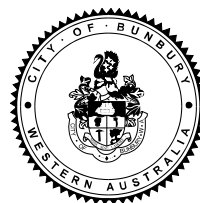




## City of Bunbury Council

### Minutes 23 July 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 welcomed the newly appointed Director Sustainable Development, Andrew McRobert, and Acting Director Infrastructure, Aileen Clemens.

## 2. Disclaimer

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

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

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

### Copyright

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

### Recording and Webstreaming of Meetings

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

### 3. Announcements from the Presiding Member

Nil

### 4. Attendance

<b>Council Members:</b>	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor B Andrew
	Councillor T Brown
	Councillor M Kozisek
	Councillor M Quain
	Councillor K Turner
	Councillor K Steele
	Councillor M Steck
	Councillor P Ramesh
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr A Ferris
A/Director Infrastructure	Ms A Clemens
Director Sustainable Communities	Mr A McRobert
Director Corporate and Community	Ms K Strachan
<b>City of Bunbury Officers (Non-Voting)</b>	
Manager Finance	Mr D Ransom
Manager Governance and Integrated Planning	Mr G Golinski
Manager Waste Operations & Infrastructure Business Services	Ms C Nottle
Manager Planning and Building	Ms B Macaulay
Senior Corporate Communications Officer	Ms K Fielding
Governance Officer	Mr L Murphy
<b>Others (Non-Voting)</b>	
Members of the Public	10

#### 4.1 Apologies

Nil

#### 4.2 Approved Leave of Absence

Nil

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### 4.3 Attendance at Previous Meetings

\*Data begins from 1 July 2023.

Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Brown	Cr Ghasseb	Cr Kozisek	Cr Quain	Cr Ramesh	Cr Steck	Cr Steele	Cr Turner
Ordinary Council Meeting	16/17	17/17	17/17	11/12	16/17	16/17	16/17	11/12	14/17	16/17	17/17
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	14/17	16/17	17/17	11/12	13/17	16/17	16/17	12/12	12/17	13/17	17/17
Audit Committee	4/4	1/1	2/2	N/A	3/3	1/1	2/3	N/A	2/3	N/A	1/1
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	2/2	1/1	N/A	N/A	1/2	2/2	1/2	N/A	0/2	1/2	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	4/4	N/A	N/A	3/3	3/4	4/4	N/A	N/A	4/4	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

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## 5. Declaration of Interest

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A: “a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B: “a person has a **proximity interest** in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”

Regulation 34C (Impartiality): “**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

Councillor Andrew declared an impartiality interest in item *10.4.4 Proposed Scheme Amendment No.13 To City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses At Lot 17 Vittoria Road, Glen Iris* as he lives in Glen Iris.

Councillor Quain declared an impartiality interest in item *10.3.3 Rate Exemption Application – 19 Prinsep Street, Bunbury* as she is a member of the Bunbury Women’s Club.

Councillor Steck declared a financial interest in item *10.4.1 State Administrative Tribunal Section 31 - Reconsideration of Proposed Telecommunications Infrastructure at LOT12 #1 Island Queen Street, Withers*.

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## **6. Public Question Time**

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

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

### **6.1 Public Question Time**

Nil

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

Nil

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

### **7.1 Minutes**

#### **7.1.1 Minutes – Ordinary Council Meeting**

The minutes of the Ordinary meeting of the City of Bunbury Council held 25 June 2024 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the City of Bunbury Council held 25 June 2024 be confirmed as a true and accurate record.

*Voting Requirement: Simple Majority Required*

#### **Outcome of Meeting 23 July 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 122/24**

**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  
10 votes "for" / Nil votes "against"

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### 7.1.2 Minutes – Council Advisory Committees

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

#### Summary

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

1. Title: Policy Review and Development Committee  
Author: Liam Murphy, Governance Officer  
Appendix: 7.1.2-A
2. Title: Audit Committee  
Author: Greg Golinski, Manager Governance and Integrated Planning  
Appendix: 7.1.2-B
3. Title: CEO Performance Review Committee  
Author: Maureen Keegan, Senior Governance Officer  
Appendix: 7.1.2-C

#### Council Committee Recommendation

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

1. Policy Review and Development Committee 18 June 2024
2. Audit Committee 25 June 2024
3. CEO Performance Review Committee 25 June 2024

*Voting Requirement: Simple Majority*

#### **Outcome of Meeting 23 July 2024**

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

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

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**Council Decision 123/24**

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

- 1. Policy Review and Development Committee 18 June 2024**
- 2. Audit Committee 25 June 2024**
- 3. CEO Performance Review Committee 25 June 2024**

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

## **8. Petitions, Presentations, Deputations and Delegations**

### **8.1 Petitions**

Nil

### **8.2 Presentations**

Nil

### **8.3 Deputations**

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

#### 10.4.1 State Administrative Tribunal Section 31 - Reconsideration of Proposed Telecommunications Infrastructure at LOT12 #1 Island Queen Street, Withers

- Jill Thompson
- Peter Ward

#### **Council Decision 124/24**

*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:*

#### **10.4.1 State Administrative Tribunal Section 31 - Reconsideration of Proposed Telecommunications Infrastructure at LOT12 #1 Island Queen Street, Withers**

- **Jill Thompson**
- **Peter Ward**

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

The Mayor noted that Jill Thompson was not present at the meeting, however she had previously indicated that she may be unable to attend.

### **8.4 Council Delegates' Reports**

Nil

### **8.5 Conference Delegates' Reports**

Nil

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## **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 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.8, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.4.2, and 10.4.4.

Items 10.4.1, 10.1.1, 10.1.2, 10.1.3, 10.1.9, 10.1.10, 10.4.3, 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 Kozisek and seconded by Cr Brown.

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## 10. Reports

### 10.1 Review of Council Policy: Registration of Freehold Commercial Leases (listed as 10.1.4 in the agenda)

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Responsible Officer:</b>	Gemma Stewart, Senior Lands Officer
<b>Responsible Manager:</b>	Jessica Kelly, A/Manager Economic Development
<b>Executive:</b>	Alan Ferris, Chief Executive Officer
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.4-A: Registration of Freehold Commercial Leases Council Policy

#### Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Registration of Freehold Commercial Leases. The policy was last reviewed in February 2022 and is now due for its biennial review.

#### Committee Recommendation

That Council note the review of existing Council Policy Registration of Freehold Commercial Leases, with no changes recommended.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

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

#### Regional Impact Statement

Nil.

#### Background

This policy was last reviewed in February 2022 and is presented to Council as part of a biennial policy review process. The policy applies to commercial leases on freehold land between the City and third parties.

#### Council Policy Compliance

This report facilitates the review of an existing Council Policy.

#### Legislative Compliance

N/A

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**Officer Comments**

Officers have undertaken a review of the policy and consider that no changes are necessary at this time.

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Nil

**Elected Member/Officer Consultation**

This policy is presented to Council by the PRDC for consideration.

**Applicant Consultation**

N/A

**Timeline: Council Decision Implementation**

Immediate once Council have endorsed the recommendation.

**Outcome of Meeting 23 July 2024**

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

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

**Council Decision 125/24**

**That Council note the review of existing Council Policy Registration of Freehold Commercial Leases, with no changes recommended.**

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

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## 10.2 Review of Council Policy: Vandalism Graffiti Management (listed as 10.1.5 in the agenda)

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Responsible Officer:</b>	Corrie Nottle, Manager Waste Operations and Infrastructure Business Services
<b>Responsible Manager:</b>	Corrie Nottle, Manager Waste Operations and Infrastructure Business Services
<b>Executive:</b>	Aileen Clemens, A/Director Infrastructure
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.5-A: Revised Council Policy Vandalism Graffiti Management

### Summary

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy Vandalism Graffiti Management. The policy was last reviewed by Council in February 2022 and is due for its biennial review.

A copy of the policy is at Appendix 10.1.5-A.

### Committee Recommendation

That Council endorse the revised Council Policy Vandalism Graffiti Management as presented at appendix 10.1.5-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

This policy applies to the City of Bunbury only.

### Background

The policy was last reviewed in February 2022 and is now due for its biennial review.

### Council Policy Compliance

This report facilitates the review of an existing Council Policy.

---

### **Legislative Compliance**

Nil

### **Officer Comments**

Officers have undertaken a review of the Policy and suggest amendments to enhance clarity within the Policy and reflect the current best practices and legislation.

A copy of the policy with tracked changes is attached at appendix 10.1.5-A.

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

Nil

### **Community Consultation**

Nil

### **Elected Member/Officer Consultation**

This policy is presented to Council by the PRDC for consideration.

### **Applicant Consultation**

N/A

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

Immediate once Council have endorsed the recommendation.

### **Outcome of Meeting 23 July 2024**

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

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

#### **Council Decision 126/24**

**That Council endorse the revised Council Policy Vandalism Graffiti Management as presented at appendix 10.1.5-A.**

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

---

### 10.3 Risk Management Overview and Appetite Statement (listed as 10.1.6 in the agenda)

<b>File Ref:</b>	COB/6329
<b>Applicant/Proponent:</b>	Audit Committee
<b>Responsible Officer:</b>	Jordan Hunt, Team Leader Integrated Planning
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance and Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.6-A: Draft Risk Appetite Statement Appendix 10.1.6-B: Sample Risk Management Report

#### Summary

The purpose of this Report is for the Council to:

1. Consider and recommend to Council the Risk Appetite Statement.
2. Receive an update as to the current status of the City's Enterprise Risk Management Service.

#### Committee Recommendation

That Council:

1. Note the update in relation to the status of the City's Enterprise Risk Management Service; and
2. Endorse the Draft Risk Appetite Statement as presented at Appendix 10.1.6-A, noting that the Risk Tolerance Measures, once determined, will be returned to Council for consideration via the Audit Committee.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

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

#### Regional Impact Statement

Nil

#### Background

This Enterprise Risk Management (ERM) report provides an overview of the City of Bunbury's progress in implementing Risk Management as a service against plan. The report also provides further details of the key activities completed and in progress such as the revised risk appetite statement, development of the Pulse Risk Management software system, and assessment of the organisation's strategic and operational risks.

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A review of the City’s Risk Appetite Statement (RAS) has been completed and is included as an attachment to this report (see Appendix 10.1.6-A). The RAS has been developed based on the City’s Opportunity and Risk Matrix as developed by the Executive in collaboration with Councillors.

The RAS details the types and levels of risk the organisation is willing to accept in pursuit of its objectives. The core of the statement includes specific risk categories and the corresponding appetite levels for each, expressed in qualitative terms, being high, moderate, or low as well as quantitative metrics. The quantitative metrics allow the City to monitor how effectively the organisation is in applying the guidance provided by the statement.

The tolerances set within the statement have been initially determined by the Risk Board and will be subject to review at least annually. The risk tolerance measures are all yet to be determined as they are dependent on the risk tolerances being endorsed first. The measures will be initially identified by the Risk Board following Council endorsement of the risk tolerances, after which they will be provided to the Audit Committee for consideration.

### **Council Policy Compliance**

Risk Management Council Policy  
Risk Management Framework

### **Legislative Compliance**

The Enterprise Risk Management service is developed in the context of Regulation 17 of the *Local Government (Audit) Regulations 1996*.

### **Officer Comments**

Progress against plan is detailed below:

Phase	Key Deliverables	Timeframe	Status
Phase 1: Establishment of the Enterprise Risk Management service	Development of Framework and Operational Risk Register, identification of Risk Owners, development of Risk Reporting Template (ELT), identification of Risk Team requirements (training, space).	March '23 - Jun '23	Completed
Phase 2: Establishment of the organisational risk approach	Development of process maps, trigger maps, Escalation Framework, and organisational tools & templates.	Jul '23 - Sept '23	In progress (Ongoing development, review and refinement of tools and templates occurring to suit Pulse solution)

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Phase	Key Deliverables	Timeframe	Status
Phase 3: Prepare for the implementation of Pulse Software	Identification of user needs, requirements and training, input of system information and update processes in line with software.	Oct '23 - Dec '23	In progress (Pulse solution has been built and is being utilised by the Risk Team as administrators. Role of system to users in progress)
Phase 4: Embedding of Enterprise Risk service and Pulse Software	Internal communications plan and engagement to effectively initiate the embedding of the Enterprise Risk Management service within the organisation.	Jan '24 - Jun '24	In progress (The City has commenced embedding ERM throughout the organisation. The Risk Team is working with Risk Owners to assess risks, capture control information, and learn the Pulse system.
Phase 5: Establishment of Control Assurance Program (BAU)	Schedule, engagement plan and approach for continual improvement of risk controls	Jul '24 - Dec '24	Not started

**Phase 2 Update:**

Having now established the Risk Board and completed the review of the Risk Appetite statement, the focus of the Risk Team has shifted to the processes for identifying and assessing risks across the business as well as for monitoring and reporting risks in a standardised manner.

Progress is underway in developing the identification and assessment processes and tools of the risk management framework. The team is currently developing a comprehensive risk assessment template designed for staff use. The template is automated through SharePoint and facilitates the identification and evaluation of potential risks across various operations. Once completed by staff, the risk team will review these assessments to ensure accuracy and completeness. This process ensures that all relevant information is appropriately incorporated into the risk register, fostering a more thorough and organised approach to risk management.

The City of Bunbury has made significant progress in developing its monitoring and reporting processes for risk management, ensuring comprehensive oversight and accountability. One of the key advancements includes the development of standardised risk management reports tailored to meet the specific requirements of both the risk board and the audit committee. These reports provide consistent, clear, and detailed insights into risk exposure and mitigation strategies, facilitating more informed decision-making. Additionally, the standardised format ensures that all relevant stakeholders receive uniform information, thereby enhancing transparency and coherence in the organisation's risk management practices. An example/sample of the Audit Committee risk management

report that will be provided to the Committee in future is included as an attachment to this agenda report (see Appendix 10.1.6-B).

**Phase 3 Update:**

The Pulse Risk Management solution is a platform designed to enhance the City's risk identification, assessment, and mitigation capabilities. The system facilitates real-time monitoring, reporting, and analysis of risks, ensuring a proactive and data-driven approach to risk management. The design and build phase of the software has been completed, with the training and onboarding of staff now the focus of the team.

The organisation has made commendable progress towards embedding Risk Management as a service within its operations. The integration of the Pulse Risk Management software system, alignment of the risk appetite statement, review of risk registers, and establishment of the Risk Board contribute to a sustainable and proactive approach to enterprise risk management.

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Nil

**Elected Member/Officer Consultation**

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

**Applicant Consultation**

N/A

**Timeline: Council Decision Implementation**

Not applicable

**Outcome of Meeting 23 July 2024**

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

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

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**Council Decision 127/24**

**That Council:**

- 1. Note the update in relation to the status of the City’s Enterprise Risk Management Service; and**
- 2. Endorse the Draft Risk Appetite Statement as presented at Appendix 10.1.6-A, noting that the Risk Tolerance Measures, once determined, will be returned to Council for consideration via the Audit Committee.**

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



#### 10.4 Internal Control Framework (listed as 10.1.7 in the agenda)

<b>File Ref:</b>	COB/6639
<b>Applicant/Proponent:</b>	Audit Committee
<b>Responsible Officer:</b>	Delise Fynn, Internal Auditor
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance & Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.7: Draft Internal Control Framework

#### Summary

An internal control framework has been established for the development of procedures to collectively ensure that financial and non-financial activities of Council are conducted in a proper manner. Through this framework, the City's Council and management can obtain reasonable assurance regarding the achievement of objectives in relation to:

- Effectiveness and efficiency of financial and operational performance goals;
- Internal and external financial and non-financial reporting; and
- Compliance with relevant laws and regulations.

This will be done by identifying risks that will prevent these goals and objectives from being achieved, and then identify what effective controls are required to mitigate identified risks.

#### Committee Recommendation

That Council endorse the draft Internal Control Framework as presented at Appendix 10.1.7-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

N/A

#### Background

The *Local Government (Audit) Regulations 1996* (Regulation 17) requires the following:

1. *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to:*
    - a. *risk management;*
    - b. *internal control; and*
    - c. *legislative compliance.*
-

2. *The review may relate to any or all the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review no less than once every 3 financial years (with effect 28 June 2018).*
3. *The CEO is to report to the audit committee the results of that review.*

During reporting for the above in FY20 and FY23, the development of an internal control framework for the City of Bunbury was identified as an area of improvement. Both reports were endorsed by the audit committee on 5 March 2020 and 13 June 2023, respectively.

In response to a finding raised in the Regulation 17 review reports, an internal control framework has been developed. The details of the existing Internal Control Management policy have been included in the framework and will therefore be revoked.

The aim of the internal control framework is to guide management in developing procedures that will collectively achieve the City's goals and objectives. This is done by identifying risks that will prevent these goals and objectives being achieved, and then identify what effective controls are required to mitigate identified risks.

### **Council Policy Compliance**

The existing Management Policy on Internal Control will be revoked pending the endorsement of the Internal Control Framework.

### **Legislative Compliance**

Regulation 17 of the *Local Government (Audit) Regulations 1996* applies.

### **Officer Comments**

It is requested that Council endorse the Internal Control Framework as recommended by the Audit Committee and provided at Appendix 10.1.7-A.

This Internal Control Framework is based on a pro-active risk management approach that includes regular review and identification of the risks that exist within the City. As part of the framework, an effective Risk Management Framework, which is an integral part of the framework, is maintained.

An effective internal control environment focuses on the following key areas to provide reasonable assurance over Council's activities:

- Control Environment
- Risk Assessment
- Control Activities
- Information and Communication
- Monitoring Activities

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

N/A

### **Community Consultation**

N/A

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**Councillor/Officer Consultation**

The Framework is presented to Council by the Audit Committee for consideration.

**Applicant Consultation**

The Framework is presented to Council by the Audit Committee for consideration.

**Timeline: Council Decision Implementation**

Immediately following decision by Council.

**Outcome of Meeting 23 July 2024**

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

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

**Council Decision 128/24**

**That Council endorse the draft Internal Control Framework as presented at Appendix 10.1.7-A.**

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

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## 10.5 CEO Performance Criteria FY2024-25 (listed as 10.1.8 in the agenda)

<b>File Ref:</b>	COB/515
<b>Applicant/Proponent:</b>	CEO Performance Review Committee
<b>Responsible Officer:</b>	Maureen Keegan Senior Governance Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Confidential Appendix 10.1.8-A Summary Report CEO Performance and Remuneration Review

### Summary

This report considers the development process undertaken by Council Members and the proposed set of CEO Key Performance Criteria for the 2024-25 Financial year for endorsement by Council via the CEO Performance Review Committee.

### Committee Recommendation

That Council:

1. Notes the methodology for the development of the 2024-2025FY CEO Performance Criteria and the outcomes between the parties and the CEO's Performance Review Panel.
2. Endorses the proposed CEO's Performance Criteria 2024-25FY for use in the 2024-2025FY annual CEO performance review cycle in accordance with the City's CEO Performance Review policy, as presented at Confidential Appendix 10.1.8-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

Not applicable

### Background

Development of CEO's performance criteria is an important task that provides the CEO with clear guidelines about the Council's performance expectations and strategic priorities for the review period to ensure the Council and the CEO are moving in the same direction, and that the CEO is accountable for the agreed priority outcomes.

Ensuring the CEO meets performance expectations is important due to an increased focus on governance accountability generally. Regular reviews provide Council with early warnings of

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potential issues/concerns and allow resource allocation or expectations to be renegotiated early if required.

The Council appointed Angie Dominish, Senior Consultant from Price Consulting Group Pty Ltd to assist the Council and CEO with the CEO performance criteria.

The approach regarding the setting of the performance criteria with Council and the CEO was implemented in line with the City's Performance Review schedule to align the activity with the Strategic Community Plan and budget processes. The approach involved:

1. Design and facilitation of the CEO performance criteria workshop with the Council and CEO.
2. Collation and write up of the outcomes from the workshops. Fine tuning of the CEO's Performance Criteria for 2024-2025, including the weightings for each criterion with Councillors and the CEO via an on-line meeting.
3. Council and the CEO considered the proposed suggested KPIs in line with the next financial year's planning and budget decisions.
4. Finalisation of the proposed CEO's Performance Criteria for 2024-2025 with Councillors and the CEO via email.
5. Preparation of the final proposed set of CEO performance criteria for review and endorsement by Council via the CEO Performance Review Panel during the probationary review process.

### **Council Policy Compliance**

The Council Policy CEO Performance and Salary Review authorises the CEO Performance Review Committee to undertake the CEO Performance Review and report findings and recommendations to Council.

### **Legislative Compliance**

Sections 5.38 and 5.39(3)(b) of the *Local Government Act 1995*, which requires that:  
*Local Government (Administration) Regulations 1996*

### **Officer Comments**

The proposed CEO's Performance Criteria have been developed for the 2024/2025 FY performance review cycle in consultation with Council Members and the CEO in line with legislative and regulatory requirements. The performance criteria are aligned to the planning and budget cycle to enable key priorities to be progressed in line with the City's direction and resourcing framework.

The proposed CEO Key Performance Criteria for 2024/2025 is attached at Confidential Appendix 10.1.8-A These performance criteria once endorsed will form the basis for the 2024/2025 FY CEO performance review cycle.

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

Not applicable.

### **Community Consultation**

Not applicable.

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### **Elected Member/Officer Consultation**

Ms Dominish conducted 2 workshops with Elected Members and the Executive Team to confirm the approach regarding the setting of strategic performance criteria and to define the performance requirements for the criterion relating to the delivery of strategic and corporate plan outcomes.

### **Applicant Consultation**

Not applicable

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

Upon adopted by Council, the CEO Performance Criteria will form the basis for the 2024/2025 FY performance review cycle and part of the CEO Contract.

### **Outcome of Meeting 23 July 2024**

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

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

#### **Council Decision 129/24**

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

- 1. Notes the methodology for the development of the 2024-2025FY CEO Performance Criteria and the outcomes between the parties and the CEO's Performance Review Panel.***
- 2. Endorses the proposed CEO's Performance Criteria 2024-25FY for use in the 2024-2025FY annual CEO performance review cycle in accordance with the City's CEO Performance Review policy, as presented at Confidential Appendix 10.1.8-A.***

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

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**10.6 Evolve Transformation Final Program Update** (listed as 10.3.1 in the agenda)

<b>File Ref:</b>	DOC/1324767
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Jordan Hunt, Team Leader Integrated Planning
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance and Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.3.1-A Evolve Final Program Update – June 2024

**Summary**

The attached report provides an update on the progress of the City’s Evolve Transformation Program for the past quarter and is the final update report for the program. It details the progress against the schedule, key achievements and intended activities for the next period, proportion of budget spent, benefits achieved, and details of the social responsibility agreement with technology partner Mastek (previously Evolutionary Systems, “Evosys”).

**Executive Recommendation**

That Council receive and note the Evolve Transformation Final Program Update, as provided at Appendix 10.3.1-A.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

Pillar	Performance
Aspiration	Leading with purpose and robust performance.
Outcome 13	A leading local government.
Objective 13.2	Adopt innovations to improve business efficiencies and the customer experience.

**Regional Impact Statement**

The Evolve Transformation Program (“Evolve”) will make the City of Bunbury the best local government in regional WA and enable us to build a Better Bunbury now and into the future.

**Background**

The Evolve Transformation Program seeks to deliver various levels of efficiencies across all teams. As many of these projects have not yet been completed or fully embedded, the anticipated efficiencies are yet to be fully realised. This has had an impact on the workload of current staff, as this program has required staff to complete significant and ongoing additional activities over and above business as usual, as well as to familiarise themselves with new systems and ways of working. Over time, transformational project completions will continue to provide workplace efficiencies.

A benefits and lessons learnt report will be submitted to Council at the July OCM.

**Council Policy Compliance**

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Tendering for goods and services is conducted in accordance with:

- Purchasing Council Policy; and
- Access and Inclusion Policy.

### **Legislative Compliance**

All elements of the Evolve Transformation Program are developed and rolled out in line with or exceeding the required Legislation.

### **Officer Comments**

Key achievements for the previous period are detailed in the report for the technology and business streams of the program.

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

N/A

### **Community Consultation**

N/A

### **Councillor/Officer Consultation**

Ongoing

### **Applicant Consultation**

N/A

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

It is anticipated that all elements of the Evolve Transformation Program will be implemented over the next 1-2 months, with ongoing culture and change management in the 24 months following to ensure the acquired processes and tools are embedded into the organisation.

### **Outcome of Meeting 23 July 2024**

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

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

#### **Council Decision 130/24**

***That Council receive and note the Evolve Transformation Final Program Update, as provided at Appendix 10.3.1-A.***

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

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**10.7 Evolve Transformation – Evolve Benefits Review June 2024** (listed as 10.3.2 in the agenda)

<b>File Ref:</b>	DOC/1328615
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Jordan Hunt, Team Leader Integrated Planning
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance and Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.3.2-A Evolve Benefits Review 2023-24

**Summary**

The attached report provides an overview of the benefits and lessons learned realised from the City’s Evolve Transformation Program for the period 2021 to June 2024. It details the benefits that were set at the beginning of the program, relevant project deliverables, and lessons learned.

**Executive Recommendation**

That Council receive and note the Evolve Benefits Review 2023-24, as provided at Appendix 10.3.2-A.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

Pillar	Performance
Aspiration	Leading with purpose and robust performance.
Outcome 13	A leading local government.
Objective 13.2	Adopt innovations to improve business efficiencies and the customer experience.

**Regional Impact Statement**

The Evolve Transformation Program’s (“Evolve”) goal is to make the City of Bunbury the best local government in regional WA and enable us to build a Better Bunbury now and into the future.

**Background**

The Evolve Transformation Program seeks to deliver various levels of benefits across all teams. As many of these projects have not yet been completed or fully embedded, the anticipated benefits are yet to be fully realised. This has had an impact on the workload of current staff, as this program has required staff to complete significant and ongoing additional activities over and above business as usual, as well as to familiarise themselves with new systems and ways of working. Over time, transformational project completions will continue to provide workplace efficiencies.

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### **Council Policy Compliance**

Tendering for goods and services is conducted in accordance with:

- Purchasing Council Policy; and
- Access and Inclusion Policy.

### **Legislative Compliance**

All elements of the Evolve Transformation Program are developed and rolled out in line with or exceeding the required legislation.

### **Officer Comments**

The Evolve Program has generated substantial benefits for both the City of Bunbury and the community. These benefits align with the Evolve objectives aimed at creating a stronger, more efficient organisation. Each identified benefit has a specific target goal, which serves as a benchmark to direct program activities and investments.

The Evolve Benefits Review June 2024 is the first report to undertake a comprehensive analysis of the benefits realised since the commencement of the Evolve Transformation Program. It highlights and celebrates the significant efforts the City has put into building a better organisation. While designed to be a thorough account of the organisation's transformation process, it is important to note that the program's extensive scope means not all valuable contributions could be captured in this report.

The report is structured around the nine benefits identified in *the Evolve: Transformation Plan to Build a Better Bunbury 2022*: Better Community Engagement, Improved Service Delivery, Increased Ability to Meet Customer Expectations, More Effective Use of Resources, A More Adaptable Organisation, Enhanced Decision Making, Improved Reputation Within Our Community, Improved Staff Engagement and Satisfaction, and Improved Professional Reputation for the City of Bunbury. Each benefit section details the program components that have contributed to its achievement, supported by both quantitative and qualitative data analysis.

While the report primarily focuses on the tangible and intangible benefits realised through the Evolve Program, it also includes a Lessons Learned summary to support the overarching goal of continuous improvement.

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

N/A

### **Community Consultation**

N/A

### **Councillor/Officer Consultation**

Ongoing

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### **Applicant Consultation**

N/A

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

All elements of the Evolve Transformation Program are expected to be in place by the end of 2024. Following this, there will be ongoing culture and change management efforts for the next 24 months to ensure that the new processes and tools are fully embedded into the organisation.

The Evolve Benefits Review will be conducted annually at the end of the financial year throughout the duration of the program.

### **Outcome of Meeting 23 July 2024**

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

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

#### **Council Decision 131/24**

***That Council receive and note the Evolve Benefits Review 2023-24, as provided at Appendix 10.3.2-A.***

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

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## 10.8 Rate Exemption Application – 19 Prinsep Street, Bunbury (listed as 10.3.3 in the agenda)

<b>File Ref:</b>	COB/1130
<b>Applicant/Proponent:</b>	Bunbury Women’s Club Inc
<b>Responsible Officer:</b>	Leonie Barwick, Team Leader Corporate Revenue
<b>Responsible Manager:</b>	David Ransom, Finance Manager
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Nil

### Summary

An application for rate exemption has been received from The Bunbury Women’s Club Inc for 19 Prinsep Street, Bunbury, under Section 6.26 (g) of the *Local Government Act 1995* – land used exclusively for charitable purposes.

### Executive Recommendation

That Council grants a rate exemption to Bunbury Women’s Club Inc under Section 6.26 (g) of the *Local Government Act 1995* for 19 Prinsep 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 Bunbury Women’s Club Inc will not have a regional impact.

### Background

The Bunbury Women’s Club Inc have advised they are a not-for-profit organisation. The objects of the Association include:

- Promote and enhance healthy lifestyles, emotional well-being and mental health of members;
- A safe, happy inclusive and constant place of contact for senior women in particular, who may otherwise experience chronic loneliness or have limited social contact due to physical, financial or other constraints; and
- Encourage the development and sharing of skills of members.

The Australian Government and Australian Charities and Not-for-profits Commission confirms that The Bunbury Women’s Club Inc is a registered charitable organisation.

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### **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**

The Bunbury Women’s Club 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 430 properties that are exempt which is a loss of rate income of \$1,586,160 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 loss of rates income of \$3,772. However, this rates exemption application has been included in the draft 2024/2025 Budget so will not affect the City’s financial position.

### **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.

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**Timeline: Council Decision Implementation**

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

**Outcome of Meeting 23 July 2024**

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

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

**Council Decision 132/24**

***That Council grants a rate exemption to Bunbury Women's Club Inc under Section 6.26 (g) of the Local Government Act 1995 for 19 Prinsep Street, Bunbury effective from 1 July 2024.***

CARRIED UNANIMOUSLY

10 votes "for" / Nil votes "against"

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**10.9 Schedule of Accounts Paid for the period 1 June 2024 to 30 June 2024** (listed as 10.3.4 in the agenda)

<b>File Ref:</b>	COB/4736	
<b>Applicant/Proponent:</b>	Internal Report	
<b>Responsible Officer:</b>	David Ransom, Manager Finance	
<b>Responsible Manager:</b>	David Ransom, Manager Finance	
<b>Executive:</b>	Karin Strachan, Director Corporate and Community	
<b>Authority/Discretion:</b>	<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
<b>Attachments:</b>	Appendix 10.3.4-A: Schedule of Accounts Paid	

**Summary**

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 June 2024 to 30 June 2024 is attached at Appendix 10.3.4-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$18,556,759.63
2. Trust Account – payments totalling \$57,204.93
3. Visitor Information Centre Trust Account – payments totalling \$8,892.20

**Executive Recommendation**

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

*Voting Requirement: Simple Majority*

**Outcome of Meeting 23 July 2024**

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

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

**Council Decision 133/24**

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

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

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**10.10 Financial Management Report for the Period Ending 31 May 2024** (listed as 10.3.5 in the agenda)

<b>File Ref:</b>	COB/5709
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Responsible Manager:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.3.5-A: Statement of Comprehensive Income Appendix 10.3.5-B: Statement of Financial Activity Appendix 10.3.5-C: Statement of Net Current Assets Appendix 10.3.5-D: Statement of Financial Position Appendix 10.3.5-E: Capital Projects Expenditure Summary Appendix 10.3.5-F: Operating Projects Expenditure Summary Appendix 10.3.5-G: Monthly Community Financial Report

**Summary**

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

1. Statement of Comprehensive Income (**attached** at Appendix DSOP-1)  
 Actual Financial Performance to 31 May 2024 (refer explanations within the report)
  - Actual operating income of \$66.28M is \$1.14M more than the year-to-date budgeted income of \$65.14M.
  - Actual operating expenditure of \$66.68M is \$2.70M under the year-to-date budgeted expenditure of \$69.38M.
  - Actual operating deficit of \$399K is \$3.84M less than the year-to-date budgeted operating deficit of \$4.24M.

2. Statement of Financial Activity (**attached** at Appendix DSOP-2)

Closing funding surplus forecast to 30 June 2024 has increased to \$2.85M, which is \$2.62M higher than the current budget of \$240K, mainly due to higher than anticipated income from financial assistance grants and subsidies – received in advance for 2024/25 (\$1.86M), additional contributions & reimbursements received (\$199K), interest received (\$474K), and higher than anticipated interim rates (\$80K). Note the Closing surplus of \$2.85M is required for funding the 2024/25 budget.

3. Statement of Financial Position (**attached** at Appendix DSOP-4)

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

	Year-to-date	Forecast
* Current Assets of \$33.65M includes:		
- Cash and Investments	\$31.01M	\$27.31M
- Rates Receivable	\$1.07M	\$1.93M
- Other Current Assets	\$1.57M	\$2.28M

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- |  |           |           |
|--|-----------|-----------|
| * Current Liabilities of \$13.19M includes:                    |           |           |
| - Trade and Other Payables                                     | \$5.42M   | \$8.48M   |
| - Annual Leave and LSL Provisions                              | \$5.22M   | \$5.59M   |
| * Working Capital<br>(Current Assets less Current Liabilities) | \$20.46M  | \$14.78M  |
| * Equity<br>(Total Assets less Total Liabilities)              | \$495.46M | \$494.43M |
4. Capital Works (**attached** at Appendix DSOP-5)
- Actual capital works of \$21.95M is \$7.28M less than the year-to-date budgeted capital works of \$29.23M (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 DSOP-6)
- Actual operating project expenditure of \$4.42M is \$1.84M less than the year-to-date budgeted operating project expenditure of \$6.26M.
  - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

### Executive Recommendation

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

*Voting Requirement: Simple Majority*

### Strategic Relevance

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

### Background

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

- Statement of Comprehensive Income (**attached** at Appendix DSOP-1)
- Statement of Financial Activity (**attached** at Appendix DSOP-2)
- Statement of Net Current Assets (**attached** at Appendix DSOP-3)
- Statement of Financial Position (**attached** at Appendix DSOP-4)
- Capital Projects Expenditure Summary (**attached** at Appendix DSOP-5)
- Operating Projects Summary (**attached** at Appendix DSOP-6)
- Monthly Community Financial Report (**attached** at Appendix DSOP-7)

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

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Not applicable.

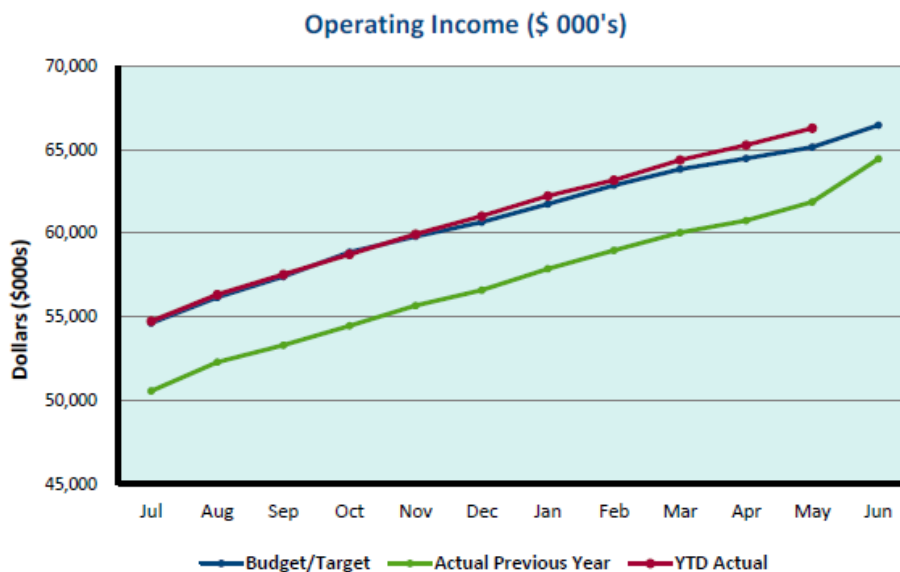
### Legislative Compliance

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 DSOP-2) 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.

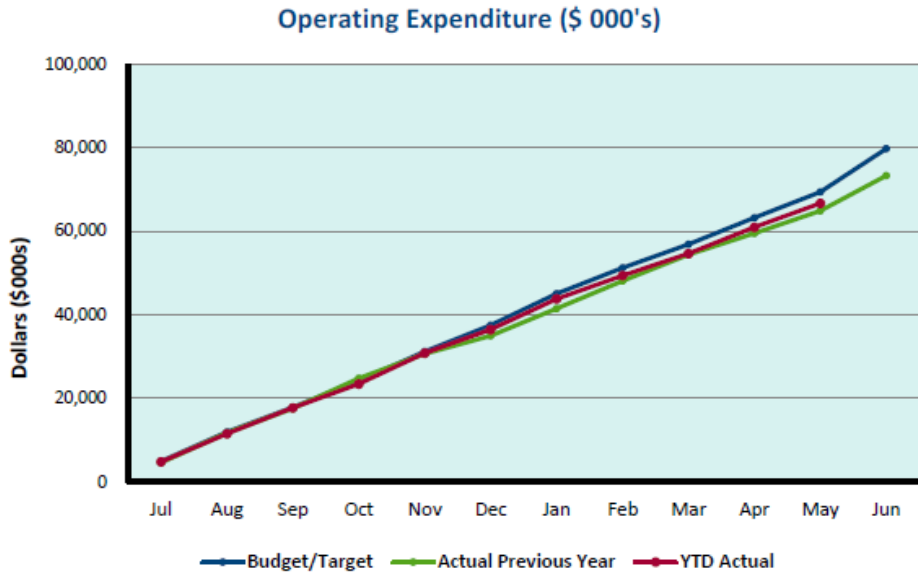


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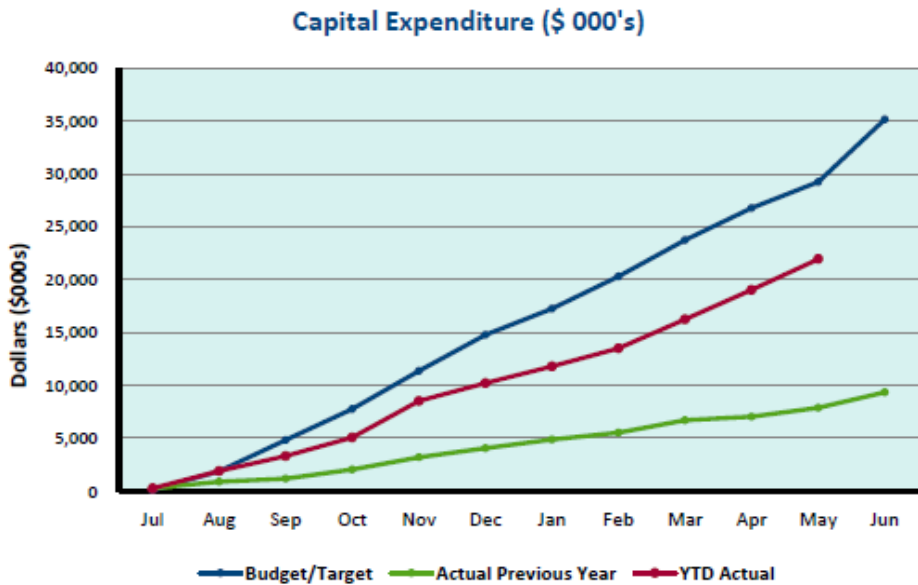
**Note:** Operating income includes: rates, fees and charges, operating grants and subsidies, contributions, reimbursements and donations, interest and other revenue.

Actual operating income of \$66.28M is \$1.14M more than the year-to-date budgeted income of \$65.14M.

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**Note:** Actual operating expenditure is below the year-to-date budget by \$2.70M.



**Note:** The actual capital expenditure at the end of May 2024 of \$21.95M is \$7.28M less than the year-to-date budget of \$29.23M. 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 DSOP-5 and DSOP-6 for more detailed information regarding projects:

<b>Statement of Financial Activity</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Revenue</b>	
<p><i>Contributions Reimbursements and Donations</i> – Favourable year-to-date variance of \$218K mainly due to higher than expected workers compensation reimbursements (\$71K), insurance reimbursements (\$44K), government paid parental leave (\$39K), coordinate debt recovery (\$29K), process property utility recoups (\$21K), operate and maintain electric car charging stations (\$5K). End of year forecasts have been entered.</p>	<p>\$218,018 26%</p>
<p><i>Interest received</i> – Favourable year-to-date variance of \$433K mainly due to higher than anticipated Investment interest (\$352K) and rates debtor Interest (\$81K). End of year forecasts have been entered.</p>	<p>\$433,468 21%</p>
<b>Operating Expenses</b>	
<p><i>Materials and Contracts</i> – Favourable year-to-date variance of \$2.54M mainly due to consultant expenses \$1.40M, contractor expenses \$825K, material expenses \$190K, and software and licencing expenses of \$121K. These are monitored on a monthly basis.</p>	<p>\$2,548,344 13%</p>
<b>Capital Revenues</b>	
<p><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.</p>	<p>\$46,715 15%</p>
<b>Capital Expenses</b>	
<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"> <li>PR-3720 Hands Oval Redevelopment - \$2.47M</li> <li>PR-5113 Blackspot Roadworks 2023/24 - \$527K</li> <li>PR-5038 Withers Regional Renewal - \$455K</li> <li>PR-1543 Boulters Heights Redevelopment - \$450K</li> <li>PR-2403 Replace Forrest Park Pavilion - \$320K</li> <li>PR-4881 Replace corporate vehicles - \$291K</li> <li>PR-5105 Renew foreshore marine walls 2023/24 - \$285K</li> <li>PR-4858 Expand cycleways 2023/24 - \$238K</li> <li>PR-5111 Bunbury Airport apron expansion - \$229K</li> <li>PR-4924 Regional Roadworks Program - Lillydale Road - \$216K</li> <li>PR-3830 Subdivision and sale of part Lot 3 Blair St - \$209K</li> <li>PR-5117 Regional Roadworks program – Leschenault Dr - \$207K</li> <li>PR-4871 Renew, resleeve and improve drainage network 2023/24 - \$195K</li> <li>PR-4865 Asset replacement – Personal Computers - \$166K</li> <li>PR-5090 Waterfront Public Art Installation - \$153K</li> <li>PR-5114 Beautifying Bunbury Streetscapes 23/24 - \$148K</li> </ul>	<p>\$7,275,224 25%</p>

PR-4696 Replace boardwalks, lookouts and beach access stairs - \$126K PR-5112 Bunbury Airport compass swinging bay - \$105K PR-5075 Implement Greening Bunbury Plan - \$100K PR-4886 Replace playground equipment 2023/2024 - \$93K PR-4890 Renew irrigation infrastructure 2023/24 - \$85K	
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**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 DSOP-7) has been prepared to give the community an easy-to-understand summary of the City’s financial performance. This report is 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 23 July 2024**

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

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

<p><b>Council Decision 134/24</b></p> <p><b><i>The Financial Management Report for the period ending 31 May 2024 be received.</i></b></p> <p>CARRIED UNANIMOUSLY 10 votes “for” / Nil votes “against”</p>
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### 10.11 South West Design Review Panel Referrals (listed as 10.4.2 in the agenda)

<b>File Ref:</b>	COB/6641 and DD/11/2024/23/1
<b>Applicant/Proponent:</b>	Confidential
<b>Responsible Officer:</b>	Matilda Hodge, Acting Team Leader City Planning
<b>Responsible Manager:</b>	Barbara Macaulay, Manager Planning and Building
<b>Executive:</b>	Andrew McRobert, Director Sustainable Development
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	CONFIDENTIAL Appendix 10.4.2-A: South West Joint Design Review Panel Report

#### Summary

Details of a proposal referred to the South West Joint Design Review Panel (SWDRP) for design advice are **attached** at Confidential Appendix 10.4.2-A.

#### Executive Recommendation

That Council note the information **attached** at Confidential Appendix 10.4.2-A.

*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.

#### Regional Impact Statement

Not applicable.

#### Background

The City's Housing Strategy (adopted by Council May 2021) included a recommendation to establish a SWDRP.

The SWDRP is a joint venture between the Shire of Augusta-Margaret River, City of Bunbury, City of Busselton, Shire of Collie and Shire of Harvey for the benefit of providing independent design review advice for development applications and major projects. The advice is provided in accordance with the 10 Principles of Good Design included in State Planning Policy 7.0 Design of the Built Environment (SPP7). The SWDRP provides advice only and is not a decision maker.

Local Planning Policy 1.4 Design Review (LPP) was adopted by Council in November 2021. Clause 6 of the LPP outlines the criteria for which items may be referred to the SWDRP. This includes:

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- (a) *All applications that meet the mandatory or optional requirement for Development Assessment Panels applications, where there is a design element that may impact on the character, appearance, or streetscape of an area.*
- (b) *Major development proposals where there is a design element that may have a significant impact on the character, appearance, or streetscape of an area at the discretion of the Director of Sustainable Communities.*
- (c) *Any other planning proposal (e.g. Scheme Amendment, Structure Plan, Precinct Plan, Local Planning Policy, Local Development Plan, Design Guidelines; or City project) relating to the design of development and places may be referred to the Design Review Panel at the discretion of the Director of Sustainable Communities.*

In accordance with Clause 8 of the LPP, all outcomes of the SWDRP are to be reported to Council for noting at the first Ordinary Council Meeting following the SWDRP meeting, and prior to going to development approval or the Joint Development Assessment Panel.

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0);*
- *City of Bunbury Housing Strategy;*
- *City of Bunbury Local Planning Scheme No.8 (LPS8); and*
- *Local Planning Policy 1.4 –Design Review (LPP1.4).*

### **Officer Comments**

Under the Terms of Reference for the SWDRP, the details of any proposal are to remain confidential unless such details are authorised to be disclosed, or presented in a report that is available to the public. Design review advice may be sought prior or post lodgement of an application for development approval. All SWDRP reports received prior to lodgement of an application are to remain confidential due to the commercial sensitive nature of the information. Once an application is submitted, the recommendations from the SWDRP will be included in any report prepared for Council or the Development Assessment Panel as the decision maker.

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

The cost of the SWDRP has been accommodated in the City of Bunbury budget.

### **Community Consultation**

Not applicable.

### **Councillor/Officer Consultation**

Not applicable.

### **Applicant Consultation**

Not applicable.

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**Timeline: Council Decision Implementation**

Not applicable.

**Outcome of Meeting 23 July 2024**

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

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

**Council Decision 135/24**

***That Council note the information attached at Confidential Appendix 10.4.2-A.***

CARRIED UNANIMOUSLY

10 votes “for” / Nil votes “against”

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**10.12 Proposed Scheme Amendment No.13 To City of Bunbury Local Planning Scheme No.8:  
Proposed Additional Uses At Lot 17 Vittoria Road, Glen Iris (listed as 10.4.4 in the agenda)**

<b>File Ref:</b>	DD/12/2024/1/1
<b>Applicant/Proponent:</b>	Tecon Australia
<b>Responsible Officer:</b>	Alice Baldock, Senior Planning Officer
<b>Responsible Manager:</b>	Barbara Macaulay, Manager Planning and Building
<b>Executive:</b>	Andrew McRobert, Director Sustainable Development
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.4.4-A: Local Planning Strategy Map Appendix 10.4.4-B: Scheme Amendment No.13 Report

**Summary**

Scheme Amendment No.13 has been prepared by Tecon Australia on behalf of the landowner of Lot 17 (#17) Vittoria Road, Glen Iris. The proposal is referred to Council for adoption for the purpose of advertising. Following advertising, the proposal will be referred back to Council along with any submissions for consideration.

The proposal seeks to amend the City of Bunbury’s Local Planning Scheme No.8 (LPS8) to include the additional use rights for the subject site under Schedule 1 – Schedule of Additional Uses. The purpose of the amendment is to rationalise the ‘Tavern’ land use which is currently being considered as part of a development application under assessment by the State Development Assessment Unit (SDAU) through the Part 17 Significant Development Pathway.

The amendment is considered a standard amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Executive Recommendation**

That Council, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

1. Adopt for the purpose of advertising, modifications by inserting Lot 17 Vittoria Road as a new entry within Schedule 1 – Table 4 Additional Uses Table and identifying ‘Tavern’ as a discretionary ‘D’ land use in accordance with the amending pages of the Scheme Amendment No.13 Report.
  2. Refer a copy of the proposed Standard Scheme Amendment No.13 to the Department of Planning, Lands and Heritage (DPLH) for review in accordance with section 83A of the *Planning and Development Act 2005*.
  3. Refer a copy of the proposed Standard Scheme Amendment No.13 to the Environmental Protection Agency (EPA) for review in accordance with section 81 of the *Planning and Development Act 2005*.
  4. Determine that proposed Scheme Amendment No. 13 is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
    - (a) The amendment is not a complex or basic amendment; and
-

- (b) it does not result in any significant environmental, social or economic impacts on the land or surrounding area.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

Pillar	Prosperity
Aspiration	A strong and diversified economy.
Outcome 11	A strong, resilient and diverse economic hub for the South West region.
Objective 11.3	Support local business innovation and success.

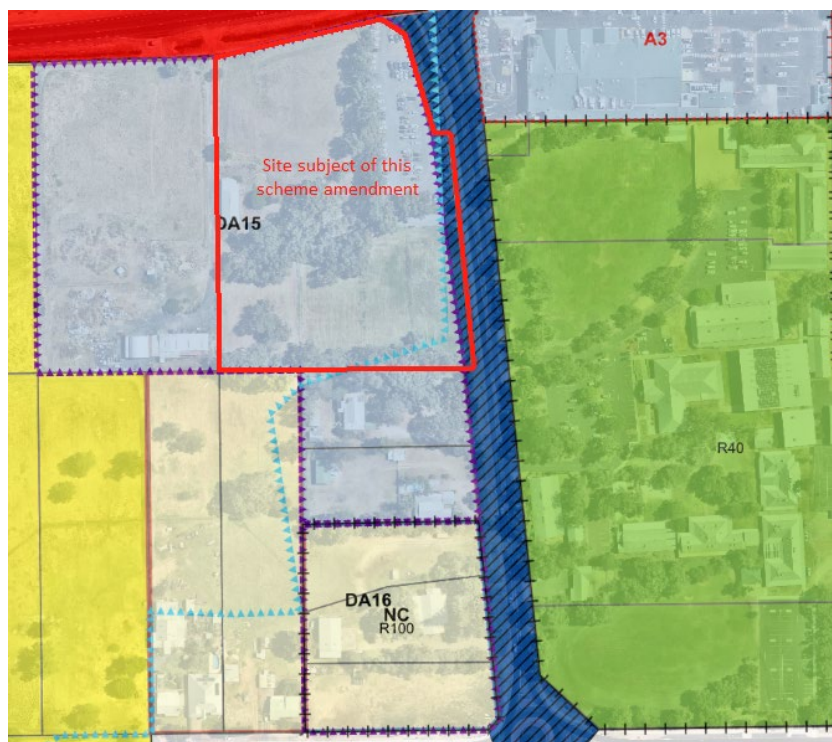
Pillar	Place
Aspiration	An integrated, vibrant and well planned City.
Outcome 7	A community with high quality urban design and housing diversity.
Objective 7.1	Promote responsible planning and development.

**Regional Impact Statement**

The proposed amendment will not have a regional impact.

**Background**

The subject site is zoned Service Commercial with a portion of the site reserved as District Distributor Road under LPS8. In addition, the site is located within a Development Area Special Control Area (DA15) and Flood Prone Land Special Control Area. The subject site abuts Service Commercial zoned properties to the south and west, the Forrest Highway to the north and Vittoria Road to the east. The Service Commercial zoned lots to the south further adjoin Neighbourhood Centre zoned lots, with these southern lots being identified as the future commercial centre for Glen Iris.



The lot is subject to a development application which is currently being considered by the Western Australian Planning Commission's (WAPC) SDAU team through the Part 17 Significant Development Pathway. The Part 17 Significant Development Pathway was a temporary initiative introduced by the State Government in 2020 to encourage major developments as part of its COVID-19 economic recovery program. The SDAU must have due regard for the local planning framework in determining Part 17 applications. However, it also undertakes a more strategic assessment to consider non-planning related matters in the public interest and the broader economic, social and environmental benefits. As part of this application process, the SDAU can consider a 'Tavern' land use on the site, despite it currently being a nonpermitted ('X') land use, if a Scheme amendment is run concurrently.

The development subject of the SDAU application, known as the Glen Iris Village project, has been summarised by the applicant as a mixed-use development which is designed around a central urban village green. The development will include innovative architectural design, a high level of landscaping and pedestrian connectivity throughout the site.

The City of Bunbury Local Planning Strategy 2018 (Strategy) contains a Business and Commerce strategy map which identifies the subject lot as having the potential to be consider with a 'Tavern' land use through the scheme amendment process (**attached** at Appendix 10.4.4-A). The Strategy identifies that a 'Tavern' land use may be suitable for this specific locality, however such a land use activity is not necessarily appropriate across the entire Service Commercial Zone. The reason being that the 'Service Commercial Zone' is primarily car dependent and therefore should not include land uses that are dependent on or require public transport and pedestrian amenities.

A full copy of the Scheme Amendment report is **attached** in Appendix 10.4.4-B.

### **Council Policy Compliance**

There is no Council policy that relates to the assessment of the Scheme Amendment.

### **Legislative Compliance**

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are of relevance to considering this proposed standard amendment to the Scheme:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes)
- City of Bunbury Local Planning Strategy 2018;
- City of Bunbury Local Planning Scheme No. 8 (LPS8); and
- Local Planning Policy 1.2 Special Control Area – Development Areas.

### **Officer Comments**

The proposed scheme amendment has been assessed against the relevant State and Local policy framework and is generally consistent with the framework. The amendment is therefore considered to be a standard scheme amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The purpose of the amendment is to introduce the additional land use of 'Tavern' concurrently with the consideration and public advertising of the Part 17 application.

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Local Planning Policy 1.2: Special Control Area – Development Areas (LPP 1.2) sets out the orderly and proper development outcomes for each Development Area Special Control Area. LPP 1.2 identifies this site (DA15) as the ‘Glen Iris Gateway’, with the following aspiration:

*“An attractive integrated node of bulky goods showrooming and commercial services forming part of a gateway precinct to Glen Iris – Moorlands and the city, which is accessed by an efficient, legible and safe pedestrian and vehicular movement network that adequately caters for employee and visitor parking and provides suitable servicing, loading and unloading arrangements”*

This is further reinforced by the endorsed Glen Iris District Structure Plan which identifies the Service Commercial zoned site, together with the future Neighbourhood Centre located south of this site as forming a business and community hub for Glen Iris. On this basis it is reasonable to consider a ‘Tavern’ land use as compatible within a comprehensively developed ‘pedestrian friendly’ commercial hub which supports the designated Neighbourhood Centre Zone.

The scheme amendment report has undertaken assessment of the proposed land use with regards to traffic, amenity and public interest in accordance with the notation on the Strategic map. It is considered that these items would be addressed and considered through the assessment of a development application for the land use.

City officers have identified that a modification to the proposed land use permissibility (from a ‘D’ to an ‘A’ use) for the ‘Tavern’ may require review to control the impact on amenity for any future development proposals. It is noted that following advertising of the proposal, any recommended modifications to the scheme amendment will be presented to Council for decision.

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

There are no known financial or budgetary implications of progressing a standard amendment to the Local Planning Scheme.

### **Community Consultation**

Standard amendments are publicly advertised for a period of not less than 42 days in accordance with *the Planning and Development (Local Planning Schemes) Regulations 2015*. The community consultation for this scheme amendment is intended to be undertaken concurrently by the SDUA with the public consultation for the Part 17 application.

Following public advertising, the amendment proposal would be returned to Council for its further consideration, together with any submissions received during the statutory advertising period.

### **Councillor/Officer Consultation**

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

### **Applicant Consultation**

Not applicable.

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

Subject to adoption by Council, the amendment documentation will be forwarded to the EPA and DPLH for 30 days for review and advertised for not less than 42 days following their response.

### **Outcome of Meeting 23 July 2024**

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

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

#### **Council Decision 136/24**

***That Council, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:***

***1. Adopt for the purpose of advertising, modifications by inserting Lot 17 Vittoria Road as a new entry within Schedule 1 – Table 4 Additional Uses Table and identifying 'Tavern' as a discretionary 'D' land use in accordance with the amending pages of the Scheme Amendment No.13 Report.***

***2. Refer a copy of the proposed Standard Scheme Amendment No.13 to the Department of Planning, Lands and Heritage (DPLH) for review in accordance with section 83A of the Planning and Development Act 2005.***

***3. Refer a copy of the proposed Standard Scheme Amendment No.13 to the Environmental Protection Agency (EPA) for review in accordance with section 81 of the Planning and Development Act 2005.***

***4. Determine that proposed Scheme Amendment No. 13 is a standard amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:***

***(a) The amendment is not a complex or basic amendment; and***

***(b) it does not result in any significant environmental, social or economic impacts on the land or surrounding area.***

CARRIED UNANIMOUSLY

10 votes "for" / Nil votes "against"

**10.13 State Administrative Tribunal Section 31 - Reconsideration of Proposed Telecommunications Infrastructure at LOT12 #1 Island Queen Street, Withers** (listed as 10.4.1 in the agenda)

<b>File Ref:</b>	DA/2023/166/2
<b>Applicant/Proponent:</b>	Amplitel Pty Ltd
<b>Responsible Officer:</b>	Alice Baldock, Senior Planning Officer
<b>Responsible Manager:</b>	Barbara Macaulay, Manager Planning and Building
<b>Executive:</b>	Andrew McRobert, Director Sustainable Development
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.4.1-A: Original Development Application Appendix 10.4.1-B: Council Minutes 12 December 2023 Appendix 10.4.1-C: Reconsideration Cover Letter Appendix 10.4.1-D: Revised Development Plans Appendix 10.4.1-E: Revised Photo Montage CONFIDENTIAL Appendix 10.4.1-F: Alternative Site Assessment Appendix 10.4.1-G: EME Report and Drawings Appendix 10.4.1-H: Arborist Advice

### Summary

At its meeting of 12 December 2023, Council resolved to refuse an application for development approval for ‘Telecommunication infrastructure’ comprising of a 36.5m high monopole and associated equipment shelter at Lot 12 (#1) Island Queen Street, Withers. After Council’s determination, the applicant pursued their right to appeal the decision with the State Administrative Tribunal (SAT). Following two mediation sessions, and pursuant to s 31 (1) of the State Administrative Tribunal Act 2004 (WA), the SAT has invited Council to reconsider its decision to refuse the development application on or before 31 July 2024

Council has the option to:

1. Affirm the previous decision;
2. Vary the decision; or
3. Set aside the decision and substitute a new decision.

The Executive recommend is for Council to set aside the decision and approve the proposal subject to conditions.

### Executive Recommendation

That Council pursuant to Section 31 of the *State Administrative Tribunal Act 2004* in respect of the SAT application DR 18/2024, resolves to:

1. Reconsider its decision dated 12 December 2023 and set aside the decision and approve proposed Telecommunication infrastructure and amended plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Bunbury Local Planning Scheme No. 8, subject to the following conditions:
    - a. At all times, the development the subject of this development approval must comply with the definition of ‘Telecommunications infrastructure’ as attached at Part 6, Division 2 of the City of Bunbury Local Planning Scheme 8.
-

- b. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
- c. This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
- d. Before the development commences (including any soil disturbance), a Tree Protection Management Plan (TPMP) is to be prepared by a suitably qualified arborist and submitted to the City for approval. The Tree Protection Management Plan should include measures to be taken to protect the adjacent tree(s) during excavation works associated with the construction of the telecommunication infrastructure and the pruning of branches.

The recommendations attached at the approved TPMP are to be implemented prior to and during the construction of the development.

- e. Before the development commences, a contribution of \$1,500 must be made to the City of Bunbury for the provision of landscaping in the verge area adjacent to the subject development.
- f. Before the development is operational, the part of the existing brick face wall of the shopping centre building facing Devonshire Street and which is located directly behind and runs the length of the lease area is to be painted with anti-graffiti finish to a height of 3 metres above ground level.
- g. Prior to the issuing a building permit, the equipment compound fencing materials shall be amended to tubular steel fencing.
- h. Within 14 days of completion of construction, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
- i. All water draining from roofs or other impermeable surfaces shall be directed to garden areas, sumps, or rainwater tanks within the subject lot, to the satisfaction of the City of Bunbury

Advice Notes:

- a. With regard to Condition d), the Tree Protection Management Plan should be consistent with AS 4970-2009 – Australian Standard Protection of Trees on Development Sites and include identification and establishment of a tree protection zone and appropriate measures to be put in place to protect the trees during the soil disturbing stages of the development. It should also address the proposed pruning of the tree branches.
  - b. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.
  - c. The development the subject of this development approval is also regulated by
-

the Western Australia Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The owner is advised to liaise further with the City of Bunbury.

- d. The development the subject of this development approval is required to comply with the:
- i. Australian Communication and Media Authority’s mandatory limits for general public exposure to radio frequency electromagnetic radiation;
  - ii. Telecommunications Code of Practice 1997; and
  - iii. *Environmental Protection (Noise) Regulations 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 proposal relates to an individual property and is not considered to have a regional impact.

### **Background**

On 28 August 2023 the City of Bunbury received an application for development approval for the construction of a 35m high monopole with a circular head frame and 3 panel antennas, with a total overall height of 36.5m. A full copy of the original development application package is **attached** at Appendix 10.4.1-A. Following public advertising the application was referred to Council for determination on 12 December 2023. At the meeting Council resolved to refuse the application, against the executive recommendation, with the following reason for refusal being given:

*“The Mayor noted the reasons that Council did not approve the application (based on the debate) was due to amenity concerns of the local residents, the suitability of the location, the need for the development and health concerns.”*

A copy of the Council Minutes are **attached** at Appendix 10.4.1-B.

### **Application to the State Administrative Tribunal**

An application seeking review of the Council decision was lodged with the State Administrative Tribunal (SAT) on 29 January 2024. Following two mediation sessions held on 23 April 2024 and 22 May 2024, the SAT invited Council to reconsider its decision to refuse the development application pursuant to Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act). The amended plans and additional information were subsequently submitted to the City on 10 June 2024 for reconsideration.

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### Reconsideration

The revised proposal comprises of the following:

- Additional information addressing the reasons for refusal, particularly with regards to network capacity, alternative site investigations, Electromagnetic Energy (EME) concerns and updated photo montages of the proposal.
- Justification for the height of the monopole and size of the compound.
- Revised plans providing additional detail with regards to existing structures and the headframe of the monopole.

A copy of the revised plans and additional information **attached** at Appendices 10.4.1-C to 10.4.1-H.

### **Council Policy Compliance**

Council's Policy Town Planning Appeal Applications for Review Council is applicable when Council's decision is contrary to the recommendation of the City's administration.

### **Legislative Compliance**

- *State Administrative Tribunal Act 2004*
- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- State Planning Policy 5.2 - Telecommunications Infrastructure (SPP 5.2).
- City of Bunbury Local Planning Strategy;
- City of Bunbury Local Planning Scheme No.8 (LPS8); and
- Local Planning Policy 3.0 – Zone Development Requirements (LPP3.0).

### **Officer Comments**

Additional information has been provided by the applicant to address Council's reasons for refusal. Each reason for refusal is addressed in turn below.

#### 1. Impacts on Amenity

##### a) *Impact on Existing Vegetation*

The applicant has engaged a qualified arborist to undertake a site visit and review the development plans for the proposed 'Telecommunications infrastructure'. The arborist has reviewed the proposal and advised that it will not require the removal of any tree branches and will not be of detriment to the existing Tuart or Peppermint tree. A full copy of the arborist advice is **attached** at Appendix 10.4.1-H.

##### b) *Landscaping*

The majority of the ground level telecommunications infrastructure will be screened by existing mature vegetation when viewed from Devonshire Street facing north (refer to site photos **attached** at Appendix 10.4.1-A). However, it is noted that the lease area for the telecommunications infrastructure is restricted in size (77m<sup>2</sup>) and there is limited opportunity to landscape within the subject lot boundary due to lease arrangements and site constraints. The applicant has acknowledged concerns relating to amenity impact on the adjoining residential properties along Devonshire Street and has agreed

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to provide a monetary contribution for the City to undertake landscaping within the verge.

The City has previously considered landscaping within the verge area when development proposals are unable to provide landscaping within the lot boundaries. Whilst the City is supportive of verge landscaping, it is noted that in this case that the City will be responsible for the ongoing maintenance of the landscaping. Upon consultation with the City's Parks and Reserves team, there is limited scope for full landscaping of the verge area due to the dry soil conditions of the verge and sightlines for service vehicles accessing the Shopping Centre loading dock. A condition requiring a monetary contribution of \$1,500 is requested to allow the City to undertake suitable landscaping and mulching of the verge area.

c) *Fencing*

The original application proposed 2.36m high chain mesh fencing for the ground level equipment compound. The applicant has advised that there is opportunity to amend the fencing to 2.1m high garrison style tubular steel fencing (refer to Appendix 10.4.1-C) if it is the City's preference. In terms of durability and amenity, it is considered that the garrison style fencing is the preferred option and is recommended as a condition of approval.

d) *Painting*

The applicant has advised they are prepared to paint the monopole and part of the rear wall directly behind the equipment compound to Council's satisfaction. Officers consider the current proposed cement finish of the pole will blend into the sky more so than a painted finish. However, it is recommended that a condition is imposed requiring the rear wall directly behind the proposed development is to be painted with anti-graffiti paint.

2. Suitability of the location and the need for the development

a) *Existing Network Capacity*

The applicant has provided additional information (contained section 1.1 of Appendix 10.4.1-C) to address the need for the development. As a result of growing numbers of users and devices, the current mobile network is approaching its capacity limit, meaning that some users will be unable to maintain data speeds or access to the network at all.

Telstra's network is constantly monitored for data loads and speeds. Currently, a majority (greater than 70%) of the mobile traffic in the area between Mangles and Dalyellup is located within 3kms of the College Grove mobile site (known as the Carey Park tower under Telstra's network). In the past 5 years there has been a shift from voice calls to devices that use higher volumes of data, and as such the network traffic carried by this site currently has resulted in slower data speeds in this area. Based on confidential data and mapping presented during SAT mediation, it is acknowledged that there is a need for the development within this area.

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b) *Alternative Site Investigations*

To address the above network capacity issue, additional telecommunication infrastructure is required within the vicinity of the customers the infrastructure is designed to service. Due to commercial confidentiality, the applicant has provided a confidential alternative site assessment which is **attached** at Confidential Appendix 10.4.1-F. The assessment outlines additional alternative sites which were investigated prior to selecting this site, including their suitability and engagement outcomes with the relevant landowners. The alternative site candidates were either not suitable from a radio frequency network capacity perspective, or the relevant landowner was unwilling to lease a portion of their site.

As part of the mediation process, the City investigated if there were any suitable City owned lots, or reserves within the relevant search area. Upon review, the alternative sites were considered to have a greater impact on residential properties or would prejudice future redevelopment of these sites under the Central Withers Structure Plan.

3. Concerns regarding EME emissions

The applicant has provided additional information to address the health concerns raised through community consultation with regards to EME emissions. A copy of the EME report and drawings are **attached** at Appendix 10.4.1-G.

a) *EME Emissions on Residential Dwellings*

Mobile carriers must comply with the Australian Standard on exposure to EME set by the Australian Communications and Media Authority (ACMA). The standard, known as the Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003, was prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.

The EME report predicts that the maximum EME level calculated for the proposed facility is 238m from its proposed location, being 0.46% out of 100% of the public exposure limit.

b) *EME Emissions on the Existing Tuart Tree*

The height of the existing mature Tuart tree is 21m and a qualified arborist estimates the maximum height of that tree to be 25m. The submitted EME drawings indicate the horizontal and vertical cross sections of the emission patterns from transmitting antennas. The bottom of the EME emission plume will extend 7m above the maximum height of the tree (25m).

It is noted that in accordance with SPP5.2, telecommunication infrastructure is required to be designed to facilitate co-location of carriers. The height of the proposed structure will allow for another carrier to co-locate antennas on the telecommunications infrastructure and achieve a 2m separation from the maximum height of the tree and the EME emission plume. The tree and any birds nesting or roosting in the tree will be outside any areas of EME intensity.

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The applicant has advised that the poles for telecommunication infrastructure are only built in standard heights of 30m or 35m. Any reduction in the height of the monopole would result in the Tuart tree being directly within the passage of the EME emission plume emanating from co-located infrastructure.

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

In accordance with Council Policy, the Council is currently being represented by separate legal Council which has budget implications. If Council reaffirms its decision for refusal, the decision may be forwarded to a full hearing by the SAT which will incur further legal costs.

### **Community Consultation**

The SAT application does not require public consultation under the Scheme, the *Planning and Development Act 2005* or associated *Planning and Development (Local Planning Schemes) Regulations 2015*. The original submitters have been notified of the reconsideration and invited to attend the Council meeting.

### **Councillor/Officer Consultation**

In accordance with Council Policy Town Planning Appeal Application for Review, Councillor Turner and Mayor de San Miguel were the Council representatives involved in the two SAT mediations.

### **Applicant Consultation**

The applicant has been advised of the officer recommendation and conditions.

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

In accordance with the SAT Order dated 22 May 2024, the City is invited to reconsider its decision on or before 31 July 2024. The SAT matter is listed for a directions hearing on 2 August 2024.

### **Outcome of Meeting 23 July 2024**

Cr Steck left the meeting at 5:35pm as she declared a financial interest in relation to this item.

Mr Peter Ward delivered a deputation in relation to this item.

The recommendation (as written) was moved by Cr Brown 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.

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### **Council Decision 137/24**

***That Council pursuant to Section 31 of the State Administrative Tribunal Act 2004 in respect of the SAT application DR 18/2024, resolves to:***

- 1. Reconsider its decision dated 12 December 2023 and set aside the decision and approve proposed Telecommunication infrastructure and amended plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of***
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***the City of Bunbury Local Planning Scheme No. 8, subject to the following conditions:***

- a. At all times, the development the subject of this development approval must comply with the definition of ‘Telecommunications infrastructure’ as attached at Part 6, Division 2 of the City of Bunbury Local Planning Scheme 8.***
- b. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.***
- c. This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.***
- d. Before the development commences (including any soil disturbance), a Tree Protection Management Plan (TPMP) is to be prepared by a suitably qualified arborist and submitted to the City for approval. The Tree Protection Management Plan should include measures to be taken to protect the adjacent tree(s) during excavation works associated with the construction of the telecommunication infrastructure and the pruning of branches.***

***The recommendations attached at the approved TPMP are to be implemented prior to and during the construction of the development.***

- e. Before the development commences, a contribution of \$1,500 must be made to the City of Bunbury for the provision of landscaping in the verge area adjacent to the subject development.***
- f. Before the development is operational, the part of the existing brick face wall of the shopping centre building facing Devonshire Street and which is located directly behind and runs the length of the lease area is to be painted with anti-graffiti finish to a height of 3 metres above ground level.***
- g. Prior to the issuing a building permit, the equipment compound fencing materials shall be amended to tubular steel fencing.***
- h. Within 14 days of completion of construction, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.***
- i. All water draining from roofs or other impermeable surfaces shall be directed to garden areas, sumps, or rainwater tanks within the subject lot, to the satisfaction of the City of Bunbury***

**Advice Notes:**

- e. With regard to Condition d), the Tree Protection Management Plan should be consistent with AS 4970-2009 – Australian Standard Protection of Trees on Development Sites and include identification and establishment of a tree protection zone and appropriate measures to be put in place to***
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***protect the trees during the soil disturbing stages of the development. It should also address the proposed pruning of the tree branches.***

- f. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.***
  
- g. The development the subject of this development approval is also regulated by the Western Australia Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The owner is advised to liaise further with the City of Bunbury.***
  
- h. The development the subject of this development approval is required to comply with the:***
  - iv. Australian Communication and Media Authority’s mandatory limits for general public exposure to radio frequency electromagnetic radiation;***
  
  - v. Telecommunications Code of Practice 1997; and***
  
  - vi. Environmental Protection (Noise) Regulations 1997.***

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

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Cr Steck rejoined the meeting at 5:50pm.

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**10.14 Review of Council Policy: Corporate Revenue Debt Collection** (listed as 10.1.1 in the agenda)

<b>File Ref:</b>	COB/4469
<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Responsible Manager:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.1-A: Revised Corporate Revenue Debt Collection Council Policy

**Summary**

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Corporate Revenue Debt Collection Council Policy. The policy was last reviewed in May 2022 and is now due for review.

**Committee Recommendation**

That Council endorse the revised Council Policy Corporate Revenue Debt Collection as presented at appendix 10.1.1-A.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

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

**Regional Impact Statement**

This policy only applies within the City of Bunbury.

**Background**

This Policy was last reviewed by Council in May 2022 and is now presented to Council by the PRDC for its biennial review.

The policy was presented to the committee for review at the 24 April 2024 committee meeting where the committee resolved to defer the matter to the 18 June 2024 committee meeting, and is now presented to Council for consideration.

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## **Council Policy Compliance**

This report facilitates the review of an existing Council Policy.

## **Legislative Compliance**

The *Local Government (Financial Management) Regulations 1996* apply.

## **Officer Comments**

Officers have reviewed the current policy and suggest changes to enhance clarity and consistency within the policy, and to reflect best practices. A copy of the revised policy with tracked changes is attached at appendix 10.1.1-A.

A notable change under point 4 of the policy procedure is the change from the Council's debt collection agency being requested to issue a general procedure claim instead of a minor case claim. The standard practice of the City's legal representation is to issue a General Procedure Claim and has provided the following comparison to support this practice:

### Minor Case Claims:

- These are informal & less complex proceedings for Claims up to \$10,000.
- Unless agreed by the parties, legal representation is not permitted and for this reason we nominate to lodge General Procedure Claims.

### General Procedure Claims:

- Legal representation is allowed for general procedure claims as it is a more formal process.
- GPCs can be commenced for Claims up to \$75,000.
- Claimants *may* have to pay for their own costs for GPCs with claims under \$10,000, however, Local Governments can claim all their reasonable costs under s6.56 of the *Local Government Act* which allows us to include/recover reasonable costs regardless of the Claim amount.

At the 18 June Policy Review and Development committee, the committee recommended that Council endorse the revised Council Policy Corporate Revenue Debt Collection as presented at appendix 10.1.1-A with considerations as to the modification of clause 4 of the policy procedure as to whether the City or debt collector would issue the general procedure claim.

The CEO has undertaken a further review of clause 4 of the policy procedure and has determined that the clause as currently presented remains best practice as the City does not have staff with the relevant legal expertise to undertake this process.

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

Nil

## **Community Consultation**

Nil

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### **Councillor/Officer Consultation**

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

### **Applicant Consultation**

Not applicable.

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

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

### **Outcome of Meeting 23 July 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 138/24**

***That Council endorse the revised Council Policy Corporate Revenue Debt Collection as presented at appendix 10.1.1-A.***

CARRIED UNANIMOUSLY

9 votes "for" / 1 vote "against"

Mayor Miguel and Councillors Andrew, Brown, Kozisek, Quain, Ramesh, Smith, Steele and Turner voted for.

Councillor Steck voted against.

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### 10.15 Review of Council Policy: Elected Member Entitlements (listed as 10.1.2 in the agenda)

<b>File Ref:</b>	COB/6306
<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Responsible Officer:</b>	Liam Murphy, Governance Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance and Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.2-A: Revised Council Policy Elected Member Entitlements

#### Summary

The purpose of this report is to facilitate a review of the Council Member Entitlements Policy. The policy was last reviewed in December 2022 however it was requested at the 28 February 2024 meeting of the PRDC that it be put to the next meeting of the committee for review. The policy was presented to the committee for review at the 24 April 2024 committee meeting where the committee resolved to defer the matter to this meeting pending further information in relation to the provision of ICT hardware to elected members in the context of the ICT allowance.

#### Committee Recommendation

That Council:

1. Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 10.1.2-A.
2. Advocate to the Salaries and Allowances Tribunal for an increase to the annual ICT allowance during its next review of allowances for Local Governments in 2025.

*Voting Requirement: Simple Majority Vote*

#### Strategic Relevance

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

#### Regional Impact Statement

This policy only applies within the City of Bunbury.

#### Background

The policy was last reviewed in December 2022 however it was requested at the 28 February 2024 meeting of the PRDC that it be put to the next meeting of the committee for review. The policy was presented to the committee for review at the 24 April 2024 committee meeting where the committee resolved to defer the matter to this meeting pending further information

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in relation to the provision of ICT hardware to elected members in the context of the ICT allowance.

### **Council Policy Compliance**

This report facilitates the review of an existing Council Policy.

### **Legislative Compliance**

*Local Government Act 1995*

*Western Australia Salaries and Allowances Act 1975*

- Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023

### **Officer Comments**

The *Local Government Act 1995* provides parameters for Elected Member sitting fees and allowances. Further, the SAT determines the levels of sitting fees and allowances payable, with paragraph 22 (Conclusions) of the most recent determination into Local Government CEOs and Elected Members is relevant in this context:

22. *If an annual ICT allowance is preferred over reimbursement of costs, councils must calculate, with consideration to their internal policies and procedures, including asset management, an amount within the ICT allowance range (currently \$500 - \$3,500) that considers the total cost of ICT and ensures payment will not result in a windfall gain for council members. It is not intended for the maximum ICT allowance to be paid in addition to providing equipment and hardware.*

For additional clarity, under section 9.2 of the SAT determination, ICT expenses are defined as follows:

1. *rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or*
2. *any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations; or*
3. *any expenses, including the purchase costs, of ICT hardware provided to elected member*

A comparison with other band 1 local governments was conducted and the results are in the table below.

Whilst the table shows that other Local Governments have policies in place that permit both payment of the maximum allowance and separate provision of a device, the SAT determination is clear that the ICT allowance must comprise all ICT equipment and that a Local Government cannot pay the full ICT allowance and separately provide ICT equipment.

Officers have also sought advice from WALGA who advised that their view is in alignment with City staff, and that such policies would be inoperable to the extent of any inconsistency with the SAT determination.

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Local Government	ICT Allowance Paid*	Devices Provided	Notes
City of Bunbury	\$3,500	Not within policy	
City of Busselton	\$3,500	Standard Issue telephone + portable device	Can choose to keep device at end of term
City of Mandurah	\$3,500	Standard issue device (no sim card)	Devices returned at end of term
City of Melville	\$3,500	1 laptop, desktop or tablet	Devices may be purchased at end of term
City of Geraldton	\$3,500	1 laptop or tablet	Devices returned at end of term
City of Cockburn	\$3,500	1 mobile computer	
City of Canning	\$3,500	Not within policy	
City of Fremantle	\$3,500	Mayor provided with mobile and computer	Councillors have access to computer in admin centre
City of Swan	\$2,400	Laptop or desktop / Tablet / Smart Phone	Can purchase at end of term for depreciated value
Town of Port Hedland	\$3,500	Standard issue device	
City of Rockingham	\$3,500	1 device (no sim card)	Devices returned at end of term. Also have Policy detailing limits of usage

Whilst no changes to this process are recommended, should the committee wish to explore other options whereby devices (i.e. laptops) are provided by the City in lieu of the full ICT expenses allowance, then it is suggested that such a conversation be held at a strategic workshop where Officers could provide details of the cost implications of the various options.

Whilst preparing this report for the Committee, Officers have taken the opportunity to make some minor referencing amendments within Annexure 4 of the policy, having updated the references which previously read “*Local Government Officers’ (WA) Interim Award 2011*” to “*Local Government Officers’ (Western Australia) Award 2021*”. The figures within the annexure are unchanged.

At the Policy Review and Development Committee meeting held 18 June 2024, it was asked if Councillors could have membership of the South West Sports Centre included within the policy. Officers note that this would fall outside of the scope of this policy as this would be a payment not reimbursable under regulation 32(1)(c) of the *Local Government (Administration) Regulations*.

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

Nil

#### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

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

### **Applicant Consultation**

Not applicable.

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

Immediately following Council decision.

### **Outcome of Meeting 23 July 2024**

Cr Steele moved, and Cr Steck seconded a procedural motion pursuant to part 11.6A of the *Standing Orders Local Law*, to defer this item to the Ordinary Council Meeting scheduled for 3 September 2024.

The Mayor put the motion to the vote, and it was adopted to become the Council's decision on the matter. The result of the voted was 5 votes for / 5 votes against, and so Mayor cast a second vote in favour of the recommendation.

#### **Council Decision 139/24**

***That item 10.1.2 Review of Council Policy: Elected Member Entitlements be deferred until the 3 September 2024 Ordinary Council Meeting.***

CARRIED BY MAYOR'S CASTING VOTE

5 votes "for" / 5 votes "against"

Councillors Kozisek, Quain, Steele, Steck and Smith voted "for"

Mayor Miguel and Councillors Andrew, Brown, Ramesh and Turner voted "against"

Mayor Miguel used his casting vote "for"

**10.16 Review of Council Policy: Attendance at Events** (listed as 10.1.3 in the agenda)

<b>File Ref:</b>	COB/6306; COB/306
<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Responsible Officer:</b>	Maureen Keegan, Senior Governance Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance & Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.3-A Council Policy Attendance at Events

**Summary**

This report is presented to Council by the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Attendance at Events.

A copy of the current policy is contained at Appendix 10.1.3-A.

**Committee Recommendation**

That Council note the review of existing Council Policy Attendance at Events, with no changes recommended.

*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**

This Policy applies only to the City of Bunbury.

**Background**

This Policy was adopted in its current form by Council on 23 June 2020 as a statutory requirement pursuant to section 5.90A of the *Local Government Act 1995* (LGA). It was last reviewed by the PRDC/Council in June 2022 where it remained unchanged.

The policy was adopted in line with model text provided by the Department of Local Government, Sport and Cultural Industries for that purpose.

**Council Policy Compliance**

This report facilitates the review of existing Council Policy Attendance at Events.

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### **Legislative Compliance**

Section 5.90A of the LGA requires a local government have in place a policy that deals with matters relating to the attendance of council members and the CEO at events, including:

- a) the provision of tickets to events; and
- b) payments in respect of attendance; and
- c) approval of attendance by the local government and criteria for approval; and
- d) any prescribed matter.

### **Officer Comments**

The purpose of the Attendance at Events Policy is for:

- Council to actively consider the purpose of and benefits to the community from council members attending events.
- To provide a framework for the acceptance of invitations to such events.
- To clarify who pays for tickets to events.
- To provide transparency to the community on the acceptance of tickets to events.

The policy also complements the gift provisions within the LGA, and specifically where gifts may be received that would prevent Elected Members from participating in future decision-making involving the donor/event organiser.

Officers have reviewed the current policy and have determined that no amendments to legislation or the model text has been implemented since the last review, and therefore do not propose any changes.

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

Nil as there are no changes proposed to the policy.

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

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

### **Applicant Consultation**

No applicable.

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

Immediately following Council decision.

### **Outcome of Meeting 23 July 2024**

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

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

**Council Decision 140/24**

**That Council note the review of existing Council Policy Attendance at Events, with no changes recommended.**

CARRIED BY ABSOLUTE MAJORITY

10 votes “for” / Nil votes “against”

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**10.17 CEO Probation Review November 2023 – May 2024** (listed as 10.1.9 in the agenda)

<b>File Ref:</b>	COB/515
<b>Applicant/Proponent:</b>	CEO Performance Review Committee
<b>Responsible Officer:</b>	Maureen Keegan, Senior Governance Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance and Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Confidential Appendix 10.1.8-A Summary Report CEO Performance and Remuneration Review

**Summary**

This report considers the probationary review of performance for Mr Alan Ferris, Chief Executive Officer (CEO), for the period November 2023 – May 2024, which has been carried out in accordance with Council’s statutory and contractual obligations. A summary report of the review has been prepared for Council and is presented at Confidential Appendix 10.1.8-A.

**Committee Recommendation**

That Council:

1. Notes that the probationary performance review of Mr Alan Ferris, Chief Executive Officer, has been undertaken for the probationary review period.
2. Endorses the outcome of the probationary review, that is Mr Ferris has met expectations and thanks Mr Ferris for his efforts.
3. Endorses Mr Ferris’ suitability for the role and hence continuation of his contract of employment subject to both parties agreement.

*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**

Price Consulting Group Pty Ltd was engaged by the City of Bunbury to conduct the CEO’s Probationary Performance Review for the period November 2023 – May 2024.

Initial liaison, inclusive of subsequent telephone conversations and emails, took place with Mayor/Chair, CEO Performance Review Panel and CEO in March 2024 to clarify and agree on

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the performance appraisal process and timeline. The timeline and process are outlined within confidential Appendix 10.1.8-A.

A questionnaire was developed and emailed to all Councillors on 2 May 2024 which sought assessment and feedback for:

- Functions of the CEO, in accordance with the Local Government Act
- Delivery of Strategic Outcomes.
- Leadership Attributes.
- the CEO's strengths and development needs, as well as an overall rating of his performance in delivering the City's objectives.

The review outcomes are detailed in the Summary Report to Council at Confidential Appendix 10.1.8-A.

### **Council Policy Compliance**

The Council Policy CEO Performance and Salary Review authorises the CEO Performance Review Panel to undertake the CEO Performance Review and report findings and recommendations to Council.

### **Legislative Compliance**

The review process was undertaken in accordance with Schedule 2 of the Local Government (Administration) Regulations 1996, being the *Model standards for CEO recruitment, performance and termination*.

### **Officer Comments**

Confidential Appendix 10.1.8-A details the outcomes of the CEO Probationary Performance Review process for November 2023 – May 2024. The report was compiled by the consultant following feedback received and subsequent informal meetings between the Consultant, CEO Performance Review Committee and the CEO on 4 June 2024.

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

Not applicable

### **Community Consultation**

Not applicable.

### **Elected Member/Officer Consultation**

The CEO Performance Review Committee is requested to formally consider the report and subsequently, present a Committee recommendation to Council for consideration.

### **Applicant Consultation**

Not applicable

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

Pursuant to clause 19 of the *Model standards for CEO recruitment, performance and termination*, Council must inform the CEO in writing of:

- The results of the review; and
- If the review identifies any issues about the performance of the CEO – how the local government proposes to address and manage those issues.

### **Outcome of Meeting 23 July 2024**

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 adopted to become the Council’s decision on the matter.

#### **Council Decision 141/24**

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

- 1. Notes that the probationary performance review of Mr Alan Ferris, Chief Executive Officer, has been undertaken for the probationary review period.***
- 2. Endorses the outcome of the probationary review, that is Mr Ferris has met expectations and thanks Mr Ferris for his efforts.***
- 3. Endorses Mr Ferris’ suitability for the role and hence continuation of his contract of employment subject to both parties agreement.***

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

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**10.18 Inclusion of Alternative Augmentative Communication Boards in all City of Bunbury playgrounds and park refurbishments.** (listed as 10.1.10 in the agenda)

<b>File Ref:</b>	COB/5471 and COB/1774
<b>Applicant/Proponent:</b>	Disability, Access and Inclusion Committee (DAIC)
<b>Responsible Officer:</b>	Sue Alexander, Community Development Officer – Inclusion
<b>Responsible Manager:</b>	Georgia-Mae O’Brien, Acting Manager Community Connection
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.10-A Example of Augmentative Alternative Communication Boards

**Summary**

The purpose of this report is for Council to endorse recommendations from the Disability Access and Inclusion Committee (DAIC) meeting held 22 May 2024 relating to installing Augmentative Alternative Communication in all City of Bunbury playgrounds and park renewals and refurbishments.

**Committee Recommendation**

That Council:

1. Endorse the inclusion of Alternative Augmentative Communication Boards in all City of Bunbury playground and park renewals and refurbishments, in alignment with DAIP 2023-2028 Action 2.2.4: Consider intellectual, neurological, and developmental disabilities in new playground designs.
2. Endorse that the budget for the renewal and refurbishment of City of Bunbury owned playgrounds and parks incorporates funding for the installation of Alternative Augmentative Communication Boards.

**Executive Recommendation**

That Council:

1. Requests the CEO to prepare a report to be presented to the 13 August 2024 ordinary Council meeting that considers the financial resources required for the inclusion of Alternative Augmentative Communication boards in all City of Bunbury playground and park renewals and refurbishments

*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.

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## 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

Communication Boards are a form of augmentative and alternative communication (AAC) that utilise images, symbols, and illustrations to assist individuals with communication difficulties in expressing themselves. Users can gesture or point at images to convey their messages. Additionally, these boards incorporate core key-word signs to promote community awareness and facilitate the modelling of this communication method.

The City of Bunbury has installed Communication Boards at two playgrounds featuring accessible facilities: Big Swamp Playground and Koombana Bay Foreshore Playground. These Communication Boards were developed through a collaborative initiative led by a member of the City of Bunbury's Co-Design Panel and a local speech pathologist, with substantial support from the City of Bunbury.

The support provided by the City of Bunbury included:

- **Financial Support:** Funding for the manufacturing of the Communication Board frames, printing, installation, and ongoing maintenance.
- **Graphic Design:** In-house design services from the City of Bunbury's Marketing and Communication Team.
- **Project Coordination:** Oversight by the Community Development Inclusion Officer.

The City of Bunbury has also created additional Communication Board resources, including downloadable versions for events, which are available to the community free of charge. Furthermore, the City has donated Communication Board resources to Enable for the Accessible Events Trailer.

## 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

Effective communication is a fundamental human right. Individuals who experience difficulties in communication may face challenges in accessing information, building relationships, participating in employment and educational opportunities, and ensuring their safety within the community. Augmentative and Alternative Communication (AAC) serves as a critical tool to facilitate understanding and enable individuals to express their thoughts and feelings.

AAC provides a means for everyone to have their needs, wants, and opinions heard. It fosters new social connections and friendships and supports the development of existing skills.

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Research has shown that AAC can enhance developmental skills and improve communication abilities.

AAC is beneficial for a wide range of community members, including those who cannot use speech to communicate effectively, those with developmental delays or disorders, and those whose speech may be difficult for others to understand. AAC can be advantageous for people of all ages, from young children to adults with varying degrees of disabilities.

City of Bunbury Communication Boards have been designed with the following objectives:

- **Facilitate Expression:** Provide opportunities for individuals to share their thoughts and experiences while engaging in community activities.
- **Enhance Communication:** Promote communication experiences across our community.
- **Educate the Community:** Increase understanding of alternative communication systems and offer practical experiences in using them.
- **Foster Inclusivity:** Strengthen the community's capacity to offer inclusive and meaningful opportunities for all its members.

The recommendations for the implementation of Communication Boards align closely with the City of Bunbury Disability Access and Inclusion Plan (DAIP) 2023-2028 actions. Specifically, the following actions are pertinent:

- **Action 2.4.2 (2024-2025):** Conduct an accessibility audit of the City's existing playgrounds and playground infrastructure to gather detailed information on accessible features within each playground. This action also includes the continuous updating of information as new accessible features are implemented.
- **Action 2.4.5 (2024-2025):** Support the implementation of aided language displays in all City playgrounds.

These actions underscore the City of Bunbury commitment to enhancing accessibility and inclusivity within our community spaces. The integration of Communication Boards as a form of aided language display is a proactive step towards fulfilling these goals, ensuring that all individuals, regardless of their communication abilities, can participate fully in our community activities and enjoy the use of our playgrounds.

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

If endorsed a further report will be presented to Council that considers the financial resources required.

### **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.

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### **Outcome of Meeting 23 July 2024**

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

The Mayor put the motion to the vote, and it was LOST 2 votes for / 8 votes against.

Councillor's Steele and Smith voted for.

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

Cr Andrew Moved, and Cr Turner seconded, the committee recommendation with an additional point as follows:

*That Council:*

1. *Endorse the inclusion of Alternative Augmentative Communication Boards in all City of Bunbury playground and park renewals and refurbishments, in alignment with DAIP 2023-2028 Action 2.2.4: Consider intellectual, neurological, and developmental disabilities in new playground designs.*
2. *Endorse that the budget for the renewal and refurbishment of City of Bunbury owned playgrounds and parks incorporates funding for the installation of Alternative Augmentative Communication Boards.*
3. *Requests the CEO to prepare a briefing note to be presented to Council that considers the financial resources required for the inclusion of Alternative Augmentative Communication boards in all City of Bunbury playground and park renewals and refurbishments if deemed necessary due to budget constraints.*

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

#### **Council Decision 142/24**

***That Council:***

***1. Endorse the inclusion of Alternative Augmentative Communication Boards in all City of Bunbury playground and park renewals and refurbishments, in alignment with DAIP 2023-2028 Action 2.2.4: Consider intellectual, neurological, and developmental disabilities in new playground designs.***

***2. Endorse that the budget for the renewal and refurbishment of City of Bunbury owned playgrounds and parks incorporates funding for the installation of Alternative Augmentative Communication Boards.***

***3. Requests the CEO to prepare a briefing note to be presented to Council that considers the financial resources required for the inclusion of Alternative Augmentative Communication boards in all City of Bunbury playground and park renewals and refurbishments if deemed necessary due to budget constraints.***

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

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**10.19 Proposed Amendment to the City of Bunbury Local Planning Strategy** (listed as 10.4.3 in the agenda)

<b>File Ref:</b>	COB/6681
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Kelvin Storey, Principal Planning Officer
<b>Responsible Manager:</b>	Barbara Macaulay, Manager Planning and Building
<b>Executive:</b>	Andrew McRobert, Director Sustainable Development
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.4.3-A: Strategy Amendment No.3 Report

**Summary**

The City of Bunbury Local Housing Strategy was adopted by Council in 2021 and serves to enhance and supplement strategic direction provided by the City’s Local Planning Strategy 2018 (LPS – ‘the Strategy’).

In order that key recommendations and actions identified within the Local Housing Strategy are more broadly acknowledged and provided with greater statutory weight in decision making (especially at the State level) these need to be captured by way of an update to the LPS.

**Executive Recommendation**

That Council, in accordance with the *Planning and Development Act 2005* and the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

1. Initiate for the purpose of public advertising ‘Strategy Amendment No.3 – Housing Theme Update’ to the City of Bunbury Local Planning Strategy 2018 that proposes to:
    - a) amend strategy text by:
      - i) modifying the text box on page 23 by revising and updating the list of documents appearing under ‘Relevant State strategies, plans or policies’, and by inserting a new entry under ‘Relevant Local strategies, plans or policies’ that acknowledges the ‘City of Bunbury Local Housing Strategy 2021’
      - ii) modifying strategy text boxes appearing on page 24 under ‘Strategies’
      - iii) modifying text on page 24 that provides the detail associated with each numbered strategy
    - b) modifying the Housing Theme Strategy Map on Page 25 by:
      - i) including identified ‘Housing Focus Areas’ as a graphic insert
- as depicted within the draft Strategy Amendment No.3 report as **attached** at Appendix 10.4.3-A.
2. Refer a copy of the amending documentation to the Western Australian Planning Commission and request their permission to proceed to public advertising.
-



3. Further consider the Strategy amendment proposal together with any submissions lodged with the City of Bunbury following the completion of the statutory public advertising period.

*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

### **Regional Impact Statement**

The amendments proposed align with and support strategic directions and population growth aspirations contained within the Bunbury Geographe Sub-regional Strategy 2022 (BGSrS), most notably:

*BGSrS Theme - Growth:*

2. *Provide for the growth of the sub-region's population to 200,000 by identifying sufficient residential and employment land to cater for this target population.*
3. *Recognise the broader aspiration for a population of 300,000 in the subregion and respond to accelerated rates of growth by identifying additional residential and employment land, through regular monitoring and updating the Strategy as required.*

*BGSrS Theme – Urban Settlement:*

10. *Promote a consolidated urban form for the Bunbury Metropolitan Area through urban infill and increased residential densities around activity centres and other areas identified in a local planning strategy, while respecting heritage values and the distinctive character of each locality.*

### **Background**

Prepared by City of Bunbury staff in consultation with key stakeholder groups and the local community the Local Housing Strategy 2021 considers the housing needs of the City over the next 15 to 20 years. In implementation it seeks to encourage the development of a mix of housing types within suitable locations of the City in a manner that respects local amenity and established character.

The adopted Local Housing Strategy incorporates 'Actions' and identifies housing 'Focus Areas' within which further planning investigations are to be undertaken. While activities associated with a number of the stated actions have commenced (notably within Glen Iris, Withers, Spencer/Blair and Back Beach precincts) in order to provide greater statutory weight to key aspects of the Local Housing Strategy an amendment to the Local Planning Strategy is required by modifying and updating text and mapping within LPS Part 1 - Housing Theme.

### **Council Policy Compliance**

The Strategy amendment as drafted is consistent with the Local Housing Strategy adopted by Council in 2021.

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### **Legislative Compliance**

The Strategy amendment documentation will be progressed in accordance with requirements of the *Planning and Development Act 2005* and the Planning and Development (Local Planning Schemes) Regulations 2015.

### **Officer Comments**

The scope of the amendment is set out within the Strategy Amendment No.3 report (as **attached** at Appendix 10.4.3-A). In particular the Strategy amendment seeks to:

- (a) recognise the Focus Areas identified within the Local Housing Strategy
- (b) demonstrate support for a greater diversity of housing types
- (c) facilitate better alignment between housing supply and demand

Accommodating further growth in focus areas will, as stated in the Local Housing Strategy:

*“...allow the areas retained at lower density to maintain a balance in the mix and availability of housing type. It is intended that the resulting mix will provide a range of choice for families with dependents while enabling growth in the city centre and other activity centres to provide different opportunities for all sectors of Bunbury’s community, especially singles and older residents looking to downsize within the local area.”*

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

Subject to the need for undertaking statutory public advertising, there are no financial or budgetary implications in progressing with the LPS amendment.

### **Community Consultation**

Subject to the Western Australian Planning Commission’s prior approval, the draft Local Planning Strategy Amendment No. 3 draft document will be publicly advertised for community comment (for not less than 21 days) in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

### **Councillor/Officer Consultation**

The proposed Strategy amendment is consistent with the Local Housing Strategy. Prior to the Local Housing Strategy’s adoption by Council in 2021 consultation was undertaken in line with a Communication and Engagement Plan that included:

- survey responses / comment via the City’s social pinpoint platform
- community and BGCCI briefings
- individual stakeholder teleconferences and meetings
- advertising via social and printed media
- direct email and mail contact.

The Local Planning Strategy amendment as proposed was a recommended action (Action 3) in the ‘Strategy and Scheme – First Cycle Review 2018-2023’ report that was prepared by City Officers and presented to elected Members at an information session held on 27 February 2024.

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

Subject to Council supporting the Strategy amendment for the purpose of public advertising, the proposal will be referred to the Western Australian Planning Commission seeking their permission to proceed with public advertising and consultation – which would be undertaken as directed by the Commission, and otherwise in accordance with requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.

### **Outcome of Meeting 23 July 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 to become the Council's decision on the matter.

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### **Council Decision 143/24**

***That Council, in accordance with the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:***

- 1. *Initiate for the purpose of public advertising 'Strategy Amendment No.3 – Housing Theme Update' to the City of Bunbury Local Planning Strategy 2018 that proposes to:***
  - c) *amend strategy text by:***
    - iv) *modifying the text box on page 23 by revising and updating the list of documents appearing under 'Relevant State strategies, plans or policies', and by inserting a new entry under 'Relevant Local strategies, plans or policies' that acknowledges the 'City of Bunbury Local Housing Strategy 2021'***
    - v) *modifying strategy text boxes appearing on page 24 under 'Strategies'***
    - vi) *modifying text on page 24 that provides the detail associated with each numbered strategy***
  - d) *modifying the Housing Theme Strategy Map on Page 25 by:***
    - ii) *including identified 'Housing Focus Areas' as a graphic insert***

***as depicted within the draft Strategy Amendment No.3 report as attached at Appendix 10.4.3-A.***
- 2. *Refer a copy of the amending documentation to the Western Australian Planning Commission and request their permission to proceed to public advertising.***
- 3. *Further consider the Strategy amendment proposal together with any submissions lodged with the City of Bunbury following the completion of the statutory public advertising period.***

CARRIED

9 votes "for" / 1 votes "against"

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

Councillor Steck voted "against"

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

<b>File Ref:</b>	COB/5493
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Saphron Wheeler, Environmental Sustainability Officer
<b>Responsible Manager:</b>	Aaron Lindsay, Manager Projects and Asset Management
<b>Executive:</b>	Aileen Clemens, A/Director Infrastructure Services
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Nil

**Summary**

At the Ordinary Council Meeting on 25 June 2024, Council resolved to appoint the seven (7) community representative positions and Councillor Turner to represent Council on the Climate Action and Sustainability Working Group (CASWG) (Council Decision 116/24). This report is presented to Council to appoint one (1) additional Council Member to represent Council on the CASWG.

**Executive Recommendation**

That Council:

1. Notes Councillor Turner as a Councillor representative on the Climate Action and Sustainability Working Group.
2. Appoints \_\_\_\_\_ to represent Council on the Climate Action and Sustainability Working Group.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

<b>Pillar</b>	<b>Planet</b>
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:	An aware and resilient community equipped to respond to natural disasters and emergencies.
Objective 6.1	Minimise risks and impacts from fires, floods, heat waves, and other natural disasters.

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## **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.

At the Ordinary Council Meeting on 25 June 2024, Council resolved to appoint the preferred candidates as identified at the seven (7) community representative positions. The Mayor called for two (2) Council Member nominations for the CASWG and Councillor Turner nominated to be a member. There were no further nominations. However, as there were a number of Councillors absent from the meeting, the Council Decision was amended to recommend the CEO present an item at the next Ordinary Council Meeting to appoint an additional Council Member representative (Council Decision 116/24).

## **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 recommended that the membership of the CASWG was expanded from six (6) to seven (7) community representatives to capture the range of diversity and experience presented in the applicant pool.

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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.

#### 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 appoint an additional (1) Council Member to represent Council on the CASWG, the City aims to hosts its first meeting in July or August 2024.

#### **Outcome of Meeting 23 July 2024**

The Mayor called for nominees for the vacant Councillor position of the Climate Action and Sustainability Working Group. Cr Ramesh was the sole nominee.

The recommendation was moved by Cr Kozisek 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.

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**Council Decision 144/24**

**That Council:**

- 1. Notes Councillor Turner as a Councillor representative on the Climate Action and Sustainability Working Group.**
- 2. Appoints Cr Ramesh to represent Council on the Climate Action and Sustainability Working Group.**

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

## **11. Applications for Leave of Absence**

Nil

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## **12. Motions on Notice**

Nil

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### **13. Questions from Members**

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

Nil

#### **13.2 Questions from Members**

Cr Steck asked the following questions:

##### Question 1

Why hasn't the City promoted Birds of Tokyo, and Sarah McLeod coming to Bunbury via our Facebook pages?

##### Response

The CEO advised noted that the City does not generally, as a policy, promote individual events through the City's Facebook page.

##### Question 2

Can a possible policy position, regarding promotion of events, be brought to the Policy Review and Development Committee for consideration?

##### Response

The CEO responded yes.

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**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 6:21pm.

Confirmed this day, 13 August 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 23 July 2024.



Tresslyn Smith  
Deputy Mayor