



## City of Bunbury Council

### Meetings

**3 September 2024**



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

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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

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## Nature of Council’s Role in Decision Making

**Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

**Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.

**Legislative:** Includes adopting local laws, town planning schemes and policies.

**Quasi-Judicial:** When Council determines an application/matter that directly affects a person’s rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

**Information Purposes:** Includes items provided to Council for information purposes only which do not require direction from Council (that is for ‘noting’).

## 1. Declaration of Opening / Announcements of Visitors

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

The Mayor acknowledged former Councillors Sam Morris, Thomas Dillon and Rolf Stein who were present at the meeting.

The Mayor advised that he had approved the attendance of Councillors Steck and Ghasseb 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.
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### 3. Announcements from the Presiding Member

Nil

### 4. Attendance

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

#### 4.1 Apologies

Nil

#### 4.2 Approved Leave of Absence

Nil

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### 4.3 Attendance at Previous Meetings

\*Data begins from 1 July 2023.

Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Brown	Cr Ghasseb	Cr Kozisek	Cr Quain	Cr Ramesh	Cr Steck	Cr Steele	Cr Turner
Ordinary Council Meeting	17/19	19/19	19/19	13/14	18/19	18/19	18/19	13/14	16/19	18/19	19/19
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	16/19	18/19	19/19	13/14	15/19	18/19	18/19	14/14	14/19	14/19	19/19
Audit Committee	4/4	1/1	2/2	N/A	4/4	1/1	3/4	N/A	3/4	N/A	1/1
Bunbury Events Advisory Committee	N/A	N/A	N/A	N/A	1/1	N/A	2/3	2/2	1/1	N/A	3/3
CEO Performance Review Committee	2/2	1/1	N/A	N/A	1/2	2/2	1/1	N/A	0/2	1/2	N/A
Disability Access and Inclusion Committee	N/A	N/A	2/2	N/A	1/2	N/A	N/A	N/A	N/A	N/A	2/2
Heritage Advisory Committee	N/A	4/4	N/A	2/3	N/A	3/4	1/1	N/A	1/1	N/A	N/A
International Relations Committee	N/A	2/2	N/A	2/2	0/2	N/A	N/A	2/2	N/A	N/A	N/A
Policy Review and Development Committee	N/A	5/5	N/A	N/A	4/4	4/5	5/5	N/A	N/A	5/5	N/A
Youth Advisory Council Committee	N/A	N/A	1/1	N/A	N/A	N/A	1/1	N/A	N/A	N/A	2/2

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## 5. Declaration of Interest

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

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

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

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

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

Cr Andrew declared a financial interest in item 10.3.2 RFT2425/002 - Plumbing & Gas Maintenance Services as he has provided contract services for one of the submitters.

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## **6. Public Question Time**

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

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

### **6.1 Public Question Time**

Nil

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

Nil

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

### **7.1 Minutes**

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

The minutes of the Ordinary meeting of the City of Bunbury Council held 13 August 2024 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the City of Bunbury Council held 13 August 2024 be confirmed as a true and accurate record.

*Voting Requirement: Simple Majority Required*

#### **Outcome of Meeting 3 September 2024**

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

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

#### **Council Decision 179/24**

**The minutes of the Ordinary meeting of the City of Bunbury Council held 13 August 2024 be confirmed as a true and accurate record.**

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

#### **7.1.2 Minutes – Council Advisory Committees**

Nil

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## **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 item 10.5.1 *Donation of Australind Railcar*.

- Thomas Dillon
- Margaret Duce

The 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 180/24**

***Pursuant to clause 6.9 (2)(b) of Council's Standing Orders, Council approves the following persons' deputation requests to address Council in relation to item 10.5.1 Donation of Australind Railcar and allows a period of up to 10 minutes each to present to Council:***

***Thomas Dillon***  
***Margaret Duce***

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

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

Nil

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

Nil

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## **9. Method of Dealing with Agenda Business**

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those employee recommendations listed for item 10.1.1, 10.3.1, 10.3.3, 10.3.5, and 10.4.2.

Items 10.2.1, 10.3.2, 10.3.4, 10.4.1, 10.4.3 and 10.5.1 were discussed and voted on separately.

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

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

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### 10.1.1 Review of Council Policy: Elected Member Entitlements (listed as item 10.1.1 in the agenda)

<b>File Ref:</b>	COB/6306
<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Responsible Officer:</b>	Liam Murphy, Governance Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance and Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.1-A: Revised Council Policy Elected Member Entitlements

#### Summary

*This report was deferred at the 23 July 2024 Ordinary Council Meeting, and is now re-presented to Council for consideration. Following a strategic workshop held in this regard on 20 August 2024, an executive recommendation has been added to refer this matter back to the PRDC.*

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

#### Committee Recommendation

That Council:

1. Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 10.1.1-A.
2. Advocate to the Salaries and Allowances Tribunal for an increase to the annual ICT allowance during its next review of allowances for Local Governments in 2025.

*Voting Requirement: Simple Majority Vote*

#### Executive Recommendation

That Council refer this matter to the Policy Review and Development Committee for further deliberation in the context of the discussion held at the strategic workshop held 20 August 2024.

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### **Strategic Relevance**

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

### **Regional Impact Statement**

This policy only applies within the City of Bunbury.

### **Background**

The policy was last reviewed in December 2022. At the OCM held on 23 July 2024, this matter was deferred pending a workshop being held in this regard, which was held on 20 August. The matter is now re-presented to Council for consideration.

### **Council Policy Compliance**

This report facilitates the review of an existing Council Policy.

### **Legislative Compliance**

*Local Government Act 1995*

*Western Australia Salaries and Allowances Act 1975*

- Local Government Chief Executive Officers and Elected Members Determination No 1 of 2024

### **Officer Comments**

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

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

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

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

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

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

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

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

Whilst no changes to this process are recommended, should the committee wish to explore other options whereby devices (i.e. laptops) are provided by the City in lieu of the full ICT expenses allowance, then it is suggested that such a conversation be held at a strategic workshop where Officers could provide details of the cost implications of the various options (note this was held on 20 August).

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

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

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Nil

**Councillor/Officer Consultation**

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

**Applicant Consultation**

Not applicable.

**Timeline: Council Decision Implementation**

Immediately following Council decision.

**Outcome of Meeting 3 September 2024**

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

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

**Council Decision 181/24**

**That Council refer this matter to the Policy Review and Development Committee for further deliberation in the context of the discussion held at the strategic workshop held 20 August 2024.**

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

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**10.3.1 Schedule of Accounts Paid for the period 1 July 2024 to 31 July 2024 (listed as item 10.3.1 in the agenda)**

<b>File Ref:</b>	COB/6615	
<b>Applicant/Proponent:</b>	Internal Report	
<b>Responsible Officer:</b>	David Ransom, Manager Finance	
<b>Responsible Manager:</b>	David Ransom, Manager Finance	
<b>Executive:</b>	Karin Strachan, Director Corporate and Community	
<b>Authority/Discretion:</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 10.3.1-A: Schedule of Accounts Paid	

**Summary**

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 July 2024 to 31 July 2024 is attached at Appendix 10.3.1-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$10,652,069.16
2. Trust Account – payments totalling \$38,110.30
3. Visitor Information Centre Trust Account – payments totalling \$6,763.20

**Executive Recommendation**

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

**Outcome of Meeting 3 September 2024**

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

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

**Council Decision 182/24**

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

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

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### 10.3.3 Electrical Maintenance Services Tender (listed as item 10.3.3 in the agenda)

<b>File Ref:</b>	RFT2425/001
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Karen Urkko, Contracts and Procurement Officer Shahin Mahmud, Coordinator Property Management & Maintenance
<b>Responsible Manager:</b>	Tristan Davenport, Acting Manager Infrastructure Maintenance Services David Ransom, Manager Finance
<b>Executive:</b>	Aileen Clemens, Acting Director Infrastructure
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Confidential Appendix 10.3.3-A Evaluation Report

#### Summary

The City of Bunbury issued a Request for Tender RFT2425/001 Electrical Maintenance Services with a view to engaging a suitably qualified contractor to undertake various electrical works for the City for a period of three (3) years, with two (2), one (1) year extension options, exercisable at the absolute discretion of the Principal (3+1+1).

The City received four (4) compliant tender submissions and it is recommended that Council accept the response recommended in the *Confidential Appendix 10.3.3-A*

#### Executive Recommendation

That the Council:

1. Accepts the recommendation as contained in the Confidential Appendix 10.3.3-A.
2. Authorise the Chief Executive Officer to:
  - a) negotiate and agree minor variations with the recommended respondent; and
  - b) enter into a contract with the recommended respondent
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.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well-planned city
Outcome No. 8	A place with attractive and welcoming community spaces, where people want to live
Objective No. 8.3	Maintain quality community buildings, halls and toilets

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### Regional Impact Statement

Engaging a reputable contractor to undertake electrical maintenance services for the City’s facilities and streetlights is crucial for preserving current functionality, sustaining economic growth, ensuring facilities safety, safety of the people and enhancing tourism and liveability in the region.

### Background

Please refer to the attached “*commercial in confidence*” *Evaluation Report* for information relating to this Tender.

The Tender was advertised in the West Australian and the Bunbury South West Times newspapers on Wednesday, 12 June 2024 and Thursday, 13 June 2024 respectively. The Tender documents were made available via the City’s online procurement portal Vendor Panel on 4 June 2024.

A total of 144 suppliers viewed the advertisement and at closing 4 responses were received.

Tenders Received from:
Nixon Bunbury Pty Ltd [ABN 80 677 572 075] 11 Dodson Road, GLEN IRIS WA 6230
Barry Allen Electrical Services Pty Ltd [ABN 41 116 443 988] 9 Juniper Way, BUNBURY WA 6230
ERG Electrics Pty Ltd T/As ERG Electrics WA [ABN 52 102 846 935] 19 Hensen Street, DAVENPORT WA 6230
Copperfield Enterprises Pty Ltd T/As APG Plus [ABN 62 105 242 000] 25 Andrew Foord Way, PICTON EAST WA 6229

The tenders were evaluated using the following criteria:

Qualitative Criteria	Weighting
Relevant Experience and Key Personnel	25%
Tenderer’s Resources & Understanding	25%
<b>Price</b>	<b>50%</b>
<b>Total</b>	<b>100%</b>

### Council Policy Compliance

Tendering for goods and services is conducted in accordance with:

- Purchasing Council Policy
- Local Supplier Preference Council Policy
- Access and Inclusion Policy
- Statement of Business Ethics

### Legislative Compliance

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.

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.

With regard to RFT2425/001, 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.

Details of the evaluation and officer comments can be viewed in *Confidential Appendix 10.3.3-A*.

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

Expenditure for this Tender is allocated within the City's Annual Base Operating Budget under general ledger account numbers;

- 500239.0820.3300 Maintained Council Owned and Operated Buildings;
- 500249.0820.3300 Maintained Council Owned Community Buildings; and
- 500241.0820.3300 Maintained Lighting.

Evaluation of the tender prices (and ranking) has been assessed but as the results are "commercial in confidence" they can be viewed in *Confidential Appendix 10.3.4-A Evaluation Report*.

### **Community Consultation**

Not applicable for this tender.

### **Councillor/Officer Consultation**

Consultation took place with the Coordinator Property Management and Maintenance, Supervisor Property Management & Maintenance, and the Property Management and Maintenance Officer to ensure that the tender specification was written to obtain the best quality and price to enable the services to be delivered to a high standard.

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

The new contract is expected to begin on 7 October 2024, following the expiration of the current contract on 6 October 2024, pending Councils endorsement.

### **Outcome of Meeting 3 September 2024**

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

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

---

**Council Decision 183/24**

**That the Council:**

- 1. Accepts the recommendation as contained in the Confidential Appendix 10.3.3-A.**
- 2. Authorise the Chief Executive Officer to:**
  - a) negotiate and agree minor variations with the recommended respondent; and**
  - b) enter into a contract with the recommended respondent**
- 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

11 votes "for" / Nil votes "against"

For transparency, the successful respondent was Nixon Bunbury Pty Ltd [ABN 80 677 572 075]. The estimated total consideration under the resulting contract is \$300,000 per annum (\$1,500,000 over the five year contract period, including extension options).



- |  |           |           |
|--|-----------|-----------|
| * Working Capital<br>(Current Assets less Current Liabilities) | \$77.87M  | \$13.32M  |
| * Equity<br>(Total Assets less Total Liabilities)              | \$548.94M | \$492.74M |
4. Capital Works (**attached** at Appendix 10.3.5-E)
- Actual capital works of \$299K is \$1.73M less than the year-to-date budgeted capital works of \$2.03M (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 10.3.5-F)h
- Actual operating project expenditure of \$103K is \$4K more than the year-to-date budgeted operating project expenditure of \$99K.
  - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

### Executive Recommendation

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

*Voting requirement: simple majority*

### Strategic Relevance

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

### Background

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.5-A)
- Statement of Financial Activity (**attached** at Appendix 10.3.5-B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.5-C)
- Statement of Financial Position (**attached** at Appendix 10.3.5-D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.5-E)
- Operating Projects Summary (**attached** at Appendix 10.3.5-F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.5-G)

These summaries include end-of-year forecasts based on a monthly review of year-to-date income and expenditure for all accounts.

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### Council Policy Compliance

Not applicable.

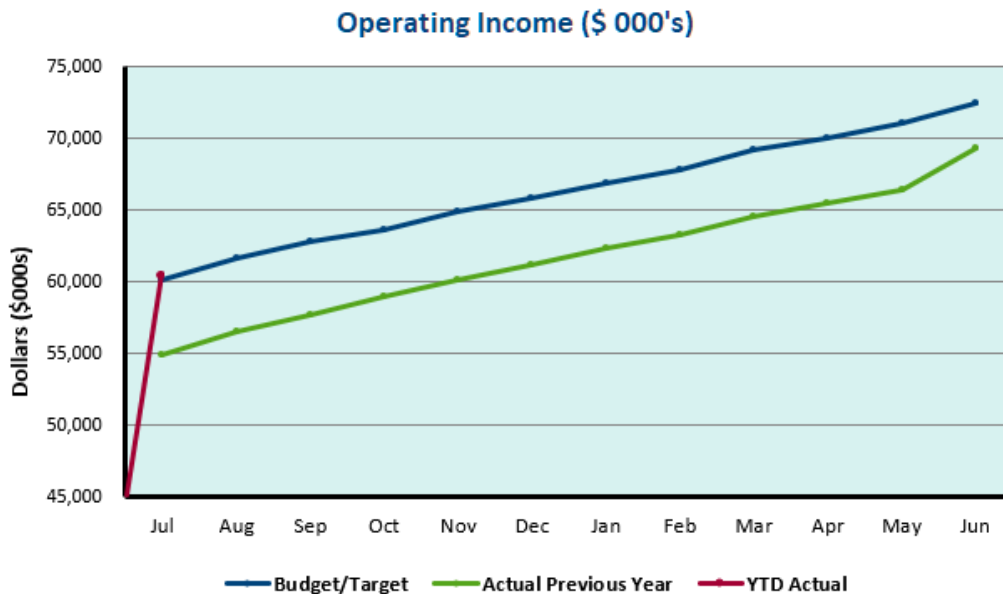
### Legislative Compliance

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 10.3.5-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 23 July 2024, 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 2024/25.

### 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.



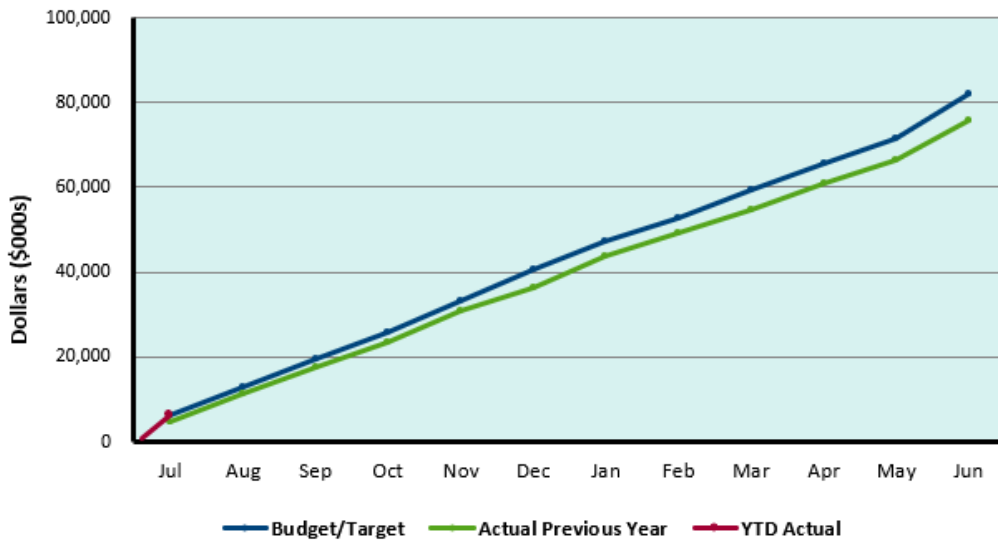
---

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

Actual operating income of \$60.32M is \$209K more than the year-to-date budgeted income of \$60.11M.

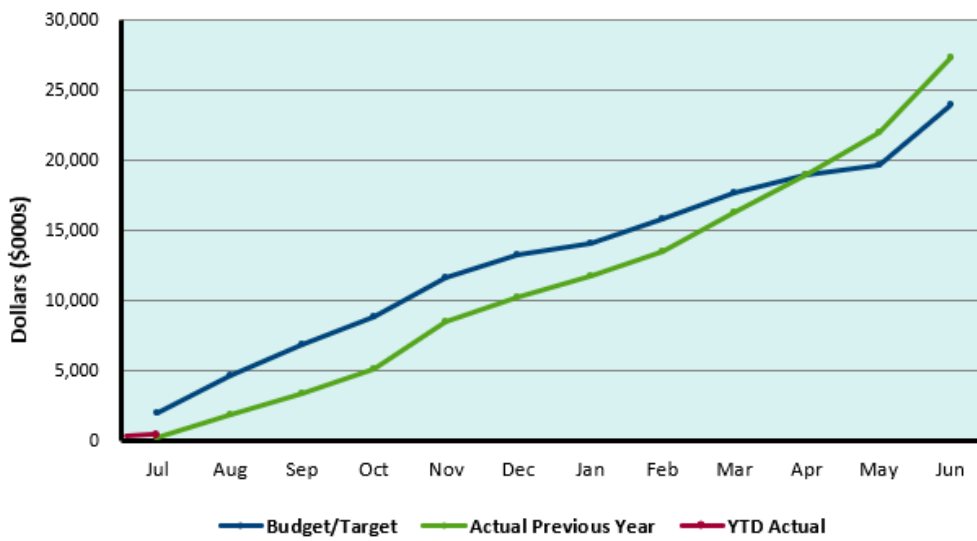
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### Operating Expenditure (\$ 000's)



**Note:** Actual operating expenditure is below the year-to-date budget by \$26K.

### Capital Expenditure (\$ 000's)



**Note:** The actual capital expenditure at the end of July 2024 of \$299K is \$1.73M less than the year-to-date budget of \$2.03M. 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 10.3.5-E and 10.3.5-F for more detailed information regarding projects:

<b>Statement of Financial Activity</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Revenue</b>	
<i>Contributions Reimbursements and Donations</i> – Favourable year-to-date variance of \$63K mainly due to higher than expected, workers compensation reimbursements (\$32K), deceased estate donation to Bunbury Wildlife Park of (\$27K) and government paid parental leave (\$4K). End of year forecasts have been updated.	\$63,327 108%
<b>Capital Expenses</b>	
<i>Acquisition of Assets</i> – Year-to-date variance due to the timing of capital expenditure. The capital projects are monitored monthly. Key project variances include:  <div style="padding-left: 40px;">           PR-3720 Hands Oval Redevelopment - \$1.45M            PR-2403 Replace Forrest Park Pavilion – \$328K         </div>	\$1,728,061 85%

#### **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 2024/25 financial year. Any forecasts changes noted will be included in the October 2024 Budget review.

#### **Community Consultation**

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.5-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 3 September 2024**

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

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

---

**Council Decision 184/24**

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

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

#### 10.4.2 Draft Bunbury Tourism Plan (listed as item 10.4.2 in the agenda)

<b>File Ref:</b>	COB/6239
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Felicity Anderson, Manager Economic Growth
<b>Responsible Manager:</b>	Felicity Anderson, Manager Economic Growth
<b>Executive:</b>	Andrew McRobert, Director Sustainable Development
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Nil

#### Summary

This report requests Council notes the presentation at the strategic briefing 20<sup>th</sup> August 2024 and seeks support to undertake the next phase of work required to complete the plan.

#### Executive Recommendation

That Council:

1. Notes the Draft Bunbury Tourism Plan presentation at the strategic briefing 20<sup>th</sup> August 2024.
2. Acknowledges that further work is required to inform priorities, costings, and implementation time frames.
3. Requests the CEO to commence the necessary next steps to finalise the Draft Bunbury Tourism Plan including a workshop with Elected Members.
4. Requests that a finalised Draft Bunbury Tourism Plan be presented to Council for endorsement.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

Pillar	Prosperity
Aspiration	A strong and diverse economy.
Outcome 12	A unique and desirable destination within the South West region.
Objective 12.1	Develop and promote competitive tourism offer to attract more visitors.

#### Regional Impact Statement

Identified as the second City of Western Australia and the economic hub of the South West, Bunbury has a diverse economic base. When finalised the Draft Bunbury Tourism Plan will provide a roadmap to guide a range of tourism outcomes that will not only enhance the current tourism offering but seek to increase the economic benefit of Tourism to the City and the region.

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## **Background**

In October 2023, Council Decision 220/23 resolved to establish a Tourism Working Group and prepare a Draft Bunbury Tourism Plan.

The research and engagement for the Draft Bunbury Tourism Plan commenced in January 2024. The Draft Bunbury Tourism Plan has now been completed by Executive Compass providing the City recommendations to develop and improve the Tourism offering and the economic benefit to the City.

The first phase of developing the Draft Bunbury Tourism Plan was presented by consultant group Executive Compass at a strategic briefing session with the Elected Members on Tuesday the 20<sup>th</sup> of August 2024.

The next step to delivering the final Plan to community and stakeholders is to further engage with key leads, and supporting partners to, inform commitment and to identify the resources required and time frames for delivery.

## **Council Policy Compliance**

Not applicable

## **Legislative Compliance**

Not applicable

## **Officer Comments**

The next step to delivering the final Plan to community and stakeholders is to further engage with key leads, and supporting partners to, inform priorities and to identify the resources required and time frames for delivery. Once finalised the draft plan will be presented to Council for endorsement.

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

The first phase of developing the Draft Bunbury Tourism Plan has identified opportunities and recommendations to the Bunbury Tourism offer and increase the economic benefit for Bunbury and the region.

Officers have identified and acknowledge there is significant work to prioritise, scope the delivery and identify the resources and costs associated to implement the recommendations.

As the recommendations are mostly not resourced or not funded in current budgets, the identification of any City resources required and when is necessary to inform and be considered for future year budgets and the next Strategic Financial Plan.

Officers would like to clarify that not all the Draft Bunbury Tourism Plan recommendations require City funding or delivery but will still require officer time to collaborate and report upon those recommendations.

---

### **Community Consultation**

The Draft Bunbury Tourism Plan was developed with the consultant group Executive Compass engaging and consulting with the Bunbury Tourism Working Group, industry stakeholders and visitors.

### **Councillor/Officer Consultation**

Cr Steck (Chair) and Cr Kozisek were participants and members of the Bunbury Tourism Working Group.

Elected Members were presented the Draft Bunbury Tourism Plan at a Strategic Briefing held Tuesday 20<sup>th</sup> August 2024 by consultant company Executive Compass.

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

Implementation and further work may commence immediately following Council decision.

### **Outcome of Meeting 3 September 2024**

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

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

#### **Council Decision 185/24**

##### **That council:**

- 1. Notes the Draft Bunbury Tourism Plan presentation at the strategic briefing 20th August 2024.**
- 2. Acknowledges that further work is required to inform priorities, costings, and implementation time frames.**
- 3. Requests the CEO to commence the necessary next steps to finalise the Draft Bunbury Tourism Plan including a workshop with Elected Members.**
- 4. Requests that a finalised Draft Bunbury Tourism Plan be presented to Council for endorsement.**

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

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### 10.2.1 2024 WALGA Annual General Meeting Voting Delegates

<b>File Ref:</b>	COB/2208
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Liam Murphy, Governance Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Alan Ferris, Chief Executive Officer
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.2.1-A: Notice of Annual General Meeting

#### Summary

The Annual General Meeting (AGM) of the Western Australian Local Government Association (WALGA) will be held at the Perth Convention and Exhibition Centre on Wednesday, 9 October 2024 at 2.30pm.

Council is requested to endorse 2 Voting Delegates and 1 Proxy Delegate to attend the AGM.

#### Executive Recommendation

That Council endorses Councillors \_\_\_\_\_ and \_\_\_\_\_ as voting delegates and Councillor \_\_\_\_\_ as proxy voting delegate for attendance at the WALGA Annual General Meeting to be held in Perth on Wednesday, 9 October 2024.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

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

#### Regional Impact Statement

N/A

#### Background

Held in conjunction with the WALGA Local Government Convention is the Annual General Meeting of the WA Local Government Association, to be held on Wednesday, 9 October 2024. All Member Councils are entitled to be represented by two (2) voting delegates at the meeting. If a Voting delegate is unable to attend, provision is made for proxy delegates to be registered. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers.

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### **Council Policy Compliance**

The following Council Policies are applicable:

- Attendance at Events;
- Professional Development of Council Members; and
- Elected Member Entitlements.

### **Legislative Compliance**

N/A

### **Officer Comments**

Council's representation at the WALGA Annual General Meeting will contribute to the potential development of policy and future planning processes to assist the City's strategic capacity to provide good governance, service and facilities for its greater community.

The Professional Development of Council Members policy allows for any Council Member to attend the convention without requiring approval from Council. Elected Members who wish to attend the convention are encouraged to contact the CEO.

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

Any expenditure for this purpose will be incurred from the 2024/25 Elected Member Training Budget. In accordance with the Professional Development of Council Members Council Policy, costs associated with the conference will be met from the general elected member training account and will not impact each member's individual training allocation.

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

This matter is presented to Council for consideration.

### **Applicant Consultation**

N/A

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

Immediately following Council decision.

### **Outcome of Meeting 3 September 2024**

The Mayor called for nominees to be the voting delegates at the 2024 WALGA Annual General Meeting. Councillors Steele and Kozisek nominated to be the voting delegates, and Cr Smith nominated to be the proxy.

The recommendation (including nominees) was moved by Cr Andrew and seconded by Cr Ramesh.

---

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

**Council Decision 186/24**

**That Council endorses Councillors Steele and Kozisek as voting delegates and Councillor Smith as proxy voting delegate for attendance at the WALGA Annual General Meeting to be held in Perth on Wednesday, 9 October 2024.**

CARRIED

10 votes “for” / 1 vote “against”

Mayor Miguel and Councillors Andrew, Brown, Ghaseb, Kozisek, Quain, Ramesh, Smith, Steck and Turner voted “for”

Councillor Steele voted “against”

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### 10.3.2 RFT2425/002 – Plumbing & Gas Maintenance Services (listed as item 10.3.2 in the agenda)

<b>File Ref:</b>	RFT2425/002
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Alec Williams - Contracts and Procurement Officer Shahin Mahmud - Coordinator Property Management and Maintenance
<b>Responsible Manager:</b>	David Ransom - Manager Finance Tristan Davenport – Manager Infrastructure Maintenance Services (Acting)
<b>Executive:</b>	Aileen Clemens - Director Infrastructure (Acting)
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Confidential Appendix 10.3.2-A Evaluation Report

#### Summary

The City of Bunbury issued a request for tender RFT2425/002 to engage the services of a suitably experienced and qualified contractor to provide plumbing and gas maintenance services on City buildings and infrastructure located within The City boundaries.

The City received four (4) tender submissions and it is recommended that Council accept the response recommended in the *Confidential Appendix 10.3.2-A Evaluation Report*.

#### Executive Recommendation

That the Council:

1. Accepts the recommendation as contained in the *Confidential Appendix 10.3.2-A*
2. Authorise the Chief Executive Officer to:
  - a. negotiate and agree minor variations with the recommended respondent; and
  - b. enter into a contract with the recommended respondent.
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.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well planned City
Outcome No. 8	A place with attractive and welcoming community spaces, where people want to live.
Objective No. 8.1 & 8.3	Create a strong and vibrant City Centre. Maintain quality community buildings, halls and toilets.

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## Regional Impact Statement

Engaging a reputable contractor to undertake plumbing and gas maintenance services for the city's facilities is crucial for preserving current functionality, sustaining economic growth, ensuring facilities safety, safety of the people and enhancing tourism and liveability in the region.

## Background

The tender was advertised in the West Australian and the Bunbury South West Times newspapers on Wednesday, 19<sup>th</sup> June 2024 and Thursday, 20<sup>th</sup> June 2024 respectively. The tender document was made available via the City's procurement portal through Vendor Panel.

A total of twenty-one (21) suppliers viewed the advertisement and at closing four (4) responses were received from:

Respondent Entity Name	Registered Address
Copperfield Enterprises Pty Ltd T/As APG Plus	25 Andrew Foord Way, Picton 6229
Ballantyne Commercial Property Services Pty Ltd T/As Ballantyne All Commercial Property Services	33 Gibla Street, Mandurah 6210
Davenport Plumbing Pty Ltd T/As Davenport Plumbing	22 Hensen Street, Davenport 6230
The Trustee for Kandiah Family Trust No 2 T/As Water2Water	207 Railway Road, Subiaco 6008

The tenders were evaluated using the following criteria:

Qualitative Criteria	Weighting
Relevant Experience and Key Personnel	15%
Tenderer's Resources	15%
Demonstrated Understanding	20%
<b>Price</b>	<b>50%</b>
<b>Total</b>	<b>100%</b>

## 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 services. 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.

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With regard to RFT2425/002, City officers have complied with abovementioned legislative requirements.

### **Officer Comments**

The recommended respondent has displayed that they are the most suitable respondent to be awarded this contract. Within their submission they have shown that they have the resources and experience to achieve the outcomes desired by this contract. The evaluation panel unanimously agreed that appointing the recommended respondent as the plumbing and gas maintenance contractor would be the best value for money.

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 Maintain Council Owned and Operated Buildings and Maintain Council Owned Community Buildings.

Evaluation of the tender prices (and ranking) has been assessed but as the results are "commercial in confidence" details are listed in *Confidential Appendix 10.3.2-A*.

### **Community Consultation**

Not applicable.

### **Councillor/Officer Consultation**

Consultation took place with the Coordinator Property Management and Maintenance, Supervisor Property Management & Maintenance, and the Property Management and Maintenance Officer to ensure that the tender specification was written to obtain the best quality and price to enable the services to be delivered to a high standard.

### **Applicant Consultation**

Not applicable.

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

The contract is expected to commence within one (1) week of council's endorsement of the executive recommendation.

### **Outcome of Meeting 3 September 2024**

Cr Andrew left the meeting at 5:36pm, as he had declared a financial interest in this matter.

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

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

---

**Council Decision 187/24**

**That the Council:**

- 1. Accepts the recommendation as contained in the Confidential Appendix 10.3.2-A**
- 2. Authorise the Chief Executive Officer to:**
  - a. negotiate and agree minor variations with the recommended respondent; and**
  - b. enter into a contract with the recommended respondent.**
- 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"

For transparency, the successful respondent was Davenport Plumbing Pty Ltd T/As Davenport Plumbing. The estimated total consideration under the resulting contract is \$370,000 per annum (\$1,850,000 over the total contract period, including all extension options), excluding GST.

Cr Andrew rejoined the meeting at 5:37pm.

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### 10.3.4 Hay Park Netball Courts Redevelopment (listed as item 10.3.4 in the agenda)

<b>File Ref:</b>	RFT2425/004
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Karen Urkko, Contracts and Procurement Officer Alex Purich, Infrastructure Project Coordinator
<b>Responsible Manager:</b>	David Ransom, Manager Finance David Russell, Manager Community Facilities
<b>Executive:</b>	Aileen Clemens, Acting Director Infrastructure
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Confidential Appendix 10.3.4-A Evaluation Report

#### Summary

The City of Bunbury issued a Request for Tender RFT2425/004 with a view to engaging a suitably qualified contractor to design and construct twelve new netball courts, perimeter fencing and light towers on the site of the existing netball courts at Hay Park.

The City received eight (8) tender submissions and it is recommended that Council accept the tenderer recommended in the *Confidential Appendix 10.3.4-A*.

#### Executive Recommendation

That the Council:

1. Authorise an additional \$209,530 excluding GST to be transferred to PR5322 Netball Court Refurbishment from the Asset Management & Renewal Reserve and accepts the recommendation as contained in the Confidential Appendix 10.3.4-A.
2. Authorise the Chief Executive Officer to:
  - a. negotiate and agree minor variations with the recommended respondent; and
  - b. enter into a contract with the recommended respondent
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

*Voting Requirement: Absolute Majority*

#### Strategic Relevance

Pillar	Creating a Healthier Community.
Aspiration	Providing Upgraded Facilities for the Community.
Outcome 3.	A Healthy & Active Community.
Objective 3.2	Encourage participation in sport, recreation and leisure activities.

#### Regional Impact Statement

The Bunbury Netball Association is the host association for ten clubs that encompass Bunbury, Dalyellup, Gelorup and Collie. While the bulk of the clubs are from Bunbury, the outdoor netball courts located at Hay Park provide facilities that benefit the greater Bunbury area which also plays host to hosted regional competitions during the netball season over winter.

---

## Background

Prior to procurement this project was originally presented to Council on 26 September 2023 as part of a Community Sport Recreation Facility Fund Grant (CSRFF) submission which was subsequently granted approval for one third costs of the original budgeted amount. The Council decision relating to this Item is –

Council Decision 200/23

*That Council:*

- 1. Support the Bunbury Netball Association Community Sporting and Recreation Facilities Fund (CSRFF) forward planning grant application.*
- 2. Support the allocation of \$994, 631 excluding GST from the 2024/2025 budget subject to the grant application being successful through the Department of Local Government, Sport and Cultural Industries (DLGSC).*
- 3. Rank the Bunbury Netball Association Grant Application as Number 1 in CSRFF Priority submission to DLGSC.*

Please refer to the attached “commercial in confidence” Evaluation Report for information relating to this tender.

The tender was advertised in the West Australian and the Bunbury South West Times newspapers on Saturday 22 June 2024 and Thursday, 27 June 2024 respectively. The tender document was made available via the City’s procurement portal through Vendor Panel on 20 June 2024.

A total of 144 suppliers viewed the advertisement and at closing 4 compliant responses were received.

Tenders Received from:
Civcon Civil & Project Management Pty Ltd [ABN 95 161 038 759] 91 Havelock Street, WEST PERTH WA 6005
Fulton Hogan Industries Pty Ltd [ABN 54 000 538 689] 158 Talbot Road, PETH AIRPORT WA 6105
BCP Contractors Pty Ltd [ABN 24 602 859 405] 68-70 Halifax Drive, DAVENPORT WA 6230
Forge Civil Pty Ltd [ABN 13 651 134 913] 45 McCombe Road, DAVENPORT WA 6230
The Trustee for The Rent A Fence Australia Trust [ABN 18 396 900 781] (Non-compliant submission)
WML Consultants Pty Ltd [ABN 36 092 471 531] (Non-compliant submission)
Independent Locksmiths & Security Pty Ltd [ABN 66 002 705 802] (Non-compliant submission)
D&A Enterprises (WA) Pty Ltd T/As T&V Fencing Repairs [ABN 83 660 086 591] (Non-compliant submission)



The tenders were evaluated using the following criteria:

<b>Qualitative Criteria</b>	<b>Weighting</b>
Relevant Experience and Key Personnel	20%
Tenderer's Resources	15%
Demonstrated Understanding	15%
Environmental & Sustainability	10%
<b>Price</b>	<b>40%</b>
<b>Total</b>	<b>100%</b>

### **Council Policy Compliance**

Tendering for goods and services is conducted in accordance with:

- Purchasing Council Policy
- Local Supplier Preference Council Policy
- Statement of Business Ethics
- Access and Inclusion Policy

### **Legislative Compliance**

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. 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.

With regard to RFT2425/004, 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.

Details of the evaluation and officer comments can be viewed in *Confidential Appendix 10.3.4-A*.

As indicated in the Evaluation Report RFT2425, pricing is higher than the total budgeted amount approved. Clarification was sought from the Regional Manager of DLGSC to see if there was any scope for any additional one third grant funding to assist with the shortfall. On the 30 July 2024 it was indicated that as per the grant application and agreement that this is not available. A request has also been made to the Bunbury Netball Association however at the time of this agenda item being written no confirmation has been received.

If the executive recommendation for the additional budgeted amount including contingency is not approved, this project will be unable to proceed, and the City will forfeit the \$532,822 DLGSC Grant Funding.

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

All submitted prices are greater than the estimated budget, and there is a shortfall of \$209,530 which includes an 8% contingency.

Any unspent contingency amounts shall be returned to the Asset Management and Renewal Reserve at completion of the project.

Please refer to the Officer Comments in *Confidential Appendix 10.3.4-A Evaluation Report* for the full financial analysis.

### **Community Consultation**

The Bunbury Netball Association first sought support from the City in 2023, the city provided this by facilitating a DLGSC grant application. The City consulted with the Bunbury Netball Association on a number of occasions following the successful grant application, this ensured the upgraded facility was fit for purpose and meet the needs of the primary user group.

### **Councillor/Officer Consultation**

Consultation has taken place with the Manager Infrastructure Maintenance Services, Manager Sport and Recreation and Manager Projects and Assets as well as the Infrastructure Projects Coordinator to ensure the resulting contract delivers a good community outcome.

### **Applicant Consultation**

Not applicable.

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

If endorsed by Council at the 3 September 2024 Council Meeting, the City anticipates that this Contract will be awarded within two weeks, with the project due for completion by 30 April 2025.

### **Outcome of Meeting 3 September 2024**

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

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

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**Council Decision 188/24**

**That the Council:**

**1. Authorise an additional \$209,530 excluding GST to be transferred to PR5322 Netball Court Refurbishment from the Asset Management & Renewal Reserve and accepts the recommendation as contained in the Confidential Appendix 10.3.4-A.**

**2. Authorise the Chief Executive Officer to:**

- a. negotiate and agree minor variations with the recommended respondent; and**
- b. enter into a contract with the recommended respondent**

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

For transparency, the successful respondent was Fulton Hogan Industries Pty Ltd [ABN 54 000 538 689]. The estimated total consideration under the resulting contract is \$1,723,918.00 (excluding GST)

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**10.4.1 Proposed Disposal of Freehold Land – Lot 78 on Deposited Plan 6364 Ecclestone Street, South Bunbury** (listed as item 10.4.1 in the agenda)

<b>File Ref:</b>	COB/5820
<b>Applicant/Proponent:</b>	Gregory and Anna Satti
<b>Responsible Officer:</b>	Gemma Stewart, Senior Property Officer
<b>Responsible Manager:</b>	Felicity Anderson, Manager Economic Growth
<b>Executive:</b>	Andrew McRobert, Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.4.1-A: Location Plan

**Summary**

The City of Bunbury (the "City") has received an application from Gregory and Anna Satti (the "Applicant"), the owner of 2 Ecclestone Street, South Bunbury, to acquire the adjacent Freehold parcel of land, Lot 78 on Deposited Plan 6364 Ecclestone Street, South Bunbury ("Lot 78"). A location plan is **attached** at Appendix 10.4.1-A.

**Executive Recommendation**

That Council agrees to the sale of Freehold land at Lot 78 on Deposited Plan 6364 Ecclestone Street, South Bunbury, for the price of \$5,067 inclusive of GST, subject to the terms and conditions as specified in the report, and the following;

1. The applicant to pay all costs associated with the proposed purchase including applications fee, processing fee, advertising, surveying fees and the cost associated with filling in the redundant drainage.
2. Advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.

*Voting Requirement: Simple Majority*

**Strategic Relevance**

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

**Regional Impact Statement**

Amalgamating Lot 78 and Lot 14 will create the opportunity for a proposed subdivision and the construction of a new residential dwellings, addressing the current housing shortage issue.

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## **Background**

The City received an inquiry from the Applicant about acquiring the adjoining parcel of land, Lot 78. Lot 78 is a freehold land parcel of 77m<sup>2</sup>, which includes redundant drainage. The Applicant is currently encroaching onto Lot 78 to use it for a driveway.

If the application is approved, the Applicant intends to amalgamate Lot 78 with Lot 14 for future residential development.

## **Council Policy Compliance**

Not applicable.

## **Legislative Compliance**

Advertising in accordance with Section 3.58 of the *Local Government Act 1995*.

## **Officer Comments**

As part of the application process, the Applicant was required to obtain the adjoining owner's consent. No objections were received from the adjoining owners.

Additionally, as part of the application process, the City was required to obtain a fair market valuation from a licensed valuer. The City acquired an independent fair market valuation for Lot 78, which was \$20,636. The Applicant has considered additional costs related to the sale, such as filling in the redundant drainage, and has offered \$5,067 for Lot 78.

The service providers have been consulted and the City has received no objections to the sale of Lot 78.

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

As outlined in the officer comments, the Executive Leadership Team has reviewed and accepted the offer of \$5,067 inclusive of GST, subject to Council approval.

The Applicant has accounted for additional costs associated with the sale, including obtaining quotes for filling in the redundant drainage, surveying fees, and Landgate fees, and has estimated these costs to total approximately \$15,000.

## **Community Consultation**

As per section 3.58 of the *Local Government Act 1995* disposal of property requires the City give public notice.

## **Councillor/Officer Consultation**

The Application was presented to the City's Development Coordination Unit, which identified an abandoned stormwater drainage within Lot 78.

The City's Engineering Officer recommended that the abandoned drainage be either removed or filled in. The preferred method is removal, as this will help prevent potential sinkage and future subsidence.

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The proposed sale would reduce City costs and resources by eliminating the need to maintain the redundant Drainage Reserve.

### **Applicant Consultation**

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

The Applicant is agreeable to the purchase of Lot 78 with the condition of removing or infilling the abandoned storm water drainage and payment of associated costs.

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

The Applicant will be contacted immediately following the Council decision to implement the next stage of the process.

### **Outcome of Meeting 3 September 2024**

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

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

#### **Council Decision 189/24**

**That Council agrees to the sale of Freehold land at Lot 78 on Deposited Plan 6364 Ecclestone Street, South Bunbury, for the price of \$5,067 inclusive of GST, subject to the terms and conditions as specified in the report, and the following;**

**1. The applicant to pay all costs associated with the proposed purchase including applications fee, processing fee, advertising, surveying fees and the cost associated with filling in the redundant drainage.**

**2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.**

CARRIED

10 votes "for" / 1 vote "against"

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

Councillor Steele voted "against"

### 10.4.3 Bunbury Visitor Centre (listed as item 10.4.3 in the agenda)

<b>File Ref:</b>	COB/3585
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Felicity Anderson, Manager Economic Growth
<b>Responsible Manager:</b>	Felicity Anderson, Manager Economic Growth
<b>Executive:</b>	Andrew McRobert, Director Sustainable Development
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Nil

#### Summary

This report provides an Executive Recommendation after the completion and consideration of the visitor centre two-location trial period that was part of Council Decision 264/22. The recommendation was informed following the presentation of the Draft Bunbury Tourism Plan and discussions relating to the visitor centre two location trail at the strategic briefing held 20<sup>th</sup> August 2024.

#### Executive Recommendation

That council:

1. Agrees to cease the two-location trial and return visitor centre operations to one location.
2. Retains the Museum as the CBD location for the Visitor Centre.
3. Supports the Visitor Centre location to be reviewed once further development and opportunities on the Koombana Tourism Precinct and Bicentennial Square have occurred.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

Pillar	Prosperity
Aspiration	A strong and diverse economy.
Outcome 12	A unique and desirable destination within the South West region.
Objective 12.1	Develop and promote competitive tourism offer to attract more visitors.

#### Regional Impact Statement

As an accredited visitor centre, the Bunbury Visitor Centre provides information and services supporting and promoting both the City of Bunbury and the Bunbury Geographe region.

#### Background

The journey relating to the Bunbury Visitor Centre review commenced early in 2022 with the initial Council Decision 047/22 that resolved to undertake a review of the Bunbury Visitor Centre and services.

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That comprehensive review was completed and presented to Council in August 2022. In August 2022 Council Decision 177/22 then concluded to locate the visitor centre in a stand-alone facility at the Koombana Foreshore (within the Koombana Tourism Precinct).

The following motion was received at the Special Electors meeting 8<sup>th</sup> November 2022:

*That Council consider the following:*

1. *The Bunbury Visitor Centre is to be a fully serviced facility including at least two staff members and must be located within a 500 metre radius of the bus station located at 5 Carmody Place, Bunbury WA 6230, with the aim to a permanent location within this radius.*
2. *Request the CEO report to Council by 24th December 2022 the suitability of the locations below for the Bunbury Visitor Centre to be located in an interim capacity until a permanent location is finalised:*
  - a. *Bunbury Regional Entertainment Centre*
  - b. *Lease of a building on or within the vicinity of Victoria St*
  - c. *Youth building within the new skate park – Koolambidi Woola*
  - d. *A City owned building within a 500m radius of the bus station*
  - e. *The Bunbury Museum.*
3. *That the CEO investigate and report back to Council by the 1st November 2023, the feasibility of utilizing the Heritage Listed Old Railway Station and the activation of the immediate area with the possibility of the return of the Bunbury Visitors Centre permanently.*
4. *That the City makes safe the Bus Station site along with the Graham Bricknell shell precinct by developing and implementing a safety and security plan and through the activation of this area via the hosting of events to deter antisocial behaviour, with the long term view of reinstating the Bunbury Visitor Centre at this location.*

At the 29 November 2022 Council meeting, Council decision 264/22 was delivered. Decision points 1,2,3 & 4 required establishing a two-location visitor centre trial and reporting back to Council. The two-location trial commenced late March 2023.

In October 2023, some eight months into the trial Council Decision 220/23 resolved to establish a Tourism Working Group and prepare a Draft Bunbury Tourism Plan. Visitor servicing and the visitor experience were identified to be as part of the proposed Draft Bunbury Tourism Plan. The Draft Bunbury Tourism Plan has now been completed providing recommendations.

A strategic briefing session was held with the Elected Members on Tuesday the 20<sup>th</sup> of August 2024. At the briefing, consultant company Executive Compass presented the Draft Bunbury Tourism Plan and there was discussion relating to the Visitor Centre two-location trial.

### **Council Policy Compliance**

Not applicable

### **Legislative Compliance**

Not applicable

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### **Officer Comments**

Stakeholder engagement and work relating to the visitor centre and the visitor experience has recently been completed as part of Council Decision 220/23 to develop a Draft Bunbury Tourism Plan.

Working with the Bunbury Tourism Working Group and stakeholders, the consultant company Executive Compass identified that operating the visitor centre from two sites is both a threat and weakness, citing that visitor centre service delivery needs to be aligned with the current and future requirements of visitors to the region.

The Draft Tourism Plan identifies and recommend opportunities for enhancing the visitor experience including a key recommendation to *“Locate the visitor centre in an accessible location that enhances the visitor experience within the Koombana tourism precinct.”*

Presentation of the Draft Bunbury Tourism Plan, and a discussion with the Elected Members in relation to the two-location trial was held at the strategic briefing on the 20<sup>th</sup> August 2024. Both have been instrumental in informing the executive recommendation. The proposal to continue service delivery from the Bunbury Museum and Heritage Centre is subject to review once further development and opportunities of the Koombana Tourism Precinct and Bicentennial Square have occurred.

Improved messaging through digital platforms and signage for both the visitor centre and visitor parking is identified as part of the transition back to the one site.

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

\$84,399 remains available in PR 5082 for the Relocation of Bunbury Visitor Centre. This remaining budget allocation will assist in enhancing then operational functionality and visitor requirements at the proposed location.

### **Community Consultation**

The Bunbury Tourism Working Group, industry, stakeholders, and visitors were consulted through the Draft Tourism Plan, prior reviews and through visitor surveys.

### **Councillor/Officer Consultation**

Cr Steck and Cr Kozisek were members of the Bunbury Tourism Working Group. Elected Members were presented the Tourism Plan and discussed the Visitor Centre location at a strategic briefing held Tuesday 20<sup>th</sup> August 2024.

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

Implementation may commence immediately after Council decision.

### **Outcome of Meeting 3 September 2024**

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

During debate, Councillor Ghasseb suggested an amendment to item 3 of the recommendation which, with the agreement of the mover and seconder, was included as part of the substantive motion as follows:

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3. Supports the Visitor Centre location to be reviewed once further development and opportunities ~~at on the Koombana Tourism Precinct and Bicentennial Square~~ have occurred.

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

**Council Decision 190/24**

**That Council:**

- 1. Agrees to cease the two-location trial and return visitor centre operations to one location.**
- 2. Retains the Museum as the CBD location for the Visitor Centre.**
- 3. Supports the Visitor Centre location to be reviewed once further development and opportunities at Bicentennial Square have occurred.**

CARRIED

9 votes "for" / 2 votes "against"

Councillors Andrew, Brown, Ghaseb, Kozisek, Quain, Ramesh, Smith, Steck and Steele voted "for"

Mayor Miguel and Councillor and Turner voted "against"

### 10.5.1 Donation of Australind Railcar (listed as item 10.5.1 in the agenda)

<b>File Ref:</b>	COB/6414
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Nathan Sawyer, Supervisor Property Maintenance and Management
<b>Responsible Manager:</b>	Tristan Davenport Acting Manager Infrastructure and Maintenance Services
<b>Executive:</b>	Aileen Clemens, Acting Director Infrastructure
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Confidential Appendix 10.5.1-A Deed Donation of Australind Railcar

#### Summary

At the Ordinary Council meeting on 20 February 2024 Council resolved to support the acceptance of Australind Railcar and for the CEO to prepare a report on options for the future use and cost for repurposing the railcar (Council Decision 014/24). The Public Transport Authority have requested the City of Bunbury execute the Deed of Donation and take possession of the railcar. This report is to advise the estimated cost for the transport, storage and refurbishment of the Railcar and offer an alternative option.

#### Executive Recommendation

That Council

1. Declines the offer of the Australind Railcar
2. Thank the Public Transport Authority for the opportunity.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

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 8.1	Create a strong and vibrant City centre

#### Regional Impact Statement

There is a strong sentimental value attached to the Australind journey within our community, the City believes any preservation and reuse efforts would be warmly received. Now that the City has investigated the costs associated with the future use the option to accept this Railcar need further consideration.

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## **Background**

The Public Transport Authority was approached by a City of Bunbury Councillor noting that the City of Bunbury would be receptive to receiving one of the railcars of the recently decommissioned Australind Train.

This advice was further enhanced in letter from Mayor Jason Miguel to Minister Don Punch on the 24/11/2024 noting:

That the City of Bunbury would welcome the opportunity in securing one of the railcars, seeing great potential in repurposing it for tourism or commercial use. Given the sentimental value attached to the Australind by our community, preservation and reuse efforts would be warmly received.

It was also shown that there was an understanding by the City that there would be significant costs associated with freight, storage and maintenance for such a project and that the City would appreciate any assistance the State Government may be able to provide.

## **Council Policy Compliance**

Not applicable

## **Legislative Compliance**

Not applicable

## **Officer Comments**

In recommending the decision to decline the donation of the railcar the below information was reviewed noting that these are only estimates and the cost could come in higher in future years. This cost has not been included in the long-term financial plan.

It should be noted that the railcar offered to the City of Bunbury is the middle railcar and not the engine which would hold more significance. In speaking with the Public Transport Authority, we have been advised that there is other interest in the railcar by another local government who already have one of the front engines.

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Estimated breakdown of costs:

<b>Item</b>	<b>Estimated Cost</b>	<b>Notes</b>
Initial cost PTA to City Depot	\$40,000.00	Freo Transport and Piacentini have the slings and equipment to carry out this task. A discretionary would need to be raised. 24/25 budget
Site Preparation at the Depot for storage	\$20,000.00	Dolly ramps need for railcar placement 24/25 budget
Should the decision be to refurbish for commercial use it is estimated for a kitchen and set up area	\$250,000.00	This does not include freight to the site or site prep
Site Preparation including ramps for accessibility	\$60,000.00	Dependant on location and services available
Transport to the site	\$40,000.00	As above
<b>Total Estimate cost</b>	<b>\$410,000.00</b>	<b>This does not include staff time or ongoing maintenance/insurance costs</b>

If the City of Bunbury considered to receive the railcar and proposed to refurbish and lease out the Railcar as a refurbished café the income compared to currently leased areas for a café would be in vicinity of \$1100 per month. This would cover maintenance general/maintenance due to vandalism and insurance costs and would not recoup the initial cost for the railcar to be set up.

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

The City has discussed the proposed recommendation with the local member, Minister Don Punch, given his initial interest in the Railcar, and the correspondence with the Mayor.

**Councillor/Officer Consultation**

Refer Council Decision 014/24

**Applicant Consultation**

Not applicable

**Timeline: Council Decision Implementation**

The Public Transport Authority would be notified within a week of Council decision.

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**Outcome of Meeting 3 September 2024**

The following persons delivered deputations in relation to this item:

- Thomas Dillon
- Margaret Duce

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

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

Councillors Kozisek, Steele and Turner voted for.

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

Cr Ghasseb moved, and Cr Ramesh seconded an alternative motion as follows:

*That Council:*

1. *Authorise the CEO to:*
  - a) *Negotiate with the PTA the terms of the deed at Confidential Appendix 10.5.1-A to ensure the best possible outcome for the City, and*
  - b) *Subsequently execute the deed to accept the rail carriage from the Public Transport Authority as negotiated.*
2. *Request the CEO to investigate in-kind or other funding opportunities for the transportation and maintenance of the rail car as appropriate.*

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

**Council Decision 191/24**

**That Council:**

**1. Authorise the CEO to:**

- a) Negotiate with the PTA the terms of the deed at Confidential Appendix 10.5.1-A to ensure the best possible outcome for the City, and**
- b) Subsequently execute the deed to accept the rail carriage from the Public Transport Authority as negotiated.**

**2. Request the CEO to investigate in-kind or other funding opportunities for the transportation and maintenance of the rail car as appropriate.**

CARRIED

10 votes "for" / 1 vote "against"

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

Councillor Kozisek voted "against"

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

### **11.1 Cr Brown**

Cr Brown requests a leave of absence from all Council-related business for the period 25 September to 2 October 2024 inclusive.

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

#### **Executive Recommendation**

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Brown is granted leave of absence from all Council-related business for the for the period 25 September to 2 October 2024 inclusive.

#### **Outcome of Meeting 3 September 2024**

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

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

#### **Council Decision 192/24**

**Pursuant to Section 2.25 of the Local Government Act 1995, Cr Brown is granted leave of absence from all Council-related business for the for the period 25 September to 2 October 2024 inclusive.**

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

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## 12. Motions on Notice

### 12.1 Cr Andrew

<b>File Ref:</b>	COB/4310		
<b>Applicant/Proponent:</b>	Councillor Ben Andrew		
<b>Responsible Officer:</b>	Alan Ferris, Chief Executive Officer		
<b>Responsible Manager:</b>	Alan Ferris, Chief Executive Officer		
<b>Executive:</b>	Alan Ferris, Chief Executive Officer		
<b>Authority/Discretion:</b>	<input checked="" type="checkbox"/> Advocacy	<input type="checkbox"/> Review	
	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial	
	<input type="checkbox"/> Legislative		
<b>Attachments:</b>	Nil		

#### Cr Andrew's Motion

That Council request the CEO:

1. Investigate a framework for mutually beneficial resource sharing arrangements with the Shires of Harvey, Dardanup and Capel.
2. Note that the framework is to include the following areas, but not limited to: planning, community grants funding, disability access and inclusion, plant resource sharing, joint state and federal grants applications.
3. Investigate the opportunities for a regional council.
4. Provide a report back to Council within 12 months on the above.

#### Cr Andrew's Comments

##### Summary

This motion is aimed at fostering collaboration and resource sharing with neighbouring Shires, including Harvey, Dardanup, and Capel. The motion calls for the CEO to investigate and develop a framework for a mutually beneficial resource-sharing arrangement. This framework would cover several key areas, including planning, community grants funding, disability access and inclusion, resource sharing, and joint applications for state and federal grants. Additionally, the motion seeks to explore the potential for establishing a regional council, which could further enhance cooperation and efficiency among the local governments. The CEO is tasked with reporting back to the council within 12 months, providing detailed insights and recommendations on these initiatives. This approach is expected to strengthen regional ties, optimise resources, and improve service delivery across the participating communities.

##### Rationale

This motion is designed to enhance collaboration and efficiency among the City of Bunbury and its neighboring Shires—Harvey, Dardanup, and Capel—by exploring opportunities for shared resources and joint initiatives. By developing a framework for resource sharing, the 4 Local Governments can leverage collective strengths, reduce costs, and improve service delivery across multiple areas, such as planning, community grants, disability access, and inclusion.

The motion also recognizes the value of pursuing joint state and federal grants, which can increase the chances of securing funding for regional projects that benefit all involved communities. Furthermore, investigating the potential for establishing a regional council

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offers a strategic approach to governance that could streamline decision-making and foster a stronger, more united regional identity.

Ultimately, this motion seeks to build a more resilient and connected region, ensuring that resources are used effectively and that the collective needs of the communities are met through cooperative efforts. The proposed framework will provide the council with a comprehensive understanding of the benefits and challenges associated with these initiatives, allowing for informed decision-making and long-term planning.

A joint approach to planning among the City of Bunbury and neighboring Shires offers significant benefits, particularly in light of the ongoing shortage of town planners across Australia. By pooling resources and expertise, these local governments can overcome staffing challenges and ensure that planning processes are both efficient and effective. This collaboration is especially crucial for the City of Bunbury, whose Local Housing Strategy demonstrates the potential to double its rate base, reflecting substantial growth opportunities. A coordinated regional planning effort will not only help meet the increased demand for housing but also ensure that development is sustainable, well-integrated, and aligned with the broader goals of the region. Working together, these councils can achieve more comprehensive and resilient planning outcomes that benefit all communities involved.

Raising Disability access and inclusion to a regional level can greatly enhance the effectiveness and reach of initiatives aimed at improving the lives of people with disabilities. By collaborating, the City of Bunbury and neighboring Shires can share best practices, pool resources, and develop more comprehensive strategies that address the diverse needs of individuals across the region. This collective effort enables the creation of consistent, high-quality services and infrastructure, ensuring that all communities are equally accessible and inclusive. Regional collaboration also strengthens advocacy efforts, allowing for a unified voice when seeking funding and support from state and federal levels. Ultimately, a joint approach fosters a more inclusive society, where people with disabilities have greater opportunities to participate fully in community life across the entire region.

With a combined population of 100,000, the City of Bunbury and its neighboring Shires have a significant opportunity to leverage their collective strength in pursuing regional funding. By submitting joint applications for state and federal grants, these local governments can present a more compelling case for investment, highlighting the broad impact that funding can have across a larger, more diverse population. This collaborative approach not only increases the chances of securing substantial grants but also ensures that resources are allocated efficiently to projects that benefit the entire region. Pooling efforts for regional funding allows for the development of more ambitious and impactful initiatives, ranging from infrastructure improvements to community services, ultimately enhancing the quality of life for all residents. A unified approach positions the region as a strong, cohesive entity capable of delivering significant outcomes, making it more attractive to potential funders.

Our region is the most populated outside the metro in Western Australia, together we can stand to achieve far more than apart.

### **Officer Comments**

The CEO is supportive of the proposed motion, and if passed will work with the named Shire's to investigate as appropriate.

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### **Outcome of Meeting 3 September 2024**

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

During debate, Councillor Ghasseb suggested an amendment to item 3 of the recommendation which, with the agreement of the mover and seconder, was included as part of the substantive motion as follows:

3. Investigate the opportunities for a regional ~~council~~ **body**.

The Mayor put the each point of the motion to the vote separately as follows:

#### Point 1

*[That Council request the CEO] Investigate a framework for mutually beneficial resource sharing arrangements with the Shires of Harvey, Dardanup and Capel.*

CARRIED UNANIMOUSLY

#### Point 2

*[That Council request the CEO] Note that the framework is to include the following areas, but not limited to: planning, community grants funding, disability access and inclusion, plant resource sharing, joint state and federal grants applications.*

CARRIED

7 Votes for / 4 votes against

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

Councillors Quain, Smith, Steele and Steck voted against.

#### Point 3

*[That Council request the CEO] Investigate the opportunities for a regional body.*

CARRIED

8 Votes for / 3 votes against

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

Councillors Smith, Steele and Steck voted against.

#### Point 4

*[That Council request the CEO] Provide a report back to Council within 12 months on the above.*

CARRIED UNANIMOUSLY

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**Council Decision 193/24**

**That Council request the CEO:**

- 1. Investigate a framework for mutually beneficial resource sharing arrangements with the Shires of Harvey, Dardanup and Capel.**
- 2. Note that the framework is to include the following areas, but not limited to: planning, community grants funding, disability access and inclusion, plant resource sharing, joint state and federal grants applications.**
- 3. Investigate the opportunities for a regional body.**
- 4. Provide a report back to Council within 12 months on the above.**

CARRIED

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

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

Nil

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

Nil

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

Nil

### **15. Meeting Closed to Public**

#### **15.1 Matters for which the Meeting may be Closed**

Nil

#### **15.2 Public Reading of Resolutions that may be made Public**

Nil

### **16. Closure**

The Mayor declared the meeting closed at 6:43pm.

Confirmed this day, 24 September 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 3 September 2024.

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Jaysen de San Miguel  
Mayor

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