2024. This can be made publicly available and the City is happy to provide a copy to you. The City has not yet received a response from Mr Carey.

Question 4

What is happening with the working group for homelessness?

Response:

This is purely a question of resourcing and other priorities. The CEO has been attending various of these meetings with the Mayor. The City recently established a BRAG advisory group which took a while to establish. The working group is still on the City's agenda, however it is purely a question of time and resourcing.

6.2 Responses to Public Questions Taken ‘On Notice’

At the 4 June 2024 Ordinary Council Meeting, the CEO took several questions on notice from Garry Calgaret. The questions are now presented below with any relevant responses.

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?

Response

At the City of Bunbury Ordinary Council Meeting held 2 April 2024, a unanimous vote was made to support council decision:

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

This matter was raised in a meeting with Minister Carey on 22 May 2024 attended by the Mayor and CEO. A letter will also be sent to the Minister as requested at the meeting. This matter has also been raised with the Minister Punch.

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?

Response

The City can’t speak on behalf of Minister Punch or Minister Carey. The City’s actions are outlined in Question 1.

Question 3

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

Response

The City will know the answer to this once a response to the letter in Question 1 is received

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 4 June 2024 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 4 June 2024 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 25 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 102/24

The minutes of the Ordinary meeting of the City of Bunbury Council held 4 June 2024 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 7.1.2-A: Audit Committee Minutes

Summary

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

- Title: Audit Committee Minutes
Author: Greg Golinski, Manager Governance and Integrated Planning
Appendix: 7.1.2-A

Council Committee Recommendation

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

- Audit Committee 30 May 2024

Voting Requirement: Simple Majority

Outcome of Meeting 25 June 2024

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

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

<p>Council Decision 103/24</p> <p>The following Advisory Committee meeting minutes listed in the report be accepted and noted:</p> <p>1. Audit Committee 30 May 2024</p> <p>CARRIED UNANIMOUSLY 8 votes “for” / Nil votes “against”</p>
--

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for item 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.2.3, 10.3.1, 10.3.2, 10.3.3, 10.3.4, and 10.3.5.

Items 10.2.1, 10.2.2, and 10.5.1 were discussed and voted on separately.

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

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

10. Reports

10.1 Borrowing Levels (listed as 10.1.1 in the agenda)

File Ref:	COB/6329
Applicant/Proponent:	Audit Committee
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate and Community Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

At its meeting held on 30 May 2024, the Audit Committee passed a motion on notice provided by Cr Ghasseb relating to the City’s borrowing levels. As the Audit Committee has no delegated authority, this motion is now presented to Council for consideration.

Committee Recommendation

That Council requests the CEO:

1. Provide to Council an analysis of the “maximum borrowing levels” during the budget deliberations and during the Long Term Financial Plans (LTFP) deliberations.
2. As a part of (1) above, provide a simple year-on-year bottom line variation of the “Outstanding Principal Balance” sourced from the Long-Term Borrowing Plan, from one Long Term Financial Plan (LTFP) to the next LTFP.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

Nil

Background

At its meeting held on 30 May 2024, the Audit Committee passed a motion on notice provided by Cr Ghasseb relating to the City’s borrowing levels. As the Audit Committee has no delegated authority, this motion is now presented to Council for consideration.

Council Policy Compliance

N/A

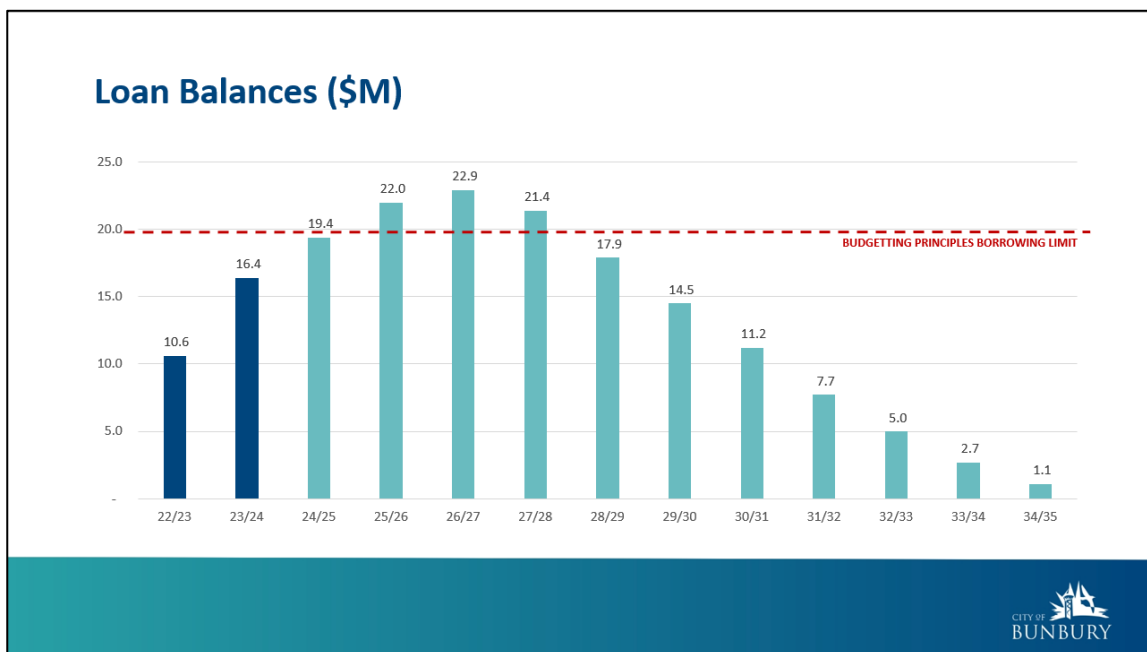
Legislative Compliance

N/A

Officer Comments

This information has previously been provided to Council as part of the Budget Workshops. The following graph shows the total loan borrowings included in the current Long Term Financial Plan (LTFP) with the assumption of a \$20M maximum borrowing limit.

Actual loan borrowing have never reached the maximum limit of \$20M, but it is forecast to exceed this limit in 2025/26 as shown in the graph. Note: The forecast loan borrowing are taken from the LTFP adopted on 25 July 2023.



As the LTFP is updated each year, the funding requirements in the plan is also changed, including the amount of loan borrowing, as new projects are added, and the cost of future projects are revised or removed.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.

Outcome of Meeting 25 June 2024

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

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

Council Decision 104/24

That Council requests the CEO:

- 1. Provide to Council an analysis of the “maximum borrowing levels” during the budget deliberations and during the Long Term Financial Plans (LTFP) deliberations.**
- 2. As a part of (1) above, provide a simple year-on-year bottom line variation of the “Outstanding Principal Balance” sourced from the Long-Term Borrowing Plan, from one Long Term Financial Plan (LTFP) to the next LTFP.**

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

10.2 Bunbury Harvey Regional Council Requests (listed as 10.1.2 in the agenda)

File Ref:	COB/6329
Applicant/Proponent:	Audit Committee
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Corporate and Community Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

At its meeting held on 30 May 2024, the Audit Committee passed a motion on notice provided by Cr Ghaseb relating to the Bunbury Harvey Regional Council (BHRC). As the Audit Committee has no delegated authority, this motion is now presented to Council for consideration.

Committee Recommendation

That Council requires the Bunbury Harvey Regional Council to:

1. Submit annual funding requests required from the City no later than 30 April each financial year for consideration in the City of Bunbury Annual Budget.
2. Submit a Long Term Financial Plan no later than 30 April each financial year.
3. Submit a rolling five 5-year plan of future funding required from the City of Bunbury by 30 April each financial year.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

Nil

Background

At its meeting held on 30 May 2024, the Audit Committee passed a motion on notice provided by Cr Ghaseb relating to the Bunbury Harvey Regional Council. As the Audit Committee has no delegated authority, this motion is now presented to Council for consideration.

Council Policy Compliance

N/A

Legislative Compliance

N/A

Officer Comments

The City is proactive in identifying BHRC funding requirements in collaboration with the BHRC as much as is possible. These considerations feed into the budgeting process.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.

Outcome of Meeting 25 June 2024

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

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

Council Decision 105/24

That Council requires the Bunbury Harvey Regional Council to:

- 1. Submit annual funding requests required from the City no later than 30 April each financial year for consideration in the City of Bunbury Annual Budget.**
- 2. Submit a Long Term Financial Plan no later than 30 April each financial year.**
- 3. Submit a rolling five 5-year plan of future funding required from the City of Bunbury by 30 April each financial year.**

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

10.3 Disability Access and Inclusion Plan Progress Report 2023 – 2024 (listed as 10.1.3 in the agenda)

File Ref:	COB/1848
Applicant/Proponent:	Disability, Access and Inclusion Committee (DAIC)
Responsible Officer:	Sue Alexander, Community Development Officer - Inclusion
Responsible Manager:	Georgia-Mae O'Brien, Acting Manager, Community Connection
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.3-A: Disability Access and Inclusion Plan Progress Report 2023-2024

Summary

The purpose of this report is for Council to review and endorse the Disability Access and Inclusion Plan (DAIP) Progress Report for 1 July 2023 to 30 June 2024 (**attached** at Appendix 10.1.3-A), for submission to the Disability Services Commission.

Committee and Executive Recommendation

That Council endorses the Disability Access and Inclusion Plan (DAIP) Progress Report (**attached** at Appendix 10.1.3-A) and requests the CEO submit the report to the Disability Services Commission.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy, and connected community
Outcome 4	A compassionate and inclusive community
Objective 4.2	Support vulnerable groups, including aged persons and those with disability

Regional Impact Statement

The DAIP Progress Report will be submitted to the Disability Services Commission. Following review by the Disability Services Commission, some achievements may be recognised by the Minister for Disability Services to be included in the State DAIP report.

Background

It is a requirement of the Disability Services Act (1993) that all Local Governments develop and implement a Disability Access and Inclusion Plan (DAIP) that outlines the ways in which they will ensure that people with disability have equal access to its facilities and services.

The Disability Access and Inclusion Committee (DAIC) reviews the progress of the organisation in relation to progress against the objectives of the Community Strategic Plan in relation to disability access and inclusion, as per the Committee's Terms of Reference.

The Disability Services Commission requires an annual DAIP report outlining actions achieved by the City of Bunbury directly aligning with the seven DAIP outcomes set by the Commission. This report is required to be submitted by 31 July 2024.

Council Policy Compliance

The DAIC operates under the Council's Code of Conduct.

The City's DAIP commitments are outlined in the Access and Inclusion Council Policy.

Legislative Compliance

Disability Services Act 1993 (amended 2004)
Local Government Act 1995

Officer Comments

The DAIP Progress Report (**attached** at Appendix 10.1.3-A) provides an opportunity for the City to reflect on achievements from 1 July 2023 to 30 June 2024, as well as to plan for future achievements that align with the DAIP outcomes.

All activities listed in the report are either new activities or ongoing projects that the City of Bunbury have implemented during the last financial year.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from this report.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Not applicable.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The City will submit the DAIP report to the Disability Services Commission once it has been endorsed.

Outcome of Meeting 25 June 2024

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

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

Council Decision 106/24

That Council endorses the Disability Access and Inclusion Plan (DAIP) Progress Report (attached at Appendix 10.1.3-A) and requests the CEO submit the report to the Disability Services Commission.

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

10.4 Resignation of Disability Access and Inclusion Committee Member (listed as 10.1.4 in the agenda)

File Ref:	COB/516
Applicant/Proponent:	Disability, Access and Inclusion Committee (DAIC)
Responsible Officer:	Sue Alexander, Community Develop Officer – Inclusion
Responsible Manager:	Georgie – Mae O’Brien, Acting Manager Community Connections
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purpose <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.4-A Resignation of Tania McInnes former Service Provider committee member of the Disability, Access and Inclusion Committee.

Summary

The purpose of this report is for the Disability Access and Inclusion Committee (DAIC) to note on 23 April 2024, Tania McInnes resigned as Service Provider Representative on the Disability Access and Inclusion Committee (DAIC).

Executive Recommendation

That Council:

1. Accept the resignation of Tania McInnes from the DAIC (**attached** at Appendix 10.1.4-A).
2. Request the Chief Executive Officer formally thanks Tania McInnes for her contribution to the DAIC including supporting the development of the DAIP 2023-2028 and its implementation.
3. Request the position of Service Provider Representative for the DAIC be readvertised for nominations.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy, and connected community
Outcome 4	A compassionate and inclusive community
Objective 4.2	Support vulnerable groups, including aged person and those with disability.

Regional Impact Statement

The Disability Access and Inclusion Committee provides opportunity for community members to contribute to decisions that benefit Bunbury, through input on the provision of accessible and inclusive facilities, open spaces, programs and services. This ensures that Bunbury is welcoming and inclusive for all who visit and live in the Greater Bunbury region.

Background

Tania McInnes has been representing Advocacy WA as a DAIC Service Provider member since January 2023. At the Ordinary Council Meeting held on the 2 November 2021 meeting, Advocacy WA was endorsed as the Service Provider for the DAIC (Council Decision 225/21).

Council Policy Compliance

The DAIC operates under the Council's Code of Conduct.

Legislative Compliance

Disability Services Act 1993 (amended 2004)
Local Government Act 1995

Officer Comments

There is one (1) Service Provider Representative within DAIC. Due to the disbandment of DAIC as per the City of Bunbury Ordinary Elections; nominations for DAIC members were conducted in October 2023. Tania McInnes was successful in obtaining the Service Provider Representative position on DAIC.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from the recommendations of this report.

Community Consultation

Not applicable.

Councillor/Officer Consultation

This item was tabled at DAIC meeting held 22 May 2024.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Not applicable.

Outcome of Meeting 25 June 2024

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

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

Council Decision 107/24

That Council:

- 1. Accept the resignation of Tania McInnes from the DAIC (attached at Appendix 10.1.4-A).**
- 2. Request the Chief Executive Officer formally thanks Tania McInnes for her contribution to the DAIC including supporting the development of the DAIP 2023-2028 and its implementation.**
- 3. Request the position of Service Provider Representative for the DAIC be readvertised for nominations.**

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

10.5 Strategic Advocacy Priorities Status Report - Period ending 30 April 2024 (listed as 10.2.3 in the agenda)

File Ref:	COB/5571
Applicant/Proponent:	Internal Report
Responsible Officer:	Coni Zangari - Senior Strategic Partnerships, Advocacy and Funding Officer
Responsible Manager:	Jessica Kelly, Acting Manager Economic Development
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.2.3-A Advocacy Status Report for the period ending 30 April 2024

Summary

The purpose of this report is to present Council with an update on the City of Bunbury’s strategic advocacy priorities for the period 1 January to 30 April 2024.

Executive Recommendation

That Council notes the Strategic Advocacy Priorities Status Report, for the period ending 30 April 2024 as presented at Appendix 10.2.3-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

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

Background

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

Updates on the progress of the City of Bunbury’s strategic advocacy priorities are to be formally reported to Council via an Agenda Item every four months. This report serves to present to Council an update for the period ending 30 April 2024.

Council Policy Compliance

City of Bunbury Advocacy and Stakeholder Management Policy

Legislative Compliance

Nil

Officer Comments

A copy of the Strategic Advocacy Priorities Status Report is attached at Appendix 10.2.3-A.

The Phase 2 Advocacy agenda item is scheduled to be Council endorsed at the Ordinary Council Meeting 23 July 2024.

The next status report will be presented in the Council Agenda at the Ordinary Council Meeting 15 October 2024.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

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

Timeline: Council Decision Implementation

Not applicable

Outcome of Meeting 25 June 2024

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

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

Council Decision 108/24

That Council notes the Strategic Advocacy Priorities Status Report, for the period ending 30 April 2024 as presented at Appendix 10.2.3-A.

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

10.6 Bunbury Regional Art Gallery Advisory Group Appointments (listed as 10.3.1 in the agenda)

File Ref:	COB/4197
Applicant/Proponent:	Internal
Responsible Officer:	Georgia-Mae O’Brien, A/Manager Community Connection
Responsible Manager:	Georgia-Mae O’Brien, A/Manager Community Connection
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

The Bunbury Regional Art Gallery (BRAG) Advisory Group Terms of Reference have been developed and endorsed by Elected Members to provide guidance in progressing the implementation of the BRAG Strategic Action Plan. This item seeks to advise Council of the appointed members of the BRAG Advisory Group, and for the BRAG Advisory Group to commence meeting from end June 2024 and onwards. The two industry experts and the three identified Aboriginal community members have been directly appointed by the selection panel and local Elders, whilst the eight community members were appointed by an open application process.

Executive Recommendation

That Council:

1. Notes the appointment of:
 - a. two industry experts.
 - i. *John Barret Lennard*
 - ii. *Gary Du Four*
 - b. three identified Aboriginal community members.
 - i. *Sandra Hill*
 - ii. *Cori Khan*
 - iii. *Dr Lynette Narkle*
 - c. eight community members.
 - i. *Dellas Bennell*
 - ii. *Sam Brown*
 - iii. *Susan Ecker*
 - iv. *Lloyd Horn*
 - v. *Candice Nannup*
 - vi. *Jo O’Dea*
 - vii. *Robert Schmidt*
 - viii. *Amanda Yip*
2. Notes the continuation of the existing Elected Member representatives on the BRAG Advisory Group as:
 - Cr Cheryl Kozisek
 - Cr Karen Steele
 - Cr Tresslyn Smith
3. Notes the appointment period expiring September 2025.

Strategic Relevance

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

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

Background

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

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

5. *Request the CEO to explore the establishment of a BRAG Foundation to support the expansion and care of the permanent collection, to enhance public programs, and to assist in the development of major exhibitions that will drive tourism and generate alternative revenue streams.*
6. *Request the CEO to explore the development of a levy to support arts and cultural activation in COB in alignment with other regional local government authorities in WA.*

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

At the 2 April 2024 Meeting, Council decision 050/24 endorsed in full the BRAG Advisory Terms of reference and the balance of membership of the advisory group to consist of up to eight regional community members, up to two arts industry experts and up to three identified Aboriginal community members with arts expertise. Council requested the CEO to advertise the vacant regional community member positions and, directly appoint the arts industry experts and three members of the Aboriginal community with arts expertise.

Council Policy Compliance

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

Legislative Compliance

Not applicable.

Officer Comments

Due to the need to ensure that the Advisory Group has expertise in the art and culture field as well as local Aboriginal community artist representation certain individuals were directly appointed (*2 arts industry experts and 3 members of the Aboriginal community with arts expertise*) to this Advisory Group with appropriate consultation approaches. The wider community expressions of interest process allowed for an additional eight candidates to be identified from a list of individuals who have expressed an interest to be part of the Advisory Group.

Analysis of Financial and Budget Implications

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

Community Consultation

Not applicable.

Councillor/Officer Consultation

The Chief Executive Officer, Director Corporate and Community, Cr Cheryl Kozisek, Cr Karen Steele and Cr Tresslyn Smith.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

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

Outcome of Meeting 25 June 2024

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

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

Council Decision 109/24

That Council:

- 1. Notes the appointment of:**
 - a. two industry experts.**
 - i. John Barret Lennard*
 - ii. Gary Du Four*
 - b. three identified Aboriginal community members.**
 - i. Sandra Hill*
 - ii. Cori Khan*
 - iii. Dr Lynette Narkle*
 - c. eight community members.**
 - i. Dellas Bennell*
 - ii. Sam Brown*
 - iii. Susan Ecker*
 - iv. Lloyd Horn*
 - v. Candice Nannup*
 - vi. Jo O'Dea*
 - vii. Robert Schmidt*
 - viii. Amanda Yip*

- 2. Notes the continuation of the existing Elected Member representatives on the BRAG Advisory Group as:**
 - Cr Cheryl Kozisek
 - Cr Karen Steele
 - Cr Tresslyn Smith

- 3. Notes the appointment period expiring September 2025.**

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

10.7 Rate Exemption Application – 56 Wittenoom Street, Bunbury (listed as 10.3.2 in the agenda)

File Ref:	COB/1130
Applicant/Proponent:	South West Community College
Responsible Officer:	Leonie Barwick, Team Leader Corporate Revenue
Responsible Manager:	David Ransom, Finance Manager
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:	Nil

Summary

An application for rate exemption has been received from South West Community College for 56 Wittenoom Street, Bunbury totalling \$31,685 per annum (23/24 rates) under Section 6.26 (f) of the *Local Government Act 1995* – land used exclusively as a non-government school.

Executive Recommendation

That Council grants a rate exemption to South West Community College under Section 6.26 (f) of the *Local Government Act 1995* for 56 Wittenoom Street, Bunbury effective from 1 July 2024.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Accepting the rate exemption application from South West Community College will reduce the City’s rate revenue but will not have a regional impact.

Background

South West Community College have advised they are a not-for-profit organisation and that it is an independent school that provides an alternative approach to education for students who are not otherwise engaging in education. The property currently provides an educational service for 120 students.

South West Community College had been leasing a portion of 16 Victoria Street, Bunbury and this exemption will be removed from 1 July 2024.

Council Policy Compliance

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

Legislative Compliance

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

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land -*
 - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999.*

Officer Comments

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

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

All rate exempt properties are reviewed on a 2 yearly basis, with the next review scheduled for November 2024. The City currently has 429 properties that are exempt which is a loss of rate income of \$1,554,475 per annum.

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

Analysis of Financial and Budget Implications

Approval of this exemption will result in a reduction of rates income of \$31,685 per annum.

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

Community Consultation

There is no requirement for community consultation on this application.

Councillor/Officer Consultation

Councillors have previously been briefed on rate exemptions under the *Local Government Act 1995*.

Applicant Consultation

Not Applicable.

Timeline: Council Decision Implementation

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

Outcome of Meeting 25 June 2024

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

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

Council Decision 110/24

That Council grants a rate exemption to South West Community College under Section 6.26 (f) of the Local Government Act 1995 for 56 Wittenoom Street, Bunbury effective from 1 July 2024.

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

10.8 Rate Exemption Application – 14 Strickland Street, Bunbury (listed as 10.3.3 in the agenda)

File Ref:	COB/1130
Applicant/Proponent:	Relationships Australia (Western Australia) Inc
Responsible Officer:	Leonie Barwick, Team Leader Corporate Revenue
Responsible Manager:	David Ransom, Finance Manager
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:	Nil

Summary

An application for rate exemption has been received from Relationships Australia (Western Australia) Inc for 14 Strickland Street, Bunbury, under Section 6.26 (g) of the *Local Government Act 1995* – land used exclusively for charitable purposes. Prior to this property being purchased by Relationships Australia, this property had already been granted a rates exemption to another organisation that was eligible for a rates exemption.

Executive Recommendation

That Council grants a rate exemption to Relationships Australia (Western Australia) Inc under Section 6.26 (g) of the *Local Government Act 1995* for 14 Strickland Street, Bunbury effective from 1 July 2024.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Accepting the rate exemption application from Relationships Australia (Western Australia) Inc will not have a regional impact.

Background

Relationships Australia (Western Australia) Inc have advised they are a not-for-profit organisation and that it provides a range of government funded programs including headspace Bunbury and 4Families Support Services.

Relationships Australia currently has a rate exemption on 2 properties in the City of Bunbury.

Council Policy Compliance

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

Legislative Compliance

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

6.26. Rateable land

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

Officer Comments

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

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

All rate exempt properties are reviewed on a 2 yearly basis, with the next review scheduled for November 2024. The City currently has 429 properties that are exempt which is a loss of rate income of \$1,554,475 per annum.

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

Analysis of Financial and Budget Implications

Approval of this exemption will result in no reduction of rates income as the property is currently rate exempt with another charitable organisation.

Community Consultation

There is no requirement for community consultation on this application.

Councillor/Officer Consultation

Councillors have previously been briefed on rate exemptions under the *Local Government Act 1995*.

Applicant Consultation

Not Applicable.

Timeline: Council Decision Implementation

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

Outcome of Meeting 25 June 2024

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

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

Council Decision 111/24

That Council grants a rate exemption to Relationships Australia (Western Australia) Inc under Section 6.26 (g) of the Local Government Act 1995 for 14 Strickland Street, Bunbury effective from 1 July 2024.

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

10.9 Schedule of Accounts Paid for the period 1 May 2024 to 31 May 2024 (listed as 10.3.4 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 10.3.4-A Schedule of Accounts Paid	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 May 2024 to 31 May 2024 is attached at Appendix 10.3.4-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$8,033,254.07
2. Trust Account – payments totalling \$21,850.64
3. Visitor Information Centre Trust Account – payments totalling \$2,636.00

Executive Recommendation

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

Outcome of Meeting 25 June 2024

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

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

Council Decision 112/24

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

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

10.10 Bunbury Regional Theatre Incorporated - Endorsement of New Board of Management Members
(listed as 10.3.5 in the agenda)

Applicant/Proponent:	Bunbury Regional Theatre Inc.
Responsible Officer:	Karin Strachan, Director Corporate and Community
Responsible Manager:	Karin Strachan, Director Corporate and Community
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.3.5-A: BREC Board Ratification Request

Summary

The City has received correspondence (attached at Appendix 10.3.5-A) from the Bunbury Regional Entertainment Centre seeking Council endorsement in the appointment and re-appointment of members to the Bunbury Regional Theatre Inc. (BREC Board).

The constitution of the BREC Board requires Council to endorse the membership of the governing Board of Management.

Executive Recommendation

That Council, pursuant to the constitution of the Bunbury Regional Theatre Inc, endorses the re-appointment of Jacqueline Ross for a 2-year term, as well as the 2-year appointment of Michelle Doake, Robbie Potter, Angelique Fransen and Craig Holland.

Voting Requirements: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community.
Outcome 2	A growing hub of culture and creativity.
Objective 2.1	Grow participation in arts, culture and community events.

Regional Impact Statement

BREC services the broader Bunbury-Geographe region as the premier regional entertainment venue.

Background

The City of Bunbury contributes funding annually to support operation of the Bunbury Regional Entertainment Centre. Accordingly, the BREC Board constitution permits at least one (1) sitting Bunbury City Councillor to be a member of its Management Board (this is currently a position occupied by Cr Ramesh). The Constitution also requires all appointments to the Board to be endorsed by the Council.

BREC's Executive Director Ms Fiona de Garis has written to the City advising that nominations are due to be called for Membership of the Board of Management of Bunbury Regional Theatre Incorporated. This year, four Board positions became vacant as of 1st July 2024.

The Board would also like to thank their retiring members, Jenelle Dunn and Simon Jacob, Monica Birkner and Georgia Malone, for their outstanding service.

Council Policy Compliance

There is no Council Policy in relation to this matter.

Legislative Compliance

Nil

Officer Comments

The constitution of the BREC Board requires Council endorsement of appointments to the Board.

In endorsing this recommendation, the City has fulfilled its obligation under the terms of the current Deed of Management and constitution of the BREC Board.

Analysis of Financial and Budget Implications

Appointment of members to the Board will have no effect on the City's existing budget for the Bunbury Regional Entertainment Centre (which is a City of Bunbury asset).

Community Consultation

Nil

Councillor/Officer Consultation

Nil

Applicant Consultation

Nil

Timeline: Council Decision Implementation

The Board of Management requests that the City of Bunbury ratify the appointments to enable the Board to continue to work in supporting and guiding BREC.

Outcome of Meeting 25 June 2024

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

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

Council Decision 113/24

That Council, pursuant to the constitution of the Bunbury Regional Theatre Inc, endorses the re-appointment of Jacqueline Ross for a 2-year term, as well as the 2-year appointment of Michelle Doake, Robbie Potter, Angelique Fransen and Craig Holland.

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

10.11 Proposed closure of Drainage Reserve and have Minister acquire as Crown Land – Lot 133 on Deposited Plan 6803 Willoughby Street, South Bunbury. (listed as 10.2.1 in the agenda)

File Ref:	COB/2276
Applicant/Proponent:	Rebecca and Rhys Veen
Responsible Officer:	Gemma Stewart, Senior Property Officer
Responsible Manager:	Jessica Kelly, Acting Economic Development Manager
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:	10.2.1-A Location Plan

Summary

An application has been received from the owner of 19 Goldsmith Street, South Bunbury, Rebecca and Rhys Veen (the “Applicant”) requesting the City of Bunbury close the adjoining Drainage Reserve and have the Minister of Lands acquire Lot 133 on Deposited Plan 6803 Willoughby Steet, South Bunbury (“Lot 133”) as Crown Land. A location plan is attached at appendix 10.2.1-A. The Applicant then intends to negotiation with the Minister of Lands to acquire Lot 133 to amalgamate this into their private property.

Executive Recommendation

That Council:

1. Endorse the closure of Lot 133 on Deposited Plan 6803 Willoughby Steet, South Bunbury as a dedicated Drainage Reserve subject to Section 58 of the *Land Administration Act 1997*;
2. Endorse the Minister acquiring as Crown land Lot 133 on Deposited Plan 6803 Willoughby Steet, South Bunbury, subject to 52 of the *Land Administration Act 1997*.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The closure of the drainage reserve will have no regional impact.

Background

The Applicant submitted an application requesting the City to proceed with Section 52 of the *Land Administration Act 1997* (Local Government may request the Minister of Lands to acquire as Crown land) due to the Lot 133 being an deceased estate. In 1957 the original parcel of land was subdivided and the remaining portion of land, being Lot 133, remained in the name of the original sub-divider, Charles Evedon Jenour and Edwin Claude Chisolm Eastman. This was a common

practice at the time, but who essentially had no real interest in the land and alienating Lot 133 on the title as a Drainage Reserve.

The Applicant has contacted all property owners located within the City of Bunbury LGA with the surname Jenour and Eastman. However, there were no property owners who claimed the ownership of Lot 133.

Should the Minister of Lands acquire portion of Lot 133, the Applicant will be in contact directly with Department of Planning, Lands and Heritage to purchase the parcel of land and amalgamate into 19 Goldsmith Street, South Bunbury.

Council Policy Compliance

Not applicable.

Legislative Compliance

Section 52 and Section 58 of the *Land Administration Act 1997*.

Officer Comments

All services providers were contacted and there were no objections.

This will assist in the process of removing unnecessary drainage reserve within the City.

Analysis of Financial and Budget Implications

The Applicant is responsible for all costs including the application fee, processing fee, advertising and surveying.

Community Consultation

As per Section 52 and Section 58 of the *Land Administration Act 1997* the City advertised for a period of 35 days notifying the community the City's intension to close the drainage reserve and for the Minister of Lands to acquire Lot 133.

Councillor/Officer Consultation

The City's Development Coordination Unit advised the following:

In 2019 the City Infrastructure Team investigate the drainage running from Goldsmith Street to Willoughby Street on Lot 133.

The stormwater is abandoned and not operating as the pipe is block with material.

In June 2019 after 3 rain events this pipe was confirmed it was not working with no flow in or out.

Applicant Consultation

The City's Property Officer and the Applicant have been in discussions during the application process.

Timeline: Council Decision Implementation

The Applicant and Department of Planning, Lands and Heritage will be contacted immediately following the Council decision to implement the next stage of the process.

Outcome of Meeting 25 June 2024

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

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

Council Decision 114/24

That Council:

- 1. Endorse the closure of Lot 133 on Deposited Plan 6803 Willoughby Steet, South Bunbury as a dedicated Drainage Reserve subject to Section 58 of the Land Administration Act 1997;**
- 2. Endorse the Minister acquiring as Crown land Lot 133 on Deposited Plan 6803 Willoughby Steet, South Bunbury, subject to 52 of the Land Administration Act 1997.**

CARRIED

7 votes "for" / 1 vote "against"

Mayor Miguel and Councillors Andrew, Ghasseb, Kozisek, Ramesh, Smith and Turner voted for.

Councillor Steele voted against.

10.12 Endorsement of Bunbury Geographe Investment Prospectus (listed as 10.2.2 in the agenda)

File Ref:	COB/854
Applicant/Proponent:	Bunbury Geographe Economic Alliance
Responsible Officer:	Jessica Kelly, Acting Manager Economic Growth
Responsible Manager:	Jessica Kelly, Acting Manager Economic Growth
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.2.2-A Letter from Bunbury Geographe Economic Alliance Appendix 10.2.2-B Investment Prospectus

Summary

The Bunbury Geographe Economic Alliance (BGEA) is a partnership encompassing community leadership through four local governments of the Bunbury Geographe sub-region, industry leadership in the resources, energy, transport, engineering, construction, water supply, timber processing, telecommunications, education, consulting and accounting sectors.

The purpose of this report is to seek endorsement of the Bunbury Geographe Investment Prospectus which seeks to remind Governments of the strategic importance of the Region and in particular Greater Bunbury to the States economy and future population growth. It also seeks to show a strong collaboration between the key Local Governments on initiatives that will drive economic development in the Region over the next decade.

Executive Recommendation

That Council:

- Notes the request by the Bunbury Geographe Economic Alliance (Appendix 10.2.2-A) for the City to endorse the Bunbury Geographe Investment Prospectus
- Endorses the Bunbury Geographe Investment Prospectus as presented at Appendix 10.2.2-B to ensure the alignment of key messaging and advocacy.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Prosperity
Aspiration	A strong and diversified economy
Outcome	A strong, resilient and diverse economic hub for the South West
Objective	Attract diversified investment, industry and businesses

Regional Impact Statement

Bunbury is striving to be the South West’s flourishing capital City: a focal point for commerce, industry and international trade that complements and connects with its neighbours in Perth-Peel and the wider South West region of Western Australia.

Background

BGEA works on behalf of members to promote economic growth and development. Their mantra is to help make the Bunbury Geographe area a preferred location to live, work and invest. They advocate for investment by government enabling infrastructure and services, to foster growth in existing enterprises, and to attract new investment. The BGEA covers the local governments of Bunbury, Capel, Dardanup and Harvey.

Priority Projects identified in the Investment Prospectus includes the Kemerton Strategic Industrial Area, the Agribusiness Precinct, the Port Expansion, AMTECH – Advanced Manufacturing and Technology Hub and the Intermodal Terminal.

Council Policy Compliance

There is no Council Policy relevant to this item.

Legislative Compliance

There is no legislative compliance relevant to this item.

Officer Comments

This is recommended for endorsement.

Analysis of Financial and Budget Implications

N/A

Community Consultation

N/A

Councillor/Officer Consultation

Council received a presentation from Brant Edwards, CEO of Bunbury Geographe Economic Alliance on March 19, 2024.

Applicant Consultation

NA

Timeline: Council Decision Implementation

Pending Council endorsement of the Executive Recommendation, the CEO will correspond with BGEA as soon as practicable.

Outcome of Meeting 25 June 2024

Councillor Ghasseb left the meeting at 5:44pm as he declared a financial interest in this matter.

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

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

Council Decision 115/24

That Council:

- 1. Notes the request by the Bunbury Geographe Economic Alliance (Appendix 10.2.2-A) for the City to endorse the Bunbury Geographe Investment Prospectus**
- 2. Endorses the Bunbury Geographe Investment Prospectus as presented at Appendix 10.2.2-B to ensure the alignment of key messaging and advocacy.**

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

Councillor Ghaseb rejoined the meeting at 5:45pm.

10.13 Appointments to Climate Action and Sustainability Working Group (listed as 10.5.1 in the agenda)

File Ref:	COB/5493
Applicant/Proponent:	Internal
Responsible Officer:	Saphron Wheeler, Environmental Sustainability Officer
Responsible Manager:	Aaron Lindsay, Manager Projects and Asset Management
Executive:	Gavin Harris, Director Infrastructure Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Confidential Appendix 10.5.1-A: External Member Appointments – Climate Action and Sustainability Working Group (CASWG)

Summary

This report is presented to Council to endorse the appointments of seven (7) community representatives and request the nomination of two (2) Elected Members for the Climate Action and Sustainability Working Group (CASWG).

Executive Recommendation

That Council:

1. Appoints the preferred candidates as identified at Confidential Appendix 10.5.1-A as the seven (7) community representative positions
2. Appoints Councillors _____ and _____ to represent Council on the Climate Action and Sustainability Working Group.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The CASWG will focus on climate action, sustainability, local climate mitigation and adaptation measures would enrich engagement and collaboration between the City of Bunbury (City), community representatives, local organisations and Council Members.

Background

At the Ordinary Council Meeting on 2 April 2024, Council resolved to support the establishment of the CASWG and the advertisement for six (6) community representatives (Council Decision 052/24). Nominations for the CASWG were advertised from the 6 May 2024 and closed on 3 June 2024.

Council Policy Compliance

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

Legislative Compliance

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

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

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

(a) the need —

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

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

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

Officer Comments

The City received fourteen (14) nominations for the CASWG through the SmartyGrants platform and three (3) Expressions of Interest (EOI) via email, with seventeen (17) nominations and EOIs in total.

City officers are recommending that the membership of the CASWG is expanded from six (6) to seven (7) community representatives to capture the range of diversity and experience presented in the applicant pool.

The City used the below criteria to assess the nominees' applications:

- Background, experience and qualifications
- Areas of expertise or experience (Energy and emissions reduction; Water management, quality and conservation; Biodiversity and ecosystem protection and enhancement; Sustainable transport and urban infrastructure; Circular economy and waste management; Climate resilience and adaptation; Community engagement and behaviour change; other)
- Reason for interest in becoming a member of the Climate Action and Sustainability Working Group.
- Experience in previous or current community organisations, Council Committees or Working Groups.
- General comments made in support of the nomination.

Assessment scoring:

1	Fails to meet criterion
2	Just fails to meet criterion
3	Meets criterion
4	Meets criterion well
5	Meets criterion at high level

In the event that a selected member of the CASWG resigns, City officers will revisit the applicant pool to select a suitable replacement.

Opportunity for engagement on the Coastal Hazard Risk Management Adaptation Plan (CHRMAP)

City officers have identified that the establishment of the CASWG will also provide an opportunity for the City to engage with community representatives on the CHRMAP implementation, from a climate change adaptation lens.

Analysis of Financial and Budget Implications

Nil

Community Consultation

The advertisement featured on the City's social media platforms, e-newsletter and City Focus editions. In addition, the advertisement was distributed through targeted emails to various City networks.

Councillor/Officer Consultation

Nil

Applicant Consultation

Nil

Timeline: Council Decision Implementation

If Council resolve to endorse the seven (7) nominees and appoint two (2) Elected Members to represent Council on the CASWG, the City aims to hosts its first meeting by August 2024.

Outcome of Meeting 25 June 2024

The Mayor called for nominations for the Climate Action and Sustainability Working Group. Councillor Turner nominated to be a member. There were no further nominations, however as there were a number of Councillors not present at the meeting an amended recommendation was proposed as follows:

That Council:

1. *Appoints the preferred candidates as identified at Confidential Appendix 10.5.1-A as the seven (7) community representative positions*
2. *Appoints Councillor Turner to represent Council on the Climate Action and Sustainability Working Group and requests the CEO present an item at the next Council meeting to appoint an additional Council Member representative.*

The amended recommendation 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 116/24

- 1. Appoints the preferred candidates as identified at Confidential Appendix 10.5.1-A as the seven (7) community representative positions**
- 2. Appoints Councillor Turner to represent Council on the Climate Action and Sustainability Working Group and requests the CEO present an item at the next Council meeting to appoint an additional Council Member representative.**

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

11. Applications for Leave of Absence

The below Councillors requested a leave of absence from all Council-related business for the following periods:

- Cr Steele 5 to 17 July 2024
- Cr Ghasseb 5 to 17 July 2024
- Cr Ramesh 1 to 14 July 2024

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*, these Councillors are granted leave of absence from all Council-related business for the following periods:

- Cr Steele 5 to 17 July 2024
- Cr Ghasseb 5 to 17 July 2024
- Cr Ramesh 1 to 14 July 2024

Outcome of Meeting 25 June 2024

The recommendation was moved by Cr Andrew and seconded by Cr Smith.

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

Council Decision 117/24

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

- **Cr Steele 5 to 17 July 2024**
- **Cr Ghasseb 5 to 17 July 2024**
- **Cr Ramesh 1 to 14 July 2024**

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

12. Motions on Notice

12.1 Cr Ghasseb

File Ref:	COB/4309	
Applicant/Proponent:	Councillor Gabi Ghasseb	
Responsible Officer:	Alan Ferris, Chief Executive Officer	
Responsible Manager:	Alan Ferris, Chief Executive Officer	
Executive:	Alan Ferris, Chief Executive Officer	
Authority/Discretion:	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial
Attachments:	Nil	

Cr Ghasseb's Motion

That the City of Bunbury Council request its Chief Executive Officer to undertake a cost reduction investigation and bring back options to Council within 30 days, (and prior to the adoption of the annual Budget).

Cr Ghasseb's Comments

Nil

Officer Comments

The suggested motion including the timeframe is not supported by the CEO.

In the budget workshop on 9 May 2024 the CEO provided information on some key focus areas to reduce expenditure for the City. These identified focus areas are consistent with the outcomes from the "Vision" workshop held in February and also with discussions with elected members in various budget workshops. Significant work will need to be undertaken on the areas identified to inform the City's 2025-26 budget. A process for working through these focus areas will be discussed with elected members through the strategic sessions.

Outcome of Meeting 25 June 2024

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

The Mayor put the motion to the vote, and it was LOST 1 votes for / 7 votes against.

Cr Ghasseb voted for.

Mayor Miguel and Councillors Andrew, Kozisek, Ramesh, Smith, Steele and Turner voted against.

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

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

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

Council Decision 118/24

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

15.1.1 City of Bunbury Commercial Waste Collection Services

15.1.2 Appointment of Director Sustainable Development

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

The meeting was closed to the public at 5:59pm.

15.1.2 Appointment of Director Sustainable Development

File Ref:	Personal File
Applicant/Proponent:	Internal
Responsible Officer:	Alan Ferris, Chief Executive Officer
Responsible Manager:	Alan Ferris, Chief Executive Officer
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Confidential Report CRUSC-2: Appointment of Director Sustainable Development

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

(c), a matter affecting an employee or employees

A confidential report and recommendation will be circulated to members **under separate cover** (Confidential Report CRUSC-2). The report is not for circulation.

Outcome of Meeting 25 June 2024

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

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

<p>Council Decision 120/24</p> <p>That Council:</p> <ol style="list-style-type: none">Note the recommendation contained in the confidential report of the interview panel and the Chief Executive Officer in relation to the appointment of the Director Sustainable Development;Note that following the negotiation and signing of the contract of employment, a formal public announcement be made. <p>CARRIED UNANIMOUSLY 8 votes “for” / Nil votes “against”</p>

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

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

Council Decision 121/24

That the meeting be reopened to the public.

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

The meeting was reopened to the public at 6:22pm.

15.2 Public Reading of Resolutions that may be made Public

The Mayor Read aloud the decisions for the items as follows:

15.1.1 City of Bunbury Commercial Waste Collection Services

That Council:

1. *Note that the current commercial waste service is not a viable business unit as current rates charged do not cover the operational cost for commercial waste collection services.*

and;

2. *Requests the CEO to advise its commercial waste collection service customers that the City will no longer provide a commercial waste collection service from 1 July 2025.*

15.1.2 Appointment of Director Sustainable Development

That Council:

1. *Note the recommendation contained in the confidential report of the interview panel and the Chief Executive Officer in relation to the appointment of the Director Sustainable Development;*
2. *Note that following the negotiation and signing of the contract of employment, a formal public announcement be made.*

16. Closure

The Mayor declared the meeting closed at 6:26pm.

Confirmed this day, 23 July 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 25 June 2024.

Jaysen de San Miguel
Mayor