



City of Bunbury Council

Minutes

13 August 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 Deputy 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. She paid her respects to all members of the Aboriginal community and their culture; and to Elders past, present and emerging.

The Deputy Mayor noted that she had approved Cr Steck's attendance at this meeting via electronic means.

2. Disclaimer

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

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

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

Copyright

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Recording and Webstreaming of Meetings

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

3. Announcements from the Presiding Member

Nil

4. Attendance

Council Members:	
Presiding Member:	Deputy Mayor T Smith
Members:	Councillor B Andrew
	Councillor T Brown
	Councillor M Kozisek
	Councillor M Quain
	Councillor K Turner
	Councillor K Steele
	Councillor M Steck (via electronic means)
	Councillor P Ramesh
	Councillor G Ghasseb
Executive Leadership Team (Non-Voting)	
A/Chief Executive Officer	Ms K Strachan
A/Director Infrastructure	Ms A Clemens
Director Sustainable Communities	Mr A McRobert
City of Bunbury Officers (Non-Voting)	
Manager Finance	Mr D Ransom
Manager Governance and Integrated Planning	Mr G Golinski
A/Manager Planning and Building	Ms A Baldock
Senior Corporate Communications Officer	Ms K Fielding
Governance Officer	Mr L Murphy
Others (Non-Voting)	
Members of the Public	11

4.1 Apologies

Nil

4.2 Approved Leave of Absence

The Mayor is on an approved leave of absence as approved at item 11.1.

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	16/18	18/18	18/18	12/13	17/18	17/18	17/18	12/13	15/18	17/18	18/18
Special Council Meeting	6/6	6/6	6/6	2/2	5/6	6/6	6/6	2/2	5/6	6/6	6/6
Agenda Briefing	15/18	17/18	18/18	12/13	14/18	17/18	17/18	13/13	13/18	13/18	18/18
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

5. Declaration of Interest

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

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

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

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

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

Cr Steck declared a proximity interest in item 10.4.1 *Proposed Scheme Amendment No.11 to City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses at Lot 150 (#1) Austral Parade, East Bunbury.*

Cr Ghasseb declared an impartiality interest in item 10.4.1 *Proposed Scheme Amendment No.11 to City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses at Lot 150 (#1) Austral Parade, East Bunbury* as the director of a family company owns a nearby residential property.

Cr Andrew declared an impartiality interest in item 10.4.1 *Proposed Scheme Amendment No.11 to City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses at Lot 150 (#1) Austral Parade, East Bunbury* as he is a member of the Rotary Club which meets at the Parade Hotel.

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

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held 23 July 2024 have been circulated.

Recommendation

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

Voting Requirement: Simple Majority Required

Outcome of Meeting 13 August 2024

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

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

Council Decision 158/24

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

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

7.1.2 Minutes – Council Advisory Committees

Nil

7.1.3 Minutes – Special Council Meeting

The minutes of the Special meeting of the City of Bunbury Council held 23 July 2024 have been circulated.

Recommendation

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

Voting Requirement: Simple Majority Required

Outcome of Meeting 13 August 2024

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

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

Council Decision 159/24

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

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 Proposed Scheme Amendment No.11 to City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses at Lot 150 (#1) Austral Parade, East Bunbury

- Marilyn Palmer
- Diane Cavanagh
- Kanella Hope

12.1 Cr Ghasseb - Pensioner and Seniors Rebate Advocacy

- Eve Parsons

The Deputy Mayor put a motion to approve the deputation requests and allow a period of up to 10 minutes to present to Council, which was carried unanimously.

Council Decision 160/24

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 Proposed Scheme Amendment No.11 to City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses at Lot 150 (#1) Austral Parade, East Bunbury

**Marilyn Palmer
Diane Cavanagh
Kanella Hope**

12.1 Cr Ghasseb - Pensioner and Seniors Rebate Advocacy
Eve Parsons

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

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for item 10.2.1, 10.3.1, and 10.3.4.

Items 10.3.2, 10.3.3, 10.4.1, 10.4.2, 10.5.1, and 10.5.2 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 Quain.

10. Reports

10.1 CEO Key Performance Indicators Quarter 4 2023-24 (listed as 10.2.1 in the agenda)

File Ref:	COB/6080
Applicant/Proponent:	Internal
Responsible Officer:	Alan Ferris, Chief Executive Officer
Responsible Manager:	Alan Ferris, Chief Executive Officer
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.2.1-A CEO KPIs Report – Period ending 30 June 2024

Summary

Each year the CEO Performance Review Committee, in consultation with the Chief Executive Officer, meets and develops Key Performance Indicators (KPIs) for the City of Bunbury to adopt and report on.

The purpose of this report is to provide an update on the KPIs for Quarter 4, 2023-24.

Executive Recommendation

That Council notes the CEO KPIs Quarter 4 2023-24 Report. For the period ending 30 June 2024, as presented in Appendix 10.2.1-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Nil

Background

Council resolved to endorse the Adopted CEO Performance Criteria 2023-24 at the Ordinary Council Meeting on 26 April 2023, Council Decision 061/23, and all CEO KPIs are to be formally reported to Council via an Agenda Item quarterly.

Council Policy Compliance

No Council Policy applies in this instance.

Legislative Compliance

No Legislative Compliance applies in this instance.

Officer Comments

The next CEO KPIs Update Report is scheduled to be presented in the Council Agenda at the Ordinary Council Meeting in November 2024, which will be reporting on Quarter 1 2024-25.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

Elected Members adopted the 2023-24 CEO KPIs at the Ordinary Council Meeting held on 24 April 2023 and Officers have assisted with the compilation of the Quarter 3 2023-24 report.

Outcome of Meeting 13 August 2024

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

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

Council Decision 161/24

That Council notes the CEO KPIs Quarter 4 2023-24 Report. For the period ending 30 June 2024, as presented in Appendix 10.2.1-A.

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

Legislative Compliance

Regulation 19DA of the Local Government (Administration) Regulations outlines the requirements for a Corporate Business Plan.

Officer Comments

The Corporate Business Plan communicates the City's plan for the next four years for delivering the aspirations and objectives of the community as set out in the Strategic Community Plan.

A report on progress toward achieving the outcomes of the Corporate Business Plan is presented to Council quarterly. This is intended to ensure transparency to Council and the community, and that implementation is done on time and on budget thereby maximising effectiveness and positive community impact.

The report is organised by each of the core performance area pillars - People, Plant, Place, Prosperity, and Performance - and includes for each action the overall status; budget and budget status indicator; the quarter in the financial year by which the action is due to be completed; and a Manager or Executive comment.

The report outlines progress towards actions scheduled for completion within the 2023-2024 financial year.

Analysis of Financial and Budget Implications

Budget figures included in the Report are aligned with the operating and capital project expenditure outlined in the Corporate Business Plan 2023 -2027, and Annual Budget 2023-2024.

Community Consultation

Nil

Councillor/Officer Consultation

Elected Members adopted The Corporate Business Plan 2023 - 2027 at the Special Council Meeting held on 25 July 2023. The Plan was developed in consultation with Executives, Managers, and Officers. Executive and Managers were engaged by Officers in compilation of the Quarter 4 2023-24 report.

Outcome of Meeting 13 August 2024

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

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

Council Decision 162/24

That Council notes the Corporate Business Plan Quarter 4 2023-24 Report. For the ending 30 June 2024, as presented in Appendix 10.3.1-A.

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

- * Current Liabilities of \$18.43M includes:
 - Trade and Other Payables \$10.28M
 - Annual Leave and LSL Provisions \$5.31M

 - * Working Capital
(Current Assets less Current Liabilities) \$24.59M

 - * Equity
(Total Assets less Total Liabilities) \$496.71M
4. Capital Works (**attached** at Appendix 10.3.4-E)
- Actual capital works of \$27.31M is \$7.84M less than the annual budgeted capital works of \$35.15M (refer explanation within report).
 - The progress of capital works is monitored monthly.
 - Capital works include a combination of funding sources including municipal, reserve and grant funds.
5. Operating Project Expenditure (**attached** at Appendix 10.3.4-F)
- Actual operating project expenditure of \$5.24M is \$3.02M less than the annual budgeted operating project expenditure of \$8.26M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

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

Voting requirements: Simple majority

Strategic Relevance

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

Background

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.4-A)
- Statement of Financial Activity (**attached** at Appendix 10.3.4-B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.4-C)
- Statement of Financial Position (**attached** at Appendix 10.3.4-D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.4-E)
- Operating Projects Summary (**attached** at Appendix 10.3.4-F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.4-G)

These summaries include end-of-year forecasts based on the income and expenditure for all accounts.

Council Policy Compliance

Not applicable.

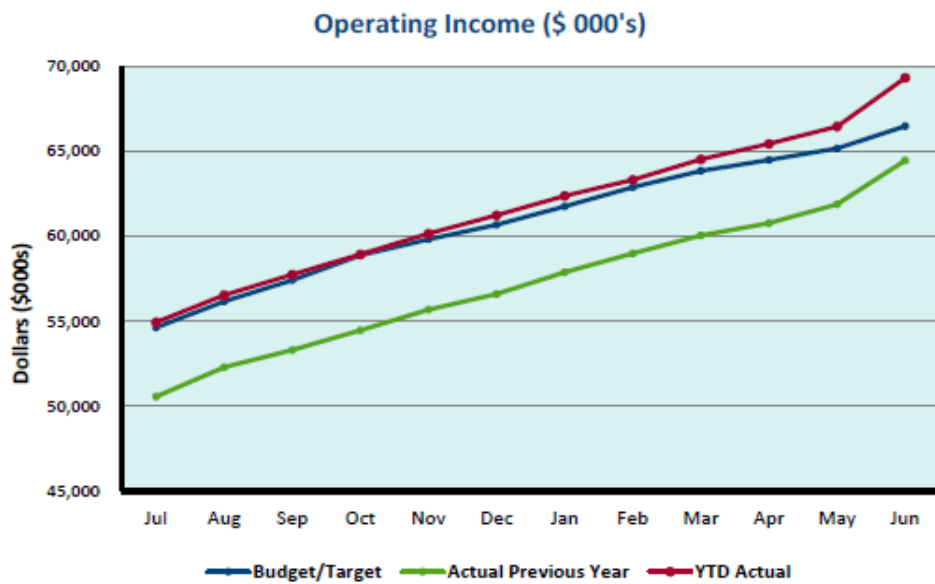
Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix 10.3.4-B) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

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

Officer Comments

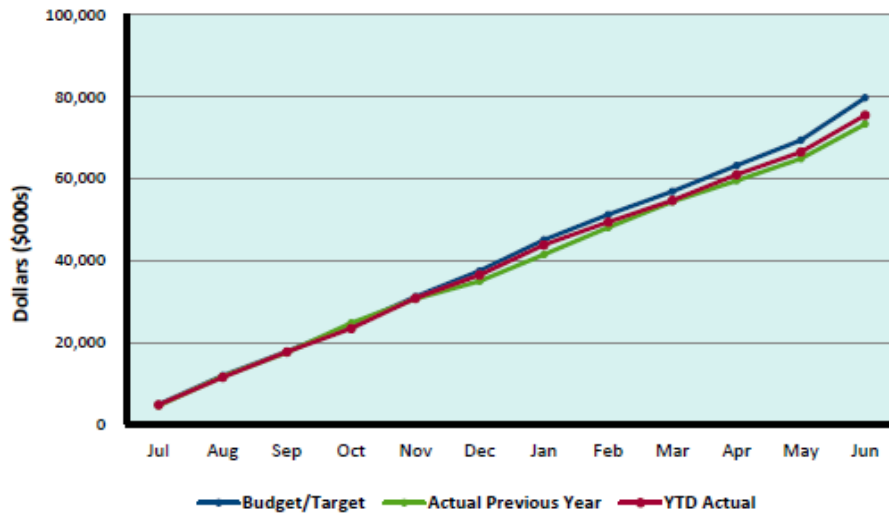
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



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

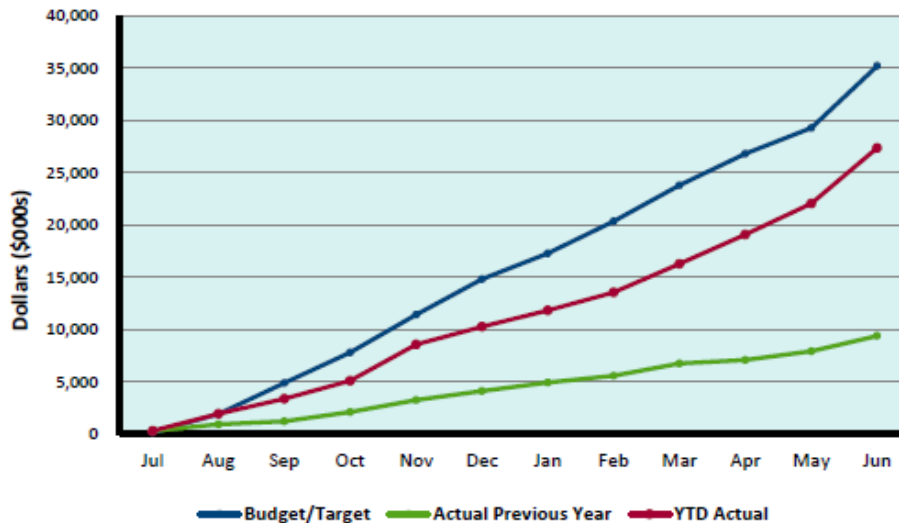
Actual operating income of \$69.29M is \$2.83M more than the annual budgeted income of \$66.46M.

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is below the year-to-date budget by \$4.26M.

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of June 2024 of \$27.31M is \$7.84M less than the annual budget of \$35.15M. The monthly Capital Projects Summary report provides more detail on all capital projects.

The following is an explanation of significant variances identified in the Statement of Financial Activity. Please refer to Appendices 10.3.4-E and 10.3.4-F for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenue	
<i>Grants and Subsidies</i> – Favourable variance due to receiving the Federal Assistance Grants in advance of \$1.84M offset by grants not yet received or utilised for the Detailed design of the Hay Park Courts (\$639K), DFES Mitigation activity program (\$19K) and Indigenous arts program (\$14K).	\$1,152,666 59%

<p><i>Contributions Reimbursements and Donations</i> – Favourable variance of \$351K mainly due to higher than expected workers compensation reimbursements (\$90K), insurance reimbursements (\$77K), government paid parental leave (\$54K), fuel tax credit rebates of (\$50K), process property utility recoups (\$37K), coordinate debt recovery (\$32K), operate and maintain electric car charging stations (\$6K).</p>	<p>\$350,738 40%</p>
<p><i>Interest received</i> – Favourable variance of \$553K mainly due to higher than anticipated Investment interest (\$450K) and rates debtor Interest (\$81K).</p>	<p>\$553,332 27%</p>
<p>Operating Expenses</p>	
<p><i>Materials and Contracts</i> – Favourable variance of \$3.71M mainly due to the following:</p> <p><i>Significant Items carried forward to the 2024/25 financial year:</i> PR-5086 Detailed design Hay Park Indoor Courts - \$639K Maintain Project Shine applications - \$300K PR-5150 Data centre and Cloud migration - \$285K PR-5128 Implement CHRMAP - \$188K PR-5008 Project Shine transformation - \$174K PR-5346 Economic Development Implementation Fund - \$149K PR-4268 Renewable Energy Efficient Projects - \$136K PR-4249 Implement Economic Development Strategy- \$127K PR-3584 Review - Local Planning Strategy 2020-2025 - \$100K PR-4624 Undertake drainage catchment studies - \$100K PR-4290 Develop new website for City of Bunbury - \$91K</p> <p><i>Saving identified:</i> Maintain paths and cycleways - \$177K Collect residential waste - \$169K Dispose residential recyclable materials - \$134K Collect commercial general waste - \$114K Maintain turf surfaces - Non-sporting - \$88K</p>	<p>\$3,705,882 16%</p>
<p><i>Other Expenses</i> – Favourable variance of \$487K mainly due to the following:</p> <p><i>Significant Items carried forward to the 2024/25 financial year:</i> PR-5154 Support Colts Cricket Club CSRFF - \$58K PR-4211 Provide funding for "Signature Events" Grants - \$50K PR-4807 Deliver "The Makerspace" digital and technology - \$47K PR-4198 Community Connect Grant Round - \$26K PR-5156 Support ECU Creative Tech Village - \$20K PR-5083 Discretionary funding allocation - \$18K PR-4673 Replace office furniture and equipment - \$15K</p> <p><i>Saving identified:</i> Undertake elected member training - \$83K Write-offs - \$47K Economic Development research and support - \$15K</p>	<p>\$487,575 11%</p>

Capital Revenues	
<i>Grants and Contributions to the Development of Assets</i> – Unfavourable variance of \$1.61M mainly due to not receiving grant funds for projects that have been carried forward to the 2024/25 financial year.	(\$1,612,977) (10%)
<i>Proceeds on Disposal of Assets</i> – Unfavourable variance of \$240K mainly due to Lot 618 Nyabing Way not proceeding (\$150K) and vehicles have not being sold due to wait times of new vehicles \$90K.	(\$240,477) (39%)
<i>Transfers to/from Restricted Cash</i> – Variance of \$8.06M due to unspent loans of \$1.9M, unanticipated savings from waste resulting in a higher transfer to reserves of \$900K (inclusive of carry forward projects), and transfers not required for projects in 2023/24 which have been carried forward to the 2024/25 financial year.	\$8,056,451 112%
Capital Expenses	
<i>Acquisition of Assets</i> – Variance due to the timing of capital expenditure. The capital projects are monitored monthly. Key project variances include: <i>Projects carried forward to the 2024/25 financial year:</i> PR-3720 Hands Oval Redevelopment - \$2.87M PR-2403 Replace Forrest Park Pavilion - \$1.22M PR-4881 Replace corporate vehicles - \$367K PR-5113 Blackspot Roadworks 2023/24 - \$293K PR-3830 Subdivision and sale of part Lot 3 Blair St - \$221K PR-5117 Regional Roadworks program – Leschenault Dr - \$208K PR-5038 Withers Regional Renewal - \$183K PR-4865 Asset replacement – Personal Computers - \$167K PR-5111 Bunbury Airport apron expansion - \$164K PR-5090 Waterfront Public Art Installation - \$153K PR-4858 Expand cycleways 2023/24 - \$139K PR-4696 Replace boardwalks, lookouts and beach access stairs - \$127K PR-4871 Renew, resleeve and improve drainage network 2023/24 - \$123K PR-5112 Bunbury Airport compass swinging bay - \$105K PR-5105 Renew foreshore marine walls 2023/24 - \$94K PR-4924 Regional Roadworks Program - Lillydale Road - \$90K PR-5115 Regional Roadworks program - Casuarina Dve - \$90K <i>Projects that have been deferred:</i> PR-5116 Regional Roadworks program – Clifton Street - \$136K	\$7,839,315 22%

Analysis of Financial and Budget Implications

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

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.4-G) has been prepared to give the community an easy-to-understand summary of the City’s financial performance. This report is made available on the City’s website for community information.

Councillor/Officer Consultation

The City’s Executive Team, Department Managers and Finance staff monitor the City’s monthly revenue and expenditure and (as required) refers any variances requiring remedial action to Council.

Approved budget amendments are recorded in the financial statements to always reflect the City’s current budget and financial position.

Outcome of Meeting 13 August 2024

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

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

Council Decision 163/24

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

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

10.4 Proposed Scheme Amendment No.11 to City of Bunbury Local Planning Scheme No.8: Proposed Additional Uses at Lot 150 (#1) Austral Parade, East Bunbury (listed as 10.4.1 in the agenda)

File Ref:	DD/12/2023/4/1
Applicant/Proponent:	Kanella Hope, Planned Focus
Responsible Officer:	Gareth Webber, Planning Officer
Responsible Manager:	Alice Baldock, Acting Manager Planning and Building
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<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
Attachments:	10.4.1-A – Scheme Amendment No.11 Report 10.4.1-B – Proposed Modifications 10.4.1-C – Schedule of Submissions

Summary

Scheme Amendment No. 11 has been prepared by Planned Focus on behalf of the landowner of Lot 150 (#1) Austral Parade, East Bunbury. At its Ordinary Meeting of 7 November 2023, Council resolved to adopt and advertise the proposed standard scheme amendment for public comment.

The amendment has been publicly advertised and referred to the relevant service authorities for comment. The proposed standard amendment is now presented to Council in order to seek a resolution to support the amendment subject to the recommended modifications prior to being referred to the Western Australian Planning Commission (WAPC) for its consideration and recommendation to the Minister.

Officers recommend modification of the amendment to include an additional condition which restricts the sale of alcohol for public consumption on the premises to the portion of the property located on the north side of Austral Parade (the existing Parade Hotel). The intent of this modification is to limit any impact on the amenity of the neighbouring residential properties on the southern portion of the lot, by way of not selling alcohol for public consumption from this southern portion (the existing carpark site).

Executive Recommendation

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

1. Advise the Western Australian Planning Commission that the local government resolves to support the proposed standard Scheme Amendment No. 11 to the City of Bunbury Local Planning Scheme No. 8 subject to modifications contained in Appendix 10.4.1-B.
2. Provide the advertised scheme amendment documentation to the Western Australian Planning Commission.

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.

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

Regional Impact Statement

The proposed amendment will not have a regional impact.

Background

The subject land is zoned ‘Local Centre’ with a residential density coding of R80 (to the north of Austral Parade) and R100 (to the south of Austral Parade). The subject land has been recently amalgamated into one title, with the lot being separated by Austral Parade. The northern portion of the lot contains the Parade Hotel which includes the hotel with bar and bistro, accommodation, bottle shop and associated car park. The southern portion of the lot contains the main hotel car park which provides 54 bays for the existing hotel use.

The subject site is surrounded by residential properties to the south and east which are zoned ‘Mixed Use – Residential’ R40/80 and ‘Residential’ R40/80. ‘Local Centre’ zoned properties are located to the west (refer to figure below). The Additional Uses proposed through this amendment are being sought over the entire lot (the northern and southern portion).

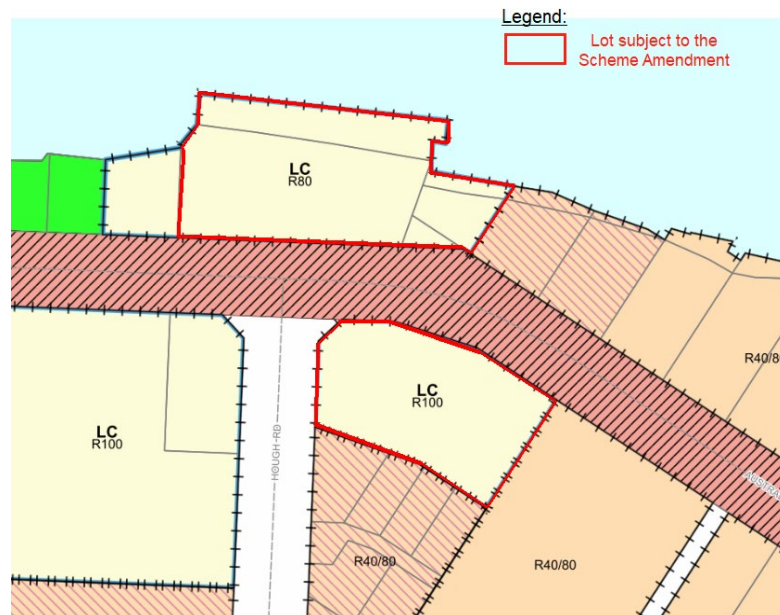


Figure 1 – Lots subject to the Scheme Amendment

The subject site is listed on the Local Heritage List (Place No. 05718), with the original Parade Hotel building constructed in 1897. The Parade Hotel was extended in 1947 with additions at each end of the hotel and additional extensive renovations in 1966. The Parade Hotel is a

Victorian Georgian style two-storey brick and iron hotel with painted render walls and a corrugated iron hipped roof.

Prior to the submission and acceptance of the scheme amendment, the applicant met with City officers and sought preliminary comments with regards to the proposed additional land uses and associated conditions. The proposed range of land uses has been refined to reflect the historic use of the site and facilitate the development of the southern portion of the site for additional accommodation uses.

A full copy of the Scheme Amendment report can be found at Appendix 10.4.1-A.

Council Policy Compliance

There is no Council policy that related 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 relevant to considering this proposed standard amendment to the Scheme:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Bunbury Local Planning Strategy 2018; and
- City of Bunbury Local Planning Scheme No. 8 (LPS8).

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 this amendment is to introduce Additional Uses as follows:

- Hotel (Discretionary 'A' use);
- Motel (Discretionary 'A' use); and
- Serviced Apartment (Discretionary 'A' use).

It is acknowledged that the subject site has been used as a 'Hotel' land use since its construction. The introduction of the additional uses will formalise the currently non-conforming use of 'Hotel' and introduce 'Motel' and 'Serviced apartment' land uses. These land uses are considered to align with the existing tourist value of the site. The scheme amendment does not remove the 'Local Centre' zoning and land use permissibility associated with this zone, with the additional uses facilitating an extension of how the site currently operates without the need for hotel licensing.

A condition of the scheme amendment states that any proposed 'Serviced apartment' will be developed in accordance with the R-Codes and Building Code of Australia requirements, in the form of a 'Multiple dwelling' and may be occupied permanently, or for short term purposes.

Upon assessment of the proposed land uses and to address concerns from adjoining landowners regarding potential impacts of potential land uses, City officers recommend that the following condition is added to the Additional Use:

The licensed sale of alcohol for public consumption on the premises shall be restricted to that portion of the property located on the north side of Austral Parade.

The reason for the proposed additional condition is to contain the sale of alcohol to the north side of Austral Parade, within the existing Parade Hotel and to maintain a distance from adjoining residential properties. However, it will still allow discretion for a ‘Hotel’ or ‘Motel’ and accommodation aspects of those land uses to be considered on the southern side of Austral Parade.

Local Planning Strategy

The City of Bunbury Local Planning Strategy (LPS) was endorsed by the Western Australian Planning Commission (WAPC) in 2018 and establishes the City’s long term strategic planning direction. The area subject to the scheme amendment is identified as an activity centre under the LPS, with the broad strategic intent for activity centres being:

‘Activity centres and corridors act as a major focus of economic activity and urban living. They are destinations for a multitude of activities – employments, housing, community and entertainment – with good public transport accessibility.’

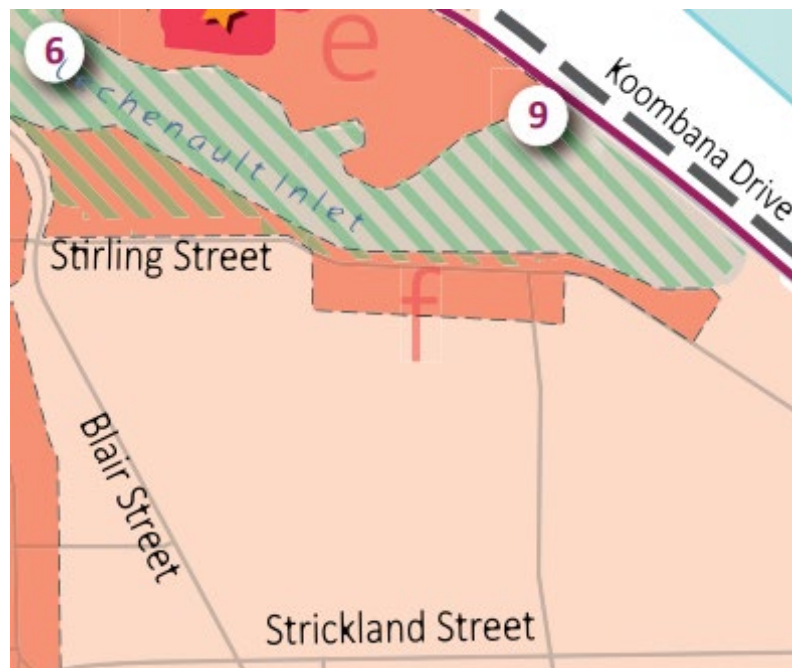


Figure 2 – Extract from LPS showing the ‘Inlet South’ tourism precinct

The LPS also identifies the area subject to the scheme amendment as being within an area with tourism value, as it forms part of the ‘Inlet South’ tourism precinct under the LPS. The main planning intention for the tourism precinct under the LPS is:

‘To encourage and facilitate appropriate forms of tourism facilities and development, in appropriate locations, that will assist Bunbury in realising its full potential as a tourism destination for domestic, interstate and international visitors.’

Furthermore, a specific strategy within the LPS states:

‘Enable the consolidation and integration of a range of compatible uses with tourist accommodation within activity centres and tourism locations to make them an appealing destination for visitors through appropriate land use permissibility and design requirements.’

It is noted that the proposed additional uses are not fully consistent with the objectives of the ‘Local Centre’ zone, however the proposed scheme amendment and recommended modifications are considered consistent with the broader strategic intentions for the area.

Objectives of the Local Centre Zone

The proposed additional land uses have been assessed against the objectives of the ‘Local Centre’ zone under LPS8 and are considered to partially meet the objectives of the zone. Officers have recommended modifications in the form of additional conditions to further align the proposal with the relevant objectives.

It is noted that an application for development approval would be required prior to any of the land uses occupying the site. Any future development of the subject site would need to demonstrate compliance with the development standards of the ‘Local Centre’ zone under LPS8 and the City’s local planning policies.

Objective	Assessment
To designate land for future development as a Local Centre.	Not applicable.
To provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas.	<p>The proposed tourism land uses, whilst accessible to the immediate neighbourhood, would predominantly serve a wider catchment. Consistent with the wider serving use that is established with the existing Parade Hotel.</p> <p>The expansion of certain uses onto the southern side of Austral Parade has the potential to impact on adjoining residential areas if not appropriately managed or controlled. As such, Officers have recommended modifications to the amendment to address this.</p>
To provide for Local Centres to focus on the main daily household shopping and community needs.	<p>The proposed tourism land uses are not considered to be consistent with providing for the main daily household shopping and community needs. However, it is noted that the existing tourism land uses have been on site for a long period of time.</p> <p>Furthermore, the proposed additional land uses will not alter the permissibility of other shopping based land uses within the Local Zone such as ‘Shop’ and ‘Convenience store’.</p>

<p>To encourage high quality, pedestrian-friendly, street-orientated development.</p>	<p>The northern side of Austral Parade, the southern side of Austral Parade (to the west of Hough Road) and the eastern side of Hough Road all contain footpaths which connect to the wider pedestrian network. There are also two pedestrian connections across Austral Parade on either side of Hough Road.</p> <p>Pedestrian connectivity of any future development would be assessed at the development application stage.</p>
<p>To provide a focus for medium density housing.</p>	<p>A condition of the Additional Use will require 'Multiple dwelling' and 'Serviced apartment' land uses to be developed in accordance with the R-Codes and specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia to allow for occupation either permanently as a dwelling or temporarily for short term purposes.</p>
<p>To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.</p>	<p>The long-established Parade Hotel contributes towards a sense of place and community for the local area. The existing design is of a high standard, with any further development being subject to assessment against relevant policies regarding built form and design.</p> <p>It is noted that the existing built form precludes a high level of landscaping, however any future development would be required to consider landscaping as part of a development application.</p>
<p>To provide a basis for future detailed planning in the form of local development plans in accordance with the provisions of this Scheme and Activity Centres for Greater Bunbury Policy.</p>	<p>Not applicable.</p>

Reforms for Short-Term Rental Accommodation (STRA)

The Western Australian Planning Commission (WAPC) has released the *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* which includes recommendations to better regulate short-term rental accommodation as a land use in the state planning system. To support the Position Statement, amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015* are proposed.

The proposed amendments include the deletion of the 'Motel' and 'Serviced apartment' land uses and the addition of new land uses of 'Tourist complex' and 'Visitor accommodation'. All

local governments will be required to amend their local planning schemes to include the new STRA land uses classes prior to 1 January 2026.

It is acknowledged that the Position Statement recommends short-term rental accommodation should only be prohibited in areas with low residential amenity such as industrial zones. The City will be required to review the current land use permissibility's in light of the Position Statement and determine the most appropriate discretion for these short-term accommodation uses in the 'Local Centre' zone (and all other zones).

It is considered that whilst each individual land use does not fully meet the current objectives of the Local Centre zone, the nature of the proposal for additional tourism uses is consistent with the intent for the area under the LPS and will be considered in more detail at the development application stage. Each proposal will be assessed against the Scheme requirements and relevant matters to be considered under clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which addresses traffic, amenity impacts and compatibility of the development in its setting.

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

The scheme amendment was advertised to surrounding landowners/occupiers and relevant service authorities for a period of 42 days. A notice was placed on the website and newspaper and a sign was placed on site in accordance with clause 64 of the deemed provisions.

Public Submissions

A total of 7 submissions were received during public advertising, with 6 submissions of objection and 1 submission of support for the proposal. One of the submissions of objection was submitted in the form of a petition with 17 signatures.

The main issues raised in the submissions are summarised as follows:

- Concerns of potential noise impacts;
- Concerns relating to an increase to the number of alcohol servicing establishments in the East Bunbury area;
- Concerns relating to increased traffic and limited carparking;
- Concerns regarding the current car park to becoming a hotel, motel or high rise car park;
- Concerns regarding the cumulative impact of the potential development and the neighbouring Leschenault Quays development;
- The scale of advertising undertaken, the size of the site, and potential building height.

Service Authorities

The proposal was referred to Department of Planning, Lands and Heritage (DPLH), Department of Biodiversity, Conservation and Attractions (DBCAs), Department of Water and Environmental Regulation (DWER), Department of Fire and Emergency Services (DFES), Water Corporation, ATCO Gas and Aqwest. None of the service authorities raised any objections to the proposal.

A full copy of the submissions is contained in Appendix 10.4.1-C.

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. The City’s Engineering, Environmental Health, Building and Heritage departments raised no comments.

Applicant Consultation

A copy of the Schedule of Submissions and officer’s recommended modifications have been provided to the applicant.

Timeline: Council Decision Implementation

Council’s resolution (recommendations) together with the amendment documentation will be submitted to the WAPC. Referral to the Commission can be expected to be undertaken within 21 days of the Council decision.

Outcome of Meeting 13 August 2024

Prior to the meeting the CEO advised of a minor amendment to one of the conditions identified in appendix 10.4.1-B as follows:

Original condition:

The licensed sale of alcohol for public consumption on the premises shall be restricted to that portion of the property located on the north side of Austral Parade.

Amended Condition:

*The licensed sale of alcohol for public consumption on the premises **(i.e public bar)** shall be restricted to that portion of the property located on the north side of Austral Parade.*

Councillors Steck left the meeting at 5:35pm as she had declared a proximity interest in this matter.

The following persons delivered deputations in relation to this item:

- Marilyn Palmer
- Diane Cavanagh
- Kanella Hope

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

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

Council Decision 164/24

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

- 1. Advise the Western Australian Planning Commission that the local government resolves to support the proposed standard Scheme Amendment No. 11 to the City of Bunbury Local Planning Scheme No. 8 subject to modifications contained in Appendix 10.4.1-B.**
- 2. Provide the advertised scheme amendment documentation to the Western Australian Planning Commission.**

CARRIED

8 votes “for” / 1 vote “against”

Councillors Andrew, Brown, Ghaseb, Kozisek, Ramesh, Smith, Steele, and Turner voted “for”

Councillor Quain voted “against”

Cr Steck rejoined the meeting at 6:00pm.

10.5 Rate Exemption Application – 2/196 Forrest Avenue, South Bunbury, 3/196 Forrest Avenue and 6A St Marks Place, East Bunbury (listed as 10.3.2 in the agenda)

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

Summary

An application for rate exemption has been received from Housing Choices Australia who currently lease 2/196 Forrest Avenue and 3/196 Forrest Avenue, South Bunbury from the Department of Communities – Housing, and 6A St Marks Place, East Bunbury, totalling \$5,587 per annum (24/25 rates) 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 Housing Choices Australia under Section 6.26 (g) of the *Local Government Act 1995* for 2/196 Forrest Avenue and 3/196 Forrest Avenue, South Bunbury and 6A St Marks Place, East 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 Housing Choices Australia will reduce the City’s rate revenue but will not have a regional impact.

Background

Housing Choices Australia have advised they are a not-for-profit organisation and that the properties are used to provide subsidised accommodation for the relief of poverty or distress for people in need.

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

Housing Choices Australia 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. The City currently has 431 properties that are exempt which is a loss of rate income of \$1,668,267 per annum.

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

Analysis of Financial and Budget Implications

Approval of this exemption will result in a reduction of rates income of \$5,587 per annum.

As the proposed exemption is to be granted effective from 1 July 2024, this application, if approved will have an effect on the forecast Closing Surplus Position to 30 June 2025.

Community Consultation

There is no requirement for community consultation on this application.

Councillor/Officer Consultation

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

Applicant Consultation

Not Applicable.

Timeline: Council Decision Implementation

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

Outcome of Meeting 13 August 2024

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

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

Council Decision 165/24

That Council grants a rate exemption to Housing Choices Australia under Section 6.26 (g) of the Local Government Act 1995 for 2/196 Forrest Avenue and 3/196 Forrest Avenue, South Bunbury and 6A St Marks Place, East Bunbury effective from 1 July 2024.

CARRIED UNANIMOUSLY

10 votes “for” / Nil votes “against”

10.6 Bushire Brigades Local Law 2024 (listed as 10.3.3 in the agenda)

File Ref:	COB/5421
Applicant/Proponent:	Internal
Responsible Officer:	Mark Allies, Team Leader Rangers and Emergency Management Maureen Keegan, Senior Governance Officer
Responsible Manager:	Sarah Upton, Manager Community Wellbeing Greg Golinski, Manager Governance and Integrated Planning
Executive:	Andrew McRobert, Director Sustainable Development Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.3.3-A: Proposed City of Bunbury Bush Fire Brigades Local Law 2024

Summary

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

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

A copy of the proposed local law is at Appendix 10.3.3-A.

Executive Recommendation

That Council:

1. Notes that two submissions were received during the statutory advertising period regarding the City of Bunbury Bush Fire Brigades Local Law 2024.
2. Agrees to the amendments to the proposed City of Bunbury Bush Fire Brigades Local Law 2024 as detailed within this report and reflected in Appendix 10.3.3-A.
3. Agrees that the amended City of Bunbury Bush Fire Brigades Local Law 2024 is not significantly different from what was previously proposed.
4. Adopts the City of Bunbury Bush Fire Brigades Local Law 2024 as presented at Appendix 10.3.3-A.
5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.

Voting Requirement: Absolute Majority

Strategic Relevance

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

Regional Impact Statement

Fire and other emergencies are prevalent right across Western Australia, particularly the Southwest due to its high density of rural spaces and natural bushland. Bushfire Brigades (BFBS) are necessary to minimise the impact of fire and other natural disasters within our community and the Greater Bunbury/Geopraphe regions.

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

Background

At its ordinary meeting held on 26 September 2023, Council resolved to make the City of Bunbury Bush Fire Brigade Local Law 2023 (refer decision 201/23). The Local Law was gazetted on 24 October 2023 and came into operation on 6 November 2023.

The JSCDL provided undertaking to the Local Law which Council resolved to undertake at the 12 March 2024 meeting.

Due to extent of the undertaking, it was determined to repeal the existing Bush Fire Brigade Local Law and replace it with the Bush Fire Brigades Local Law 2024.

Public Notice was undertaken on the City website, and noticeboards with submissions due 17 July 2024

Two submissions were received from the Department of Local Government Sport and Cultural Industries (DLGSCI) and the Department of Fire and Emergency Services (DFES) containing comment and edits outlined in this report.

Council Policy and Legislative Compliance

Section 3.12 of the *Local Government Act 1995* outlines the process for the creation of a new local law and is applicable.

Officer Comments

The City received two formal submissions during the consultation period, being from the DLGSCI and DFES. The comments and officer response are summarised in the table below.

#	DLGSCI Comment	CoB Officer Response
1	Clause 1.2 re-format the clause for consistency and change “Government Gazette” to italics.	Accepted. Document amended accordingly.
2	Clause 1.3 – Change the citation title and “Government Gazette” to italics.	Accepted. Document amended accordingly.
3	Clause 1.4 – <ul style="list-style-type: none"> - in the definition of Act change the citation to italics. - In the definition of Brigade, change the defined term to bold and italics. - In the definition of brigade Member remove the capital letter from “Member”. - In the definition of Department change “on” to “of”. 	Accepted. Document amended accordingly for each of the recommendations.
4	Clause 2.2(1)(c) – redesignate the subparagraphs as bracketed roman numerals “(i), (ii), etc” rather than bullet points.	Accepted. Document amended accordingly.
5	Clause 2.5(1) – change the paragraph designators to closed brackets for consistency.	Accepted. Document amended accordingly.
6	Clause 4.1 – Change the subparagraphs to “(a), (b), (c)” rather than “(1), (2), (3)”.	Accepted. Document amended accordingly.
7	Schedule 1 – Ensure consistent formatting and designation of clauses, subclauses and paragraphs.	Accepted. Document amended accordingly.
#	DFES Comment	CoB Officer Response
1	The City may wish to consider the comments of the JSCDL in: <ul style="list-style-type: none"> - <i>Report 4: City of Gosnells Bush Fire Brigade Local Law 2023 (published November 2023);</i> and - <i>Report 16: City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 (published June 2019).</i> 	City Officers read these 2 documents however it was considered the reports did not correlate with the JSCDL undertakings.
2	The Western Australian Local Government Association (WALGA) has developed a comprehensive "model local law" for use by local authorities that has been consistently approved by the JSCDL. The City may wish to consider the WALGA model local law (while also considering the comments below);	The City of Bunbury Bush Fire Brigades Local Law is consistent with the WALGA “model local law”.

#	DLGSCI Comment	CoB Officer Response
3	<p>DFES recommends naming the local law <i>City of Bunbury Bush Fire Brigades Local Law 2024</i>. The City's Proposed Local Law refers to 'brigades' plural. This change would be consistent with the WALGA's "model local law" and use in the <i>Bush Fires Act 1954 (BF Act)</i>.</p>	<p>Accepted. Document amended accordingly.</p>
4	<p>DFES notes that section 41(1) of the BF Act provides that a local government may, <i>in accordance with its local laws</i>, equip each brigade established under the local laws with appliances, equipment and apparatus (emphasis added). Under clause 6.1. of the Proposed Local Law, the City has provided that the local government may provide equipment pursuant to local government policy. DFES notes the City's 12 March 2024 OCM minutes and the reference therein to the JSDCL's feedback on the 2023 BFB Local Law - relevantly: "When an Act requires a local law to prescribe any matter, this means it must be set out in the local law. It must not be contained in another document that does not form part of the local law ...". The City may wish to consider amending the Proposed Local Law so that the local law provides for the equipping of brigades with appliances, equipment and apparatus.</p>	<p>Accepted. The document is amended accordingly.</p>
5	<p>The <i>Fire Brigades Regulations 1943</i> stipulate eligibility criteria for volunteer brigades formed under the <i>Fire Brigades Act 1954</i>. Regulation 159C provides for eligibility of probationary members from 16 years if they have parental/guardian consent and the brigade's captain is satisfied that the prospective member is able to perform the requisite duties. As a matter of policy, the City may wish to consider adding these protective mechanisms within their "Membership Criteria".</p>	<p>Accepted. The document is amended accordingly.</p>
6	<p>The City may wish to consider moving Part 3, 4 and 5 of the First Schedule into policy and/or procedure documents for ease of amendment (if necessary).</p>	<p>Accepted. Sections 3, 4 and 5 of the First Schedule was moved to the Local Law. Officers consider this amendment as minor as the sections were originally referenced in the Local Law.</p>

#	DLGSCI Comment	CoB Officer Response
7	DFES recommends careful editing/formatting to ensure consistency throughout, including in terms of numbering	Accepted. The document has been reviewed with changes to formatting for consistency and accuracy.

Noting the amendments to the Local Law to meet the recommendations listed above it is recommended that Council adopts the proposed City of Bunbury Bush Fire Brigades Local Law 2024 as presented at Appendix 10.3.3-A.

Analysis of Financial and Budget Implications

Gazettal and advertising costs will be accommodated in the 2024/25 budget.

Community Consultation

Advertising was undertaken on the City website, social media, and newspaper.

Councillor/Officer Consultation

Nil

Applicant Consultation

Nil

Timeline: Council Decision Implementation

Pending Council endorsement of the Executive Recommendation, the Local Law will be gazetted as soon as practicable.

Outcome of Meeting 13 August 2024

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

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

Council Decision 166/24

That Council:

- 1. Notes that two submissions were received during the statutory advertising period regarding the City of Bunbury Bush Fire Brigades Local Law 2024.**
- 2. Agrees to the amendments to the proposed City of Bunbury Bush Fire Brigades Local Law 2024 as detailed within this report and reflected in Appendix 10.3.3-A.**
- 3. Agrees that the amended City of Bunbury Bush Fire Brigades Local Law 2024 is not significantly different from what was previously proposed.**
- 4. Adopts the City of Bunbury Bush Fire Brigades Local Law 2024 as presented at Appendix 10.3.3-A.**
- 5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.**

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

10.7 Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund (CSRFF) Program – Bunbury Sports Shooting Club – August 2024 (listed as 10.4.2 in the agenda)

File Ref:	DOC/1342449, COB/3023
Applicant/Proponent:	Bunbury Sports Shooting Club
Responsible Officer:	Gary Thompson, Team Leader Sport and Recreation
Responsible Manager:	Dave Russell, Manager Sport and Recreation
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.4.2-A Bunbury Sports Shooting Club Rifle Range Images Confidential Appendix 10.4.2-B CSRFF Grant Application

Summary

The Bunbury Sports Shooting Club are seeking the City’s support to enable a Community Sporting and Recreation Facilities Fund (CSRFF) small grants application for the August 2024 round of funding submissions. This is for works to be carried out in the 2024/2025 financial year. The application is for upgrading their existing rifle range to make the ranges more accessible for the benefit of both existing and future members as well as to assist with increasing participation numbers within their club.

Executive Recommendation

That Council:

1. Support the Bunbury Sports Shooting Club Community Sport and Recreation Facility Fund (CSRFF) Small Grant application.
2. Support the allocation of \$5,000 excluding GST from the 2024/2025 budget in the October budget review subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).

Voting Requirement: Simple Majority

Strategic Relevance

Pillar People
 Aspiration A safe, health and connected community
 Outcome 3 A healthy and active community
 Objective 2 Encourage participation in sport, recreation and leisure activities.

Pillar Place
 Aspiration An integrated, vibrant and well planned City
 Outcome 8 A place with attractive and welcoming community spaces, where people want to live.
 Objective 2 Maintain quality community buildings, halls and toilets.

Regional Impact Statement

The Bunbury Sports Shooting Club have members from all over Bunbury and the South West. The club have members who participate at State level and with the improved riffle range it will allow those members to train at a facility that meets the standards for their training requirements at a State level.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSCI) administer the CSRFF grants for small, annual and forward planning grants. This category of grant focuses on providing financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well utilised facilities. The funding includes a small grant round for projects that are under \$500,000. Applications for the small grant round are to be submitted to the DLGSCI Southwest Regional Office by 30 August 2024. Successful applications are expected to be advised by November/December 2024.

The Bunbury Sports Shooting Club CSRFF grant application is attached with this agenda item along with photo's of the existing rifle range. The grant will be submitted prior to 30 August 2024 pending Council approval.

The CSRFF program operates on a reimbursement system with grants paid to the grantee only. The maximum grant approved by the State Government will be no greater than fifty percent of the total estimated cost of the applicant's project and must have contributions made by the applicant's and/or local governments own cash or in-kind contribution to ensure enough funds are available.

It is a requirement that the applicant first discuss their proposal with the DLGSCI Regional Manager to enable the receipt of the formal CSRFF application. This process includes the DLGSCI assistance to support the application meeting the required application criteria.

The DLGSCI requires Council to provide its support for any project to be considered in the application process.

The Bunbury Sports Shooting Club requests support for upgrading their existing riffle range to a standard that is fit for purpose and is comfortable, professional and accessible for small bore riffle shooting. The improvements will encourage new and existing members to access and utilise the facility on non-match days for practise and training.

Council Policy Compliance

There are no Council policies applicable to CSRFF Program applications.

Legislative Compliance

Not applicable.

Officer Comments

The Bunbury Sports Shooting Club have advised the City of Bunbury of their intention to submit a CSRFF small grant application in the August 2024 round of funding to upgrade their existing rifle range to be able to meet the needs and requirements of all their members, specifically in

relation to meeting the needs associated with access and inclusion. As part of the upgrades, the club will replace the adjustable safety baffles with a design that is easier and safer to manoeuvre as well as lay a concrete floor that is the length of the range shed to provide a safer, cleaner and more comfortable surface to shoot from in a prone, sitting and standing position. The current flooring is old carpets and rugs placed either directly on the sand or atop a dilapidated asphalt surface.

The Bunbury Sports Shooting Club cater for a variety of members (current membership numbers are 218) and offer various forms of shooting practise such as riffle shooting and hand gun shooting in a controlled and safe environment.

The Bunbury Sports Shooting Club have for many years contributed club funds to upgrading the safety on the ranges for the benefit of all members. The club has future plans to re-develop two other ranges at their club location and the grant assistance for this project will help with their future budgeting for these additional upgrades.

The total cost of this project is \$47,806 excluding GST to be expended in the 2024/2025 financial year and the Bunbury Sports Shooting Club will be supported by the City to submit an application by the closing date of 30 August 2024.

The Executive Recommendation seeks approval to firstly support the Club CSRFF small grant application as well as supporting the funding contribution of \$5,000 ex GST for the 2024/2025 financial year to be included in the budget review in October 2024. This is subject to the Club being successful in obtaining funding from DLGSCI with announcements expected to be made in November/December 2024. The Club will provide a financial contribution (\$18,903 excluding GST) towards the project.

Analysis of Financial and Budget Implications

The proposed funding sources is as follows:

DLGSCI	\$23,903
City of Bunbury	\$5,000
Bunbury Sports Shooting Club	\$18,903
TOTAL	\$47,806 excluding GST

Community Consultation

Nil.

Councillor/Officer Consultation

The Manager Sport and Recreation and the Team Leader Sport and Recreation were consulted as part of this process and attended on site with the club to work through the project proposal.

Applicant Consultation

The Bunbury Sports Shooting Club have liaised with the City and the Department of Local Government, Sport and Cultural Industries in this application process.

Timeline: Council Decision Implementation

If approved by Council, the application will be submitted to the CSRFF small grants funding round prior to 30 August 2024 closing date.

Outcome of Meeting 13 August 2024

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

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

Council Decision 167/24

That Council:

- 1. Support the Bunbury Sports Shooting Club Community Sport and Recreation Facility Fund (CSRFF) Small Grant application.**
- 2. Support the allocation of \$5,000 excluding GST from the 2024/2025 budget in the October budget review subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSCI).**

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

Regional Impact Statement

The proposed works under this tender will ensure the City's urban forest is maintained in a safe, healthy and attractive condition for local residents and visitors to the region to enjoy.

Background

The tender was advertised in the West Australian and the Bunbury South West Times newspapers on Wednesday 29 May 2024 and Thursday 30 May 2024 respectively. The tender document was also made available via the City's procurement portal through VendorPanel.

A total of thirty-nine (39) suppliers viewed the advertisement and at closing two (2) responses were received from:

Respondent Entity Name	Registered Address
Arbor Guy Pty Ltd	134 Kaloorup Road Vasse 6280
The Trustee for Usseridan Trust T/As Westworks Consultancy	490 Gossage Road Oldbury 6121

T

The tenders were evaluated using the following criterion:

Qualitative Criteria	Weighting
Relevant Experience and Key Personnel	20%
Tenderer's Resources	20%
Demonstrated Understanding	30%
Price	30%
Total	100%

Council Policy Compliance

Tendering for goods and services is conducted in accordance with:

- Purchasing Council Policy; and
- Local Supplier Preference Council Policy.

Legislative Compliance

In terms of section 3.57 of the Act, a Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and service. Part 4 of the FG Regulations:

- Requires that tenders be publicly invited for such contracts where the estimated cost of providing the required goods and/or service exceeds \$250,000; and
- Under Regulations 11, 14, 18, 20 and 21A provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

The total consideration under the resulting contract is greater than \$400,000, or \$1,200,000 for a multi-year contract. Therefore, in accordance with section 5.43(b) of the *Local Government Act 1995* (the Act) read with Delegation 1.1.11, the tender is required to go before the Council. With regard to RFT2324/033, City officers have complied with abovementioned legislative requirements.

Officer Comments

All members of the evaluation panel have signed a declaration of confidentiality and interest to ensure probity.

Analysis of Financial and Budget Implications

Expenditure for this tender is allocated within the City's Annual Base Operating budget under Parks and Reserves – Maintain Trees.

Evaluation of the tender prices (and ranking) has been assessed but as the results are "commercial in confidence" details are listed in the *Evaluation Report* attached at *Confidential Appendix 10.5.1-A*

Community Consultation

Not applicable.

Councillor/Officer Consultation

Consultation took place with Manager Infrastructure Maintenance Services, and members of the Parks and Reserves team to ensure the resulting contract delivers tree maintenance services to a high standard.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The Contract is expected to commence within two weeks of this decision.

Outcome of Meeting 13 August 2024

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

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

Council Decision 168/24

That the Council:

- 1. Accepts the recommendation as contained in the Evaluation Report attached at Confidential Appendix 10.5.1-A**
- 2. Authorise the Chief Executive Officer to enter into a contract with the recommended respondent to provide street tree maintenance services.**
- 3. Upon resolution of the recommendation, directs that the successful respondents' name, and the estimated total consideration under the resulting contract be made public, and included within the minutes of this meeting.**

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

The successful respondent was Arbor Guy Pty Ltd. The estimated total consideration under the resulting contract is \$700,000 (Ex. GST) per annum (\$3,500,000 if all extension options are exercised).

Background

CEO KPI 5.3b sets out the requirements for review and update of asset management plans as well as development of a Strategic Asset Management Plan and Asset Management dashboard. The plans were required to be updated by July 2024 and the dashboard and Strategic Asset Plan are to be completed by December 2024.

Review and update of 9 Asset Management Plans has recently been completed, as well as stage 1 of an individual asset management plan for South West Sports Centre. These plans have been workshopped with the Council and the next step in the KPI is the development of the dashboard and the strategic asset plan.

Council Policy Compliance

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

Legislative Compliance

Not applicable.

Officer Comments

It is proposed that the Strategic Asset Management Plan Working Group include key staff from the Infrastructure and Finance Directorates who can help facilitate the group being successful in undertaking its key activities. These will include, but not be limited to: Manager Projects and Asset Management, Manager Finance, Coordinator Engineering – Infrastructure Asset Planning and Asset Management Finance and Insurance Officer.

The representative makeup of the group are listed in Appendix 10.5.2-A for Elected Members to consider.

As the Strategic Asset Management Plan Working Group is not an official Advisory Committee the adherence to *Local Government Act 1995* requirements regarding establishment are not applicable. This will allow the group to liaise directly with key stakeholders who have a strong interest in Asset Management solutions to assist in working towards the delivery of the key activities listed in the Terms of Reference.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

Elected Members were made aware of this proposal at the Council briefing session, conducted on 30 July 2024.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Once Council approves the Terms of Reference and Membership of the Group, it envisaged that the inaugural meeting of the Group will occur in August 2024.

Outcome of Meeting 13 August 2024

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

The Deputy Mayor called for nominations for Councillor representatives on the Strategic Asset Management Plan Working Group. Councillors Andrew, Quain, Steck and Turner nominated.

A motion to amend the motion to include 4 Councillor Representatives was moved by Cr Quain, and Seconded by Cr Steele. The Deputy Mayor put the motion to the vote and it was carried unanimously.

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

Council Decision 169/24

That Council:

- 1. Endorse Councillors Andrew, Quain, Steck and Turner as Council representatives on the Strategic Asset Management Plan Working Group.**
- 2. Endorse the attached Draft Terms of Reference (as attached at Appendix 10.5.2-A) for the Strategic Asset Management Plan Working Group.**

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

11. Applications for Leave of Absence

11.1 Mayor Miguel

The Mayor requests a leave of absence from all Council-related business for the period 7 to 26 August 2024 inclusive.

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

Executive Recommendation

Pursuant to Section 2.25 of the *Local Government Act 1995*, the Mayor is granted leave of absence from all Council-related business for the period 7 to 26 August 2024 inclusive.

Outcome of Meeting 13 August 2024

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

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

Council Decision 170/24

Pursuant to Section 2.25 of the Local Government Act 1995, the Mayor is granted leave of absence from all Council-related business for the period 7 to 26 August 2024 inclusive.

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

12. Motions on Notice

12.1 Cr Ghasseb - Pensioner and Seniors Rebate Advocacy

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

Cr Ghasseb's Motion

That the City of Bunbury write to the State Government to advocate for increased rebates to eligible Pensioners and Seniors in relation to their local government rates charges, water service charges, emergency services levy and underground electricity connection charges, as suggested in the three tables below.

Pensioner Concession Card or State Concession Card	
<i>Rates and charges</i>	<i>Rebate amount</i>
<i>Local government rates</i>	<i>Up to 50%, limited (capped) to a maximum of \$750 (proposed \$1000)</i>
<i>Emergency services levy</i>	<i>Up to 50%</i>
<i>Underground electricity connection charges</i>	<i>Up to 50% on charges raised by the Local Government Authority</i>
<i>Water service charges</i>	<i>Up to 50%, limited (capped) to a maximum of \$600 (proposed \$800)</i>
<i>May defer local government rates, emergency services levy, underground electricity connection or water service charges.</i>	

WA Seniors Card and Commonwealth Seniors Health Card (both cards must be held)	
<i>Rates and charges</i>	<i>Rebate amount</i>
<i>Local government rates</i>	<i>Up to 50%, limited (capped) to a maximum of \$750 (proposed \$1000)</i>
<i>Emergency services levy</i>	<i>Up to 50%</i>
<i>Underground electricity connection charges</i>	<i>Up to 50% on charges raised by the Local Government Authority</i>
<i>Water service charges</i>	<i>Up to 50%, limited (capped) to a maximum of \$600 (proposed \$800)</i>
<i>May defer local government rates, emergency services levy, underground electricity connection or water service charges.</i>	

WA Seniors Card	
<i>Rates and charges</i>	<i>Rebate amount</i>
<i>Local government rates</i>	<i>Up to 25%, limited (capped) to a maximum of \$100 (proposed</i>

WA Seniors Card	
Rates and charges	Rebate amount
	\$200)
Emergency services levy	Up to 25%
Underground electricity connection charges	Up to 25%, limited (capped) to a maximum of \$100 (proposed \$200) on charges raised by the Local Government Authority for the first year or part thereof that the charge is or was to be made
Water service charges	Up to 25%, limited (capped) to a maximum of \$100 (proposed \$200)
Cannot defer local government rates, emergency services levy, underground electricity connection or water service charges	

Cr Ghasseb’s Comments

The rebate, capped at \$750 is now less than 50% of the minimum rates of many LGA’s. This is because rates have escalated across LGA’s. Brining the rebates up to \$1000 from \$750 will assist eligible applicants as per the original intent of the rebate scheme.

In terms of costs to Government, both State and Federal Governments use cash injections, or stimulus, as a financial lever to help manage the economy as well as to target the community’s needs. In this instance, a cash injection in the form of increased Pensioners and Seniors rebates, is likely to be spent by the recipients rather than be banked. This spending results in the multiplier effect, as the spent money cycles through the economy and has a larger impact than the initial dollar amount. This multiplier effect in turn creates an environment where the injected cash (rebates) can eventually be recouped by Government treasuries in the form of revenue such as taxation, stamp duty and levies, as the on-spending flows through the economy.

Further, as an alternative to writing to the Government, the City of Bunbury can opt to direct the request through the South West WALGA Zone. There is also the option that the suggested advocacy for increased Pensioners and Seniors rebates be focussed in the regional areas of Western Australia, if practical.

Officer Comments

Advocacy in relation to a particular matter is within the scope of the Council’s powers. Note that any changes by the WA Government in relation to pensioner and seniors rebates under the terms of the proposed advocacy will not have a direct financial impact on the City of Bunbury, as the concessions are borne by the State.

Outcome of Meeting 13 August 2024

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

During debate, Councillor Ghasseb suggested an amendment to his motion, which was agreed to by Cr Quain as the seconder, and became part of the substantive motion as follows:

*That the City of Bunbury **advocate through the South West WALGA zone, and to the State Government and Federal Government** for increased rebates to eligible Pensioners and Seniors in relation to their local government rates charges, water service charges, emergency services levy and underground electricity connection charges, as suggested in the three tables below...*

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

Council Decision 171/24

That the City of Bunbury advocate through the South West WALGA zone, and to the State Government and Federal Government for increased rebates to eligible Pensioners and Seniors in relation to their local government rates charges, water service charges, emergency services levy and underground electricity connection charges, as suggested in the three tables below.

Pensioner Concession Card or State Concession Card	
Rates and charges	Rebate amount
Local government rates	Up to 50%, limited (capped) to a maximum of \$750 (proposed \$1000)
Emergency services levy	Up to 50%
Underground electricity connection charges	Up to 50% on charges raised by the Local Government Authority
Water service charges	Up to 50%, limited (capped) to a maximum of \$600 (proposed \$800)
May defer local government rates, emergency services levy, underground electricity connection or water service charges.	

WA Seniors Card and Commonwealth Seniors Health Card (both cards must be held)	
Rates and charges	Rebate amount
Local government rates	Up to 50%, limited (capped) to a maximum of \$750 (proposed \$1000)
Emergency services levy	Up to 50%
Underground electricity connection charges	Up to 50% on charges raised by the Local Government Authority
Water service charges	Up to 50%, limited (capped) to a maximum of \$600 (proposed \$800)
May defer local government rates, emergency services levy, underground electricity connection or water service charges.	

WA Seniors Card	
Rates and charges	Rebate amount
Local government rates	Up to 25%, limited (capped) to a maximum of \$100 (proposed \$200)
Emergency services levy	Up to 25%
Underground electricity connection charges	Up to 25%, limited (capped) to a maximum of \$100 (proposed \$200) on charges raised by the Local Government Authority for the first year or part thereof that the charge is or was to be made
Water service charges	Up to 25%, limited (capped) to a maximum of \$100 (proposed \$200)
Cannot defer local government rates, emergency services levy, underground electricity connection or water service charges	

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

12.2 Cr Ghasseb – Shire of Capel

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

Cr Ghasseb’s Motion

That the City of Bunbury invite the Shire of Capel to engage in discussions on a full merger of the two Local Government Authorities.

Cr Ghasseb’s Comments

High Level Commentary on the Advantages and Disadvantages of a Merger
 (with permission from B. Hastie, Stratham)

Advantages of merging the Shire of Capel with the City of Bunbury

- **Economic Benefits and Economies of Scale**
 Combining resources could lead to cost savings in administration, infrastructure, and service delivery.
- **Increased Funding**
 A larger, unified council might have more influence and attract more funding from state and federal governments.
- **Economic Growth**
 A larger population and combined resources could attract businesses and investments, promoting economic growth in the region.
- **Improved Services and Enhanced Services**
 Merging could improve the quality and range of services provided to residents, such as waste management, public transportation, and recreational facilities.
- **Better Infrastructure**
 Pooling resources could lead to better maintenance and development of infrastructure, including roads, parks, and public buildings.
- **Stronger Governance and Unified Planning**
 A single council could streamline planning and development processes, leading to more coherent regional development.
- **Greater Representation**
 A larger council might better represent the diverse needs of the combined population.
- **Community Development and Shared Resources**

Cultural and community resources, such as libraries and community centres, could be better utilised and enhanced.

- **Social Cohesion**
A merger could foster a greater sense of community identity and belonging among residents.

Disadvantages of merging the Shire of Capel with the City Of Bunbury

- **Loss of Local Identity and Community Identity**
Residents of the Shire of Capel might feel a loss of their local identity and heritage as part of a larger city.
- **Representation Issues**
Smaller communities might feel underrepresented in a larger council, leading to concerns about their specific needs being overlooked.
- **Administrative Challenges and Integration Issues**
Merging administrative systems, policies, and procedures can be complex and time-consuming.
- **Possible Executive Reduction and Elected Member Reduction**
Streamlining services and administration could lead to reduction in executive administration roles.
- **Financial Concerns and Initial Costs**
The process of merging can incur significant costs, including legal fees, restructuring expenses, and aligning infrastructure.
- **Uneven Benefits**
The financial benefits of a merger might not be evenly distributed, potentially disadvantaging certain areas.
- **Service Disruptions and Transition Period**
During the transition period, there might be disruptions to services and confusion among residents about new administrative processes.
- **Political Opposition and Resistance from Residents**
Some residents and local leaders might oppose the merger, leading to political friction and potential conflicts.
- **Differing Priorities**
The two councils might have different priorities and visions for the region, making it challenging to create a unified strategy.

Summary

While merging the Shire of Capel with the City of Bunbury could bring significant economic and administrative benefits, it also poses challenges related to community identity, administrative integration, and potential service disruptions. Careful planning and community engagement would be crucial to address these challenges and ensure a successful merger.

Officer Comments

It is important to note that the practical effect of Cr Ghasseb's motion is to simply invite the Shire of Capel for a discussion on the topic of amalgamation, as opposed to formally initiating the process of amalgamation via the Local Government Advisory Board (LGAB).

Schedule 2.1 of the *Local Government Act 1995* details provisions about creating and changing the boundaries of, and abolishing districts.

Procedurally, a proposal may be made to the LGAB by either the Minister for Local Government (the Minister), an affected local government, two or more affected local governments jointly, or affected electors. A proposal is to set out the nature of the proposal, the reasons for making the proposal, and the effects of the proposal on the affected local governments, as well as be accompanied by a plan illustrating any proposed changes to the boundaries of a district.

The LGAB is to consider any proposal, and on the assumption that such a proposal is not considered minor in nature, it may either recommend to the Minister that the proposal be rejected if it is frivolous or not in the interests of good government, or it will formally inquire into the proposal.

Where a formal inquiry is required, the LGAB will give notice to affected local governments and electors. The notice will advise that there will be a formal inquiry into the proposal and set out details of the inquiry and its proposed scope, and invite submissions into the proposal for a minimum period of 6 weeks. Submissions may relate to the proposal itself, or the scope of the inquiry.

If a formal inquiry is to be carried out, any hearings for the purposes of the inquiry are to be conducted in a way that makes it as easy as possible for interested parties to participate fully. In carrying out a formal inquiry the LGAB is to consider submissions made to it, and have regard, where applicable, to:

- (a) community of interests; and
- (b) physical and topographic features; and
- (c) demographic trends; and
- (d) economic factors; and
- (e) the history of the area; and
- (f) transport and communication; and
- (g) matters affecting the viability of local governments; and
- (h) the effective delivery of local government services,

noting this does not limit the matters that it may take into consideration.

After formally inquiring into a proposal, the LGAB, in a written report to the Minister will recommend that either the Minister reject the proposal; or that an order be made in accordance with the proposal; or if it thinks fit, the making of some other order that may be made in this regard.

Note that in order to assist in deciding whether or not to accept a recommendation of the LGAB, the Minister may require that the LGAB's recommendation be put to a poll of the electors of districts directly affected by the recommendation.

Outcome of Meeting 13 August 2024

This motion was withdrawn prior to the meeting by Cr Ghasseb. Accordingly, no discussion or debate took place in this regard.

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

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

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

Council Decision 175/24

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

15.1.1 Appointment of Director Infrastructure

15.1.2 Lot 330 Ocean Drive, Bunbury

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

The meeting was closed to the public at 6:30pm.

15.1.1 Appointment of Director Infrastructure

File Ref:	Personal File
Applicant/Proponent:	Internal
Responsible Officer:	Alan Ferris, Chief Executive Officer
Responsible Manager:	Alan Ferris, Chief Executive Officer
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Confidential Report CRUSC-1: Appointment of Director Infrastructure

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

(c), a matter affecting an employee or employees

A confidential report and recommendation will be circulated to members **under separate cover** (Confidential Report CRUSC-1). The report is not for circulation.

Outcome of Meeting 13 August 2024

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

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

Council Decision 176/24

That Council:

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

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

15.2 Public Reading of Resolutions that may be made Public

The Deputy Mayor read aloud the decision for the below items as follows:

15.1.2 Lot 330 Ocean Drive, Bunbury

That council endorse the termination of the sale and development agreement in place with Barnes Capital Pty Ltd for the purchase of Lot 330 Ocean Drive, Bunbury.

15.1.1 Appointment of Director Infrastructure

That Council:

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

16. Closure

The Deputy Mayor declared the meeting closed at 6:40pm.

Confirmed this day, 3 September 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 13 August 2024.

Tresslyn Smith
Deputy Mayor