



City of Bunbury Council

Minutes

15 October 2024



CITY OF BUNBURY

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Bunbury WA 6230
Western Australia

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Acknowledgement of Country

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

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

We are one team
We keep each other safe
We display empathy and respect
We have fun and celebrate our successes
We work together to achieve great outcomes

WE ARE OPEN

We are open to opportunities
We actively listen and think things through
We are inclusive and treat everyone equally
We are honest and open in our communications
We are open to feedback to improve our performance

WE ARE BRAVE

We lead the change, we own it
We trust and empower each other
We have the difficult conversations early
We hold ourselves to the highest standard
We have the courage to improve and simplify

Nature of Council’s Role in Decision Making

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

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

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

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

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

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

1. Declaration of Opening / Announcements of Visitors

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

The Mayor advised that he had approved Cr Andrew's attendance via electronic means.

2. Disclaimer

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

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

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

Copyright

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Recording and Webstreaming of Meetings

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

3. Announcements from the Presiding Member

The Mayor welcomed the new Director Infrastructure, Brendan Smith.

4. Attendance

Council Members:	
Presiding Member:	Mayor J de San Miguel
Members:	Deputy Mayor T Smith
	Councillor B Andrew (via electronic means; left meeting at 6:28pm)
	Councillor M Kozisek
	Councillor K Turner
	Councillor M Steck
	Councillor K Steele
	Councillor P Ramesh
	Councillor G Ghasseb
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Ferris
Director Infrastructure	Mr B Smith
Director Corporate and Community	Ms K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Governance and Integrated Planning	Mr G Golinski
Manager Finance	Mr D Ransom
Manager Planning and Building	Ms B Macaulay
Governance Officer	Mr L Murphy
Senior Corporate Communications Officer	Ms K Fielding
Others (Non-Voting)	
Members of the Public	12

4.1 Apologies

Cr Brown was an apology for the meeting.

4.2 Approved Leave of Absence

Cr Quain was on an approved leave of absence for 15 October 2024.

5. Declaration of Interest

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

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

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

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

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

Councillor Ghaseb declared an impartiality interest in item 12.1 *Councillor Steck – Lot 3001 Marrabank Loop – Bunbury Power Boat Club and City Leases* as he may be acting in a transaction with a tenant organisation of the City of Bunbury.

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

6.2 Responses to Public Questions Taken 'On Notice'

Nil

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held 24 September 2024 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 24 September 2024 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 15 October 2024

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

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

Council Decision 211/24

The minutes of the Ordinary meeting of the City of Bunbury Council held 24 September 2024 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 7.1.2-A: Audit Committee Minutes 24 September 2024

Summary

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

- Title: Audit Committee Minutes 24 September 2024
Author: Greg Golinski, Manager Governance and Integrated Planning
Appendix: 7.1.2-A

Council Committee Recommendation

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

- Audit Committee Minutes 24 September 2024

Voting Requirement: Simple Majority

Outcome of Meeting 15 October 2024

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

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

Council Decision 212/24

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

- Audit Committee Minutes 24 September 2024***

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

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders, upon receiving a petition, the Council is to

- a) Receive the petition and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings; or
- b) Reject the petition

8.2 Presentations

8.3 Deputations

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

- Jane Anderson, Item 10.4.3.
- Pedr Finn, Items 10.4.3 and 12.1.
- Lloyd Parker, Item 10.4.1

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 213/24

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 the following items and allows a period of up to 10 minutes each to present to Council.

- ***Jane Anderson, Item 10.4.3.***
- ***Pedr Finn, Items 10.4.3 and 12.1.***
- ***Lloyd Parker, Item 10.4.1***

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

8.4 Council Delegates' Reports

8.5 Conference Delegates' Reports

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 10.3.2 and 10.4.2.

Items 10.3.1, 10.3.3, 10.3.4, 10.3.5, 10.4.1 and 10.4.3 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 Steele and seconded by Cr Turner.

10. Reports

10.1 RFT2324/030 Cleaning Services (listed as item 10.3.2 in the agenda)

File Ref:	RFT2324/030
Applicant/Proponent:	Internal
Responsible Officer:	Jane Parsons, Team Leader Procurement
Responsible Manager:	David Ransom, Manager Finance Aileen Clemens, Manager Infrastructure Maintenance Services
Executive:	Brendan Smith, Director Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Confidential Appendix – 10.3.2-A – Evaluation Report

Summary

The City of Bunbury issued a Request for Tender RFT2324/030 to engage a suitably qualified contractor to provide cleaning services to City buildings, sporting grounds and public ablutions.

The City received 11 tender submissions, and it is recommended that Council accept the responses recommended in the Confidential Appendix 10.3.2-A.

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 respondents; and
 - b. enter into contracts with the recommended respondents.
3. Upon resolution of the recommendation, directs that the successful respondents' names, and the estimated total consideration under the resulting contracts 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 8	A place with attractive and welcoming community spaces, where people want to live.
Objective 8.3	Maintain quality community buildings, halls and toilets.

Regional Impact Statement

The City's Buildings and Public Amenities (including ablutions) service the residents, tourists and personnel that utilise these facilities. Provision of properly serviced ablutions are a regulatory requirement of the Department of Health.

Background

The tender was advertised in the West Australian and the Bunbury South West Times newspapers on 15 May 2024 and 16 May 2024 respectively. The tender document was made available via the City’s procurement portal through Vendor Panel.

A total of 66 suppliers viewed the advertisement and at closing 11 responses were received.

Tenders Received from:
BIC SERVICES PTY LIMITED (TRADING AS BIC CONSOLIDATED) [ABN 40 003 700 301] Level 3, Suite 2, 1B Homebush Bay Drive, Rhodes NSW 2138
BRIGHTMARK GROUP PTY LTD [ABN 38 616 832 341] 102 Gugerri Street Claremont WA 6010
FM CONTRACT SOLUTIONS PTY LTD [ABN 56 609 597 140] Unit 10 / 8 Welshpool Rd East Victoria Park WA 6101
HT CLEANING SERVICES PTY LTD [ABN 31 137 424 947] Level 1, 21 Adelaide Street Fremantle WA 6160
ICONIC PROPERTY SERVICES PTY LTD [ABN 95 609 625 265] 620 Newcastle Street Leederville WA 6007
MARRAK HOLDINGS PTY LTD T/AS MARRAK CLEANING SOLUTIONS [ABN 38 628 796 127] 29 Halifax Drive Davenport WA 6230
OCS SERVICES PTY LTD [ABN 88 100 520 296] Ground Level, 183 Great Eastern Highway Belmont WA 6104
PARADIGM CLEANING & PROFESSIONAL SERVICES PTY LTD [ABN 17 603 305 219] 29 Shanahan Road Davenport WA 6230
DMC CORPORATION PTY LTD AS THE TRUSTEE FOR PANICH FAMILY TRUST TRADING AS DMC CLEANING [ABN 98 457 300 194] 5/40 Lord Street East Perth WA 6004
MICKAZ NOMINEES PTY LTD ATF THE TRUSTEE FOR THE FLYNN FAMILY TRUST T/AS SOUTH WEST CLEANING [ABN 19 312 674 323] 1 Cassia Place Glen Iris WA 6230
UNITING GLOBAL PTY LTD [ABN 86 625 464 780] 37 Kent Street, Busselton WA 6280

The tenders were evaluated using the following criteria:

Qualitative Criteria	Weighting
Relevant Experience and Key Personnel	20%
Tenderer/ Respondent Resources	20%
Demonstrated Understanding	15%
Environmental and Social Outcomes	5%
Price	40%
Total	100%

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 RFT2324/030 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 10.3.2-A.

Analysis of Financial and Budget Implications

The Executive Recommendation can be funded within existing budget allocations.

Evaluation of the tender prices (and ranking) has been assessed but the results are "commercial in confidence" and can be viewed in Confidential Appendix – 10.3.2-A.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Consultation took place with Manager Infrastructure Maintenance Services, and members of the Finance, Procurement and Property Maintenance and Management Team when preparing this recommendation.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The Contract will commence 1 December 2024, at the end of the current contract.

Outcome of Meeting 15 October 2024

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

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 214/24

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 respondents; and***
 - b. enter into contracts with the recommended respondents.***
- 3. Upon resolution of the recommendation, directs that the successful respondents' names, and the estimated total consideration under the resulting contracts be made public, and included within the minutes of this meeting***

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

For transparency, the successful respondents and the estimated total considerations are as follows:

1. The Trustee for Panich Family Trust T/As DMC Cleaning [ABN 98 457 300 494]. The estimated total consideration including all extension options is \$1,231,471.75.
2. BIC Services Pty Limited [ABN 40 003 700 301]. The estimated total consideration including all extension options is \$1,348,449.00.

The estimated total consideration under both contracts, including all extension options is \$2,579,920.75.

10.2 Registration of Interest – City of Bunbury Strategic Land Parcels (listed as item 10.4.2 in the agenda)

File Ref:	COB/5558
Applicant/Proponent:	Not Applicable
Responsible Officer:	Jessica Kelly, Principal Project Officer
Responsible Manager:	Felicity Anderson, Manager Economic Growth
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

This agenda item proposes the next steps to support progression in activation, development and potential disposal of various City of Bunbury vacant strategic land sites.

Executive Recommendation

That Council agrees to progressing a Registration of Interest process for the development and/or disposal of the following City of Bunbury Strategic Land sites:

1. Site 1: Lot 211 & 501 Holywell Street, South Bunbury
2. Site 2: Lot 330 Ocean Drive, Bunbury
3. Site 3: Lot 66 Ocean Drive, Bunbury
4. Site 4: Lot 497 Ocean Drive, Bunbury

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

This decision will allow the City to further understand site development, disposal and activation opportunities.

Background

A review has been undertaken of City of Bunbury owned freehold land, and opportunities for de-constraining land parcels to develop various options including housing and accommodation.

The below mentioned City of Bunbury vacant land parcels have been identified as priority opportunity for activation, development and/or disposal to support the increase in housing solutions, accommodation options, and commercial offerings, in Bunbury.

Site 1: Lot 211 & 501 Holywell Street, South Bunbury

Site 2: Lot 330 Ocean Drive, Bunbury
Site 3: Lot 66 Ocean Drive, Bunbury
Site 4: Lot 497 Ocean Drive, Bunbury

It is recommended that the City initiate a Registration of Interest process for these sites, welcoming registrations for consideration. The Registration of Interest releases will occur consecutively.

The City is progressing further review and various de-constraining activities for other City strategic land sites to support land development and increase of housing and accommodation options.

Council will be kept informed of these activities as constraints are removed and opportunity for land activation is achieved and will be further consulted per the Local Government Act regarding any development and disposal options for consideration.

Council Policy Compliance

Land Rationalisation and Acquisition Policy.

Legislative Compliance

Not Applicable.

Analysis of Financial and Budget Implications.

The City is responsible for all costs associated with advertising for the Registration of Interest.

Community Consultation

Not applicable. This is seeking to go to a Registration of Interest only. Community will be consulted as per the Act should Council determine to dispose of the site/s in the future.

Councillor/Officer Consultation

Relevant Officer presented overview of strategic sites at Council Strategic Briefing on 10th September 2024 and discussed at the Housing Solutions and Homelessness Working Group on 18th September 2024.

Applicant Consultation

Not Applicable.

Timeline: Council Decision Implementation

Immediately following council decision, the next steps to initiate the Registration of Interest processes will take place.

Outcome of Meeting 15 October 2024

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

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 215/24

That Council agrees to progressing a Registration of Interest process for the development and/or disposal of the following City of Bunbury Strategic Land sites:

Site 1: Lot 211 & 501 Holywell Street, South Bunbury

Site 2: Lot 330 Ocean Drive, Bunbury

Site 3: Lot 66 Ocean Drive, Bunbury

Site 4: Lot 497 Ocean Drive, Bunbury

CARRIED UNANIMOUSLY

9 votes “for” / Nil votes “against”

10.3 Monthly Financial Report for the period ending 31 August 2024 (listed as item 10.3.1 in the agenda)

File Ref:	COB/6615
Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.3.1-A - Statement of Comprehensive Income Appendix 10.3.1-B - Statement of Financial Activity Appendix 10.3.1-C - Statement of Net Current Assets Appendix 10.3.1-D - Statement of Financial Position Appendix 10.3.1-E - Capital Projects Expenditure Summary Appendix 10.3.1-F - Operating Projects Expenditure Summary Appendix 10.3.1-G - Monthly Community Financial Report

Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix 10.3.1A)
Actual Financial Performance to 31 August 2024 (refer explanations within the report)
 - Actual operating income of \$62.08M is \$442K more than the year-to-date budgeted income of \$61.64M.
 - Actual operating expenditure of \$12.56M is \$247K under the year-to-date budgeted expenditure of \$12.81M.
 - Actual operating surplus of \$49.52M is \$689K more than the year-to-date budgeted operating surplus of \$48.83M.

2. Statement of Financial Activity (**attached** at Appendix 10.3.1-B)

Closing funding deficit to 30 June 2025 is forecast at \$44,482, due to end of year forecast movements, which will form part of the October Budget Review. This amount excludes any changes to the budgeted opening surplus position as at 1 July 2024 which is anticipated to be \$473K higher than expected and will be confirmed as part of the audit of the 2023/24 Financial Statements.

3. Statement of Financial Position (**attached** at Appendix 10.3.1-D)

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

	Year-to-date	Forecast
* Current Assets of \$85.44M includes:		
- Cash and Investments	\$31.67M	\$26.84M
- Rates Receivable	\$52.70M	\$1.93M
- Other Current Assets	\$1.07M	\$2.25M
* Current Liabilities of \$13.50M includes:		
- Trade and Other Payables	\$5.10M	\$8.48M
- Annual Leave and LSL Provisions	\$5.56M	\$5.88M

- | | | |
|--|-----------|-----------|
| * Working Capital
(Current Assets less Current Liabilities) | \$71.93M | \$13.67M |
| * Equity
(Total Assets less Total Liabilities) | \$544.67M | \$492.83M |
4. Capital Works (**attached** at Appendix 10.3.1-E)
- Actual capital works of \$3.22M is \$1.43M less than the year-to-date budgeted capital works of \$4.65M (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 10.3.1-F)
- Actual operating project expenditure of \$261K is \$259K less than the year-to-date budgeted operating project expenditure of \$520K.
 - 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 August 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 10.3.1-A)
- Statement of Financial Activity (attached at Appendix 10.3.1-B)
- Statement of Net Current Assets (attached at Appendix 10.3.1-C)
- Statement of Financial Position (attached at Appendix 10.3.1-D)
- Capital Projects Expenditure Summary (attached at Appendix 10.3.1-E)
- Operating Projects Summary (attached at Appendix 10.3.1-F)
- Monthly Community Financial Report (attached at Appendix 10.3.1-G)

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

Council Policy Compliance

Not applicable.

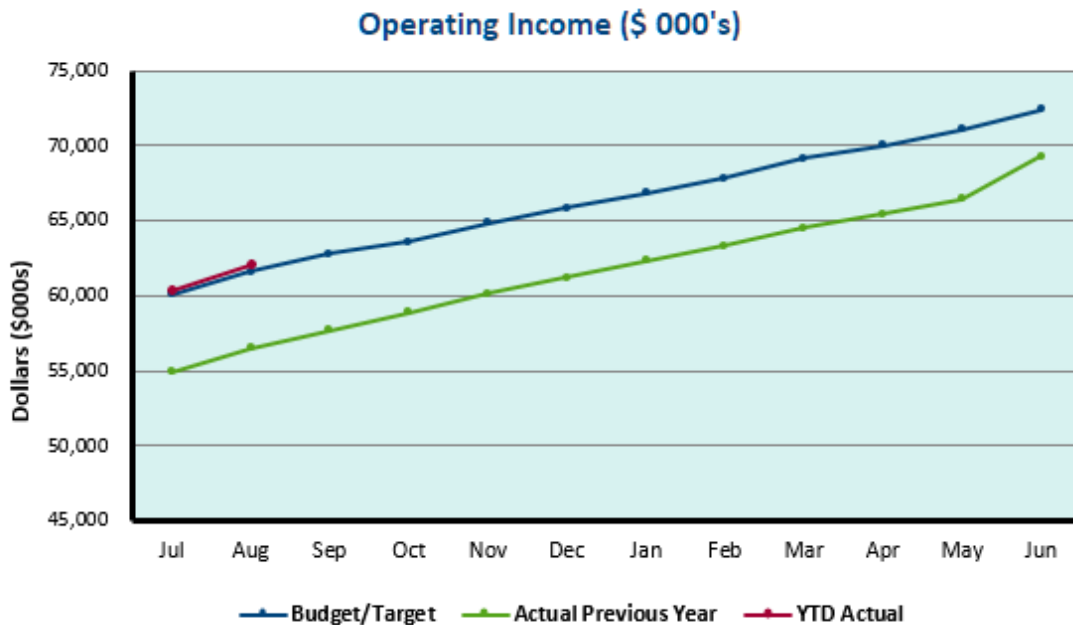
Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (attached at Appendix 10.3.1-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

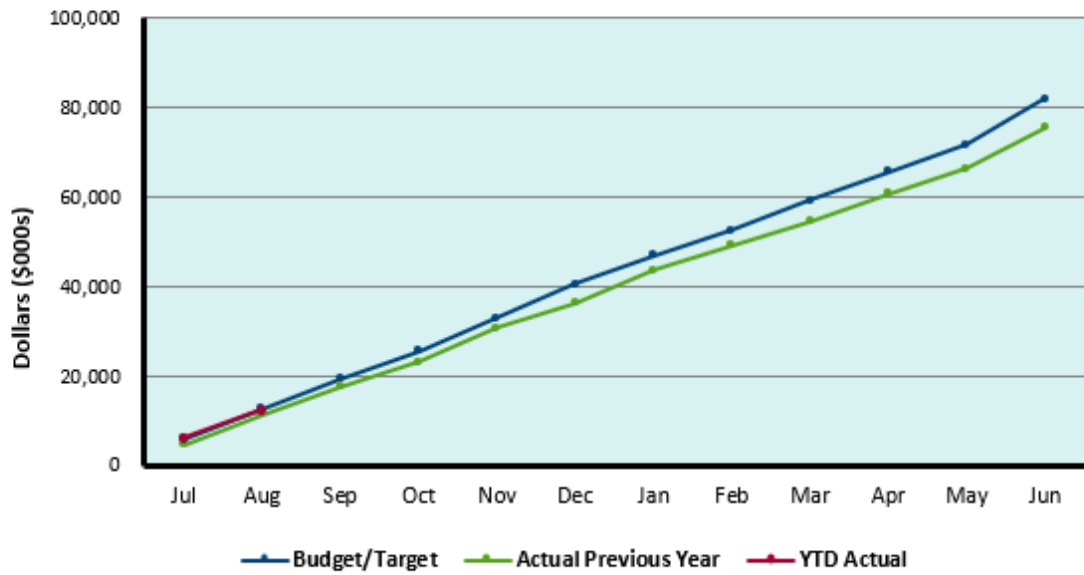
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



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

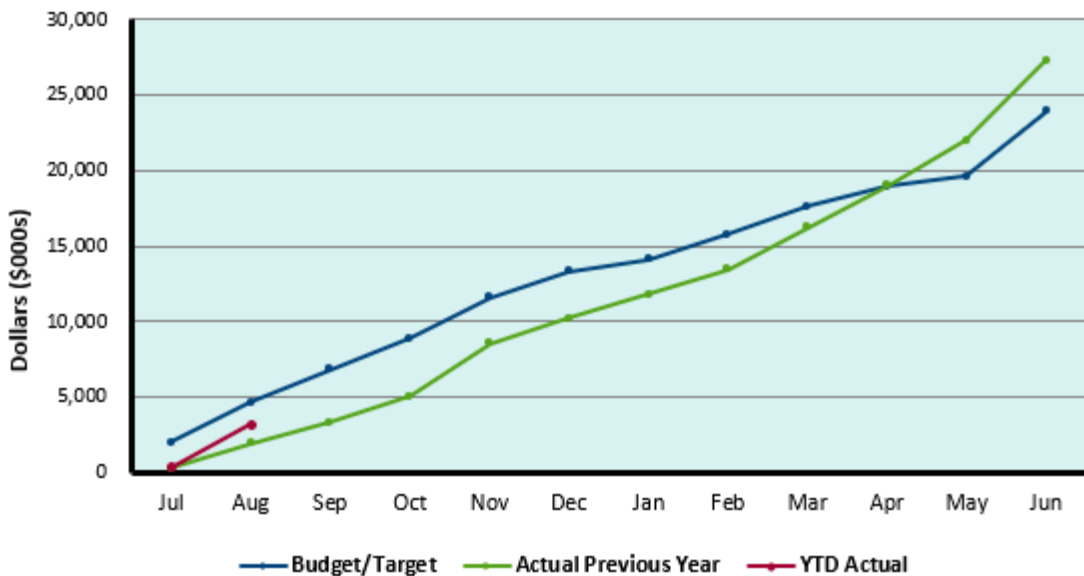
Actual operating income of \$62.08M is \$442K more than the year-to-date budgeted income of \$61.64M.

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is below the year-to-date budget by \$247K.

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of August 2024 of \$3.22M is \$1.43M less than the year-to-date budget of \$4.65M. 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 10.3.1-E and 10.3.1-F for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenue	
<i>Contributions Reimbursements and Donations</i> – Favourable year-to-date variance of \$175K mainly due to higher than expected, workers compensation reimbursements (\$96K), government paid parental leave (\$32K) and deceased estate donation to Bunbury Wildlife Park of (\$27K). End of year forecasts have been updated.	\$175,344 187%
Operating Expense	
<i>Utilities</i> – Unfavourable year-to-date variance due to higher electricity costs to date. This will be monitored over the coming months.	\$(44,332) 10%
Capital Expenses	
<i>Acquisition of Assets</i> – Favourable 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 - \$1.03M PR-2403 Replace Forrest Park Pavilion – \$436K </div>	\$1,425,248 31%

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 10.3.1-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 15 October 2024

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

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

Council Decision 216/24

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

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

10.4 Local Government Elections – Review of WALGA Advocacy Positions (listed as item 10.3.3 in the agenda)

File Ref:	COB/5134
Applicant/Proponent:	WALGA
Responsible Officer:	Maureen Keegan, Senior Governance Officer
Responsible Manager:	Greg Golinski, Manager Governance and Integrated Planning
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	10.3.3-A – Advocacy Positions for a New Local Government Act 10.3.3-B - WALGA submission: Local Government Reform Proposal (February 2022)

Summary

WALGA recently undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of legislative reforms to the Local Government electoral process.

All Local Governments in Western Australia are requested to provide a Council decision on WALGA’s advocacy positions as they relate to Local Government Elections and convey this to WALGA by 28 October 2025 to be presented to the WALGA State Council December meeting.

Executive Recommendation

That Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. Participation – Council support advocacy position XX
2. Terms of Office - Council support advocacy position XX
3. Voting Methods - Council support advocacy position XX
4. Internal Elections - Council support advocacy position XX
5. Voting Accessibility- Council support advocacy position XX
6. Method of Election of Mayor - Council support advocacy position XX

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

Any changes to the Local Government Election process will impact all WA local governments.

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone's, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Council Policy Compliance

Not applicable

Legislative Compliance

Local Government Amendment Act 2023.

Officer Comments

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement

The Local Government sector supports:

1. Four year terms with a two year spill
2. Greater participation in Local Government elections
3. The option to hold elections through:
 - Online voting
 - Postal voting, and
 - In-person voting
4. Voting at Local Government elections to be voluntary

5. The first past the post method of counting votes
The Local Government sector opposes the introduction of preferential voting, however if ‘first past the post’ voting is not retained then optional preferential voting is preferred.

Background	The first past the post (FPTP) method is simple, allows an expression of the electorate’s wishes and does not encourage tickets and alliances to be formed to allocate preferences.
State Council Resolution	February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 October 2008 – 427.5/2008
Supporting Documents	Advocacy Positions for a New Local Government Act – Appendix 10.3.3-A WALGA submission: Local Government Reform Proposal (February 2022) - Appendix 10.3.3-B

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
State Council Resolution	February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.
Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	May 2023 – 452.2/2023 March 2019 – 06.3/2019 December 2017 – 121.6/2017 March 2012 – 24.2/2012

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

(a) The sector continues to support four-year terms with a two year spill;

OR

(b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

(c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors' method), with regulations preventing a change in this method.

- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors’ method to all classes of local governments.

Analysis of Financial and Budget Implications

Not applicable

Community Consultation

Nil

Councillor/Officer Consultation

Opportunity for feedback by the Local Country Zones will be available.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Councils’ decision will be provided to WALGA by Monday 28 October 2024.

Outcome of Meeting 15 October 2024

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

The Mayor advised that he would deal with each point of the recommendation individually, calling for movers of any of the listed advocacy position. The outcomes for each advocacy positions are as follows:

1. PARTICIPATION

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

Cr Steele moved, and Cr Smith seconded a motion to endorse advocacy position (b). The Mayor put the motion to the vote and it was CARRIED 7 votes for / 2 votes against.

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

2. TERMS OF OFFICE

(a) The sector continues to support four-year terms with a two year spill;

OR

(b) The sector supports four-year terms on an all in/all out basis.

Cr Kozisek moved, and Cr Steele seconded a motion to endorse advocacy position (a). The Mayor put the motion to the vote and it was CARRIED unanimously.

3. VOTING METHODS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

Cr Steck moved, and Cr Kozisek seconded a motion to endorse advocacy position (a). The Mayor put the motion to the vote and it was CARRIED 6 votes for / 3 votes against.

Mayor Miguel and Councillors Andrew, Kozisek, Ramesh, Steck, and Steele voted for. Councillor Ghasseb, Turner, and Smith voted against.

4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

Cr Steck moved, and Cr Kozisek seconded a motion to endorse advocacy position (a). The Mayor put the motion to the vote and it was CARRIED 6 votes for / 2 votes against.

Mayor Miguel and Councillors Andrew, Kozisek, Ramesh, Steck, Steele, and Turner voted for. Councillor Ghasseb and Smith voted against.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

(c) In-Person voting.

Cr Steele moved, and Cr Steck seconded a motion to endorse advocacy positions (b) and (c). The Mayor put the motion to the vote and it was CARRIED unanimously.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors’ method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors’ method to all classes of local governments.

Cr Steck moved, and Cr Smith seconded a motion to endorse advocacy position (a). The Mayor put the motion to the vote and it was CARRIED 7 votes for / 1 votes against.

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

Councillor Smith voted against.

Council Decision 217/24

That Council recommends that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. Participation – Council support advocacy position (a)***
- 2. Terms of Office - Council support advocacy position (b)***
- 3. Voting Methods - Council support advocacy position (a)***
- 4. Internal Elections - Council support advocacy position (a)***
- 5. Voting Accessibility- Council support advocacy positions (b) and (c)***
- 6. Method of Election of Mayor - Council support advocacy position (a)***

CARRIED

10.5 Bunbury Harvey Regional Council Request for Member Council Contribution (listed as item 10.3.4 in the agenda)

File Ref:	COB/4273
Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strahan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Confidential Appendix 10.3.4-A - Request from BHRC – Member Contribution Confidential Appendix 10.3.4-B - Regional Council Constitution Agreement

Summary

The City of Bunbury and Shire of Harvey are Member Councils of the Bunbury Harvey Regional Council (BHRC) who operate the Stanley Road Waste Management Facility located at Lot 45 (No. 51) Stanley Road, Wellesley.

On 25 July 2024, the BHRC Council adopted their Annual Budget for 2024/25. This included the following resolution seeking contribution from BHRC Member Councils of up to \$1.8M:

Recommendation 5 - Financial Contributions for BHRC

Council requires the Chief Executive Officer of the BHRC to formally write to the BHRC Member Councils seeking contributions for the 2024/25 financial year of up to \$1.8M in pursuant of Clause 7.3 & 7.4(1) of the Regional Council Constitution Agreement for the following:

(a) Operating deficit contributions of up to \$1.8M.

The City has now received a letter from the CEO BHRC, Mr Nick Edwards (attached at Appendix Confidential Appendix 10.3.4-A), requesting that the City confirms its commitment of 50% of the above funding toward the operational expenses of BHRC.

The Regional Council Constitution Agreement, Clauses 7.3 & 7.4(1), (attached at Appendix Confidential Appendix 10.3.4-B) provides for the BHRC to be able to call for annual contributions based on the annual budget deficit. While negotiations are continuing between the Shire of Harvey and the City on the past equity split for BHRC, there is an informal understanding that future contributions will be based on a 50/50 allocation.

It is proposed that the City supports the request for 50% of the operating deficit of up to \$900,000, and fund this from the Refuse Collection and Waste Minimisation Reserve.

Executive Recommendation

That Council approves an operating deficit contribution for 2024/25 of up to \$900,000 to the Bunbury Harvey Regional Council, being 50% of the amount required, and funded from the Refuse Collection and Waste Minimisation Reserve in quarterly amounts in advance.

*Voting Requirements: **Absolute Majority***

Strategic Relevance

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

Regional Impact Statement

The BHRC manages the municipal waste generated from both the City of Bunbury and Shire of Harvey at the Stanley Road Waste Management Facility which includes a Class II landfill and recycling facilities. This facility is open daily to the public, and previously to commercial contractors, on a user pays basis. There are no restrictions on where the waste originates.

Background

The City has provided financial support to the BHRC in previous years, as shown in the following table:

Financial Year	Description	Amount Paid	Total
2021/22	Operating Contribution	\$231,000	\$231,000
2022/23	Operating Contribution	\$650,000	\$3,849,334
	Mattress Contribution	\$199,334	
	Capping Contribution	\$3,000,000	
2023/24	Operating Contribution	\$950,000	\$1,303,000
	Mattress Contribution	\$353,000	
			\$5,383,334

Council Policy Compliance

There is no Council Policy for Member Contributions to the BHRC.

Legislative Compliance

There is no legislative compliance under the Local Government Act requiring the City of Bunbury to provide financial support to the BHRC. The Constitution of the BHRC however, which the City is a signatory to, provides for the BHRC to seek operating and capital contributions from Member Councils to address any deficit position identified in the BHRC budget.

Officer Comments

As the BHRC currently has restrictions placed on the operating licence issued by the Department of Water and Environment Regulations (DWER), as previously reported to Council, there are significant financial strains on its short-term financial viability. Therefore, to ensure the BHRC does not trade insolvently, the BHRC has requested a contribution from both the City and Shire of Harvey to support the short-term ongoing operations.

The adopted BHRC Annual Budget for 2024/25 is forecasting a closing surplus of \$63K at 30 June 2025 including the Member Council contributions of \$1.8M. Without this support the result would be a closing deficit of \$1.7M.

The BHRC in conjunction with City and Harvey Officers are continuing to explore alternative operating strategies to minimise the financial impact on Member Councils. This includes the engagement of consultant, Mr Mark Newman, by BHRC to:

- Provide an effective ongoing operating model for BHRC and its member councils for waste disposal.
- To review BHRC’s governance structure and future options.
- Evaluate the ongoing role of Stanley Rd for FOGO processing and sustainable waste innovation.
- Identify industry partnership opportunities for regional waste solutions.
- Explore options to leverage State Government support.
- Prepare a report with recommendations for stakeholder consideration.

Analysis of Financial and Budget Implications

Funding for the operating deficit contribution of up to \$900K will be funded from the Refuse Collection and Waste Minimisation Reserve Fund. This reserve currently has a forecast balance at 30 June 2025 of \$3.4M.

The City increased the residential bins charges in the 2024/25 Annual Budget raising an additional \$860K to provide funds for the City’s operating contribution to BHRC. These funds are held in the Refuse Collection and Waste Minimisation Reserve.

Community Consultation

Not required.

Councillor/Officer Consultation

This agenda is to inform Councillors of the financial request from the BHRC.

Outcome of Meeting 15 October 2024

The recommendation (as written) was moved by Cr Smith 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 218/24

That Council approves an operating deficit contribution for 2024/25 of up to \$900,000 to the Bunbury Harvey Regional Council, being 50% of the amount required, and funded from the Refuse Collection and Waste Minimisation Reserve in quarterly amounts in advance.

CARRIED BY ABSOLUTE MAJORITY

8 votes “for” / 1 vote “against”

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

Councillor Ghasseb voted against.

10.6 Appointment to Disability Access and Inclusion Committee (listed as item 10.3.5 in the agenda)

File Ref:	COB/1744
Applicant/Proponent:	Internal
Responsible Officer:	Sue Alexander, Community Development Officer – Inclusion
Responsible Manager:	Karin Strachan, Director Corporate and Community
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Confidential Appendix 10.3.5-A - Disability Access and Inclusion Committee Appointments – Service Provider Position

Summary

This report is presented to Council to endorse the appointment of a service provider representative member, to fill one (1) vacant position on the Disability Access and Inclusion Committee and to consider appointing an additional service provider representative moving forward.

The committee composition under the terms of reference includes 1 service provider position.

Executive Recommendation

That Council

1. Amend the terms of reference of the Disability Access and Inclusion Committee to reflect 2 Service Provider positions
2. Endorse the appointment of the 2 candidates outlined at Confidential Appendix 10.3.5-A as service provider representatives to the Disability Access and Inclusion to serve out the remainder of the term, ending in October 2025

*Voting Requirement: **Absolute Majority***

Strategic Relevance

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

Regional Impact Statement

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

Background

On 16 April 2024 Tania McInnes representing Advocacy WA resigned from the DAIC Service Provider position. Nominations for this position on the DAIC sought from the Bunbury community and these were assessed by an independent assessment panel resulting in the preferred candidate being identified.

Council Policy Compliance

Nil

Legislative Compliance

Subdivision 2 of Division 2 of Part 5 of the Local Government Act 1995 deals with establishment of committees and their meetings.

Officer Comments

Nominations for the Service Provider position on the DAIC were open for a period of three (3) weeks from 24 July 2024 – 14 August 2024.

Four (4) nominations were received and assessed by an independent assessment panel resulting in two (2) nominations receiving equal highest assessment scores and being recommended for endorsement.

The preferred candidates (attached Confidential Appendix 10.3.5-A) demonstrated high levels of scoring across all areas of the assessment criteria.

- Background, experience and qualifications
- Organisational representation and contribution to DAIC
- Knowledge of issues impacting accessibility and inclusion in Bunbury
- Ability to work as a group and consider the needs of a broad range of people with vary disability related needs
- Previous experience and involvement of the organisation in community activities
- Previous membership of a community or Council committees

The benefits of having two (2) service provider representatives on DAIC include:

- Increased knowledge of service provider services across Bunbury.
- Opportunity for additional service provider to advocate on behalf of clients and client experiences.
- Additional information sharing and additional perspectives from service providers that support people living with disability across Bunbury.
- Increased opportunities for DAIC to collaborate with additional service providers across Bunbury though increased service provider memberships.

A Certificate of Service and Appreciation was mailed to Tania McInnes – Advocacy WA on 15 July 2024 as per Council Decision No: 107/24 from Ordinary Council Meeting 25 June 2024.

Analysis of Financial and Budget Implications

There are no financial or budget implications arising from the recommendations within this report.

Community Consultation

The vacant Disability Access and Inclusion Committee service provider position was advertised on social media and local networks for a period of three (3) weeks from 24 July 2024 – 14 August 2024.

Councillor/Officer Consultation

During the consultation process, the City’s Community Development Officer - Inclusion engaged with the Governance team.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Appointments to committees will be effective immediately.

Outcome of Meeting 15 October 2024

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

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

Council Decision 219/24

That Council

1. Amend the terms of reference of the Disability Access and Inclusion Committee to reflect 2 Service Provider positions

2. Endorse the appointment of the 2 candidates outlined at Confidential Appendix 10.3.5-A as service provider representatives to the Disability Access and Inclusion to serve out the remainder of the term, ending in October 2025

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

10.7 Bunbury Ocean Pool Project Update (listed as item 10.4.1 in the agenda)

File Ref:	COB/3303, COB/1781		
Applicant/Proponent:	Internal		
Responsible Officer:	Andrew McRobert, Director Sustainable Development		
Responsible Manager:	Andrew McRobert, Director Sustainable Development		
Executive:	Andrew McRobert, Director Sustainable Development		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input checked="" type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
Attachments:	Nil		

Summary

This item is to provide an update to Council regarding the Ocean Pool project including progression of the undertaken work to date regarding items associated in Council Decision (109/23)

Executive Recommendation

That Council note the progress to date of the works undertaken for the project and endorse continuation of Council Decision items (109/23):

1. *Request that the Chief Executive Officer continue with the Identified next steps of project feasibility including:*
 - a. *Further Aboriginal community consultation in regard to heritage and traditional storylines,*
 - b. *Commencement of discussions with regulatory authorities,*
 - c. *Identify funding opportunities including private, State and Federal Government sources, and*

2. *Request that the Chief Executive Officer identify and seek funding sources to enable the commencement of further development of the concept plan to schematic design phase and to progress to detailed project design and report back to Council for consideration of progressing the Ocean Pool project.*

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome 3	A healthy and active community
Objective 3.2	Encourage participation in sport, recreation and leisure activities

Regional Impact Statement

Construction of the Bunbury Ocean Pool represent the first true ocean pool constructed in Australia in over 60 plus years and the first in Western Australia; this would prove a major tourist attraction to the region and the state.

With the development of the Ocean Pool further consideration of the surrounding precinct will be needed including how this can support the ongoing operational and renewals costs. The City would work with the state government to develop a precinct plan the surrounding area.

Background

At the Ordinary Council Meeting held 10 August 2021 Council decided (163/21):-

“That Council:

1. *Endorse the Bunbury Ocean Pool Fatal Flaw Proof of Concept Study*
2. *Acknowledges the Ocean Pool Feasibility Fatal Flaw Proof of Concept Study makes a finding of no fatal flaws in the concept of an Ocean Pool.*
3. *Note the State Governments Election commitment of \$250,000 for further investigative works as identified in the Study and the addition of a further \$50,000 in the City of Bunbury’s 2021/22 Financial Budget.”*

The City engaged consultants to undertake the investigative works which were used to prepare the Bunbury Ocean Pool Business Case. The Bunbury Ocean Pool Business Case was presented to Council advising that this would be the City’s guiding document for funding applications to state and federal government to assist with funding the Bunbury Ocean Pool should Council endorse the business case and the next steps for the project.

At the Ordinary Council Meeting held 27 June 2023 Council decided (109/23):

“That Council:

1. *Endorse the attached Bunbury Ocean Pool Business Case and Concept Plan as presented at appendices 10.5.2-A and 10.5.2-B.*
2. *Request that the Chief Executive Officer undertake further community and stakeholder engagement regarding the Concept Plan during July and August 2023.*
3. *Request that the Chief Executive Officer continue with the identified next steps of project feasibility including:*
 - a. *Further Aboriginal community consultation in regard to heritage and traditional storylines,*
 - b. *Commencement of discussions with regulatory authorities,*
 - c. *Identify funding opportunities including private, State and Federal Government sources, and*
4. *Request that the Chief Executive Officer identify and seek funding sources to enable the, commencement of further development of the concept plan to schematic design phase and to progress to detailed project design and report back to Council for consideration of progressing the Ocean Pool project.”*

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

The Ocean Pool Feasibility Fatal Flaw Proof of Concept Study recommended a number of further investigations to consider the viability of the proposed Bunbury Ocean Pool. These investigations were:-

- Geotechnical Investigation (WML Consultants)
- Environment Technical Studies (GHD)
 - Marine Environmental Quality: Pool Flushing and Effects on Coastal Water Quality
 - Marine Environmental Quality: Benthic Habitats
 - Flora and Vegetation
 - Preliminary Site Investigation
 - Hydrogeology
 - Environmental Noise
 - Landscape and Visual Impact
- Aboriginal Cultural Heritage Report (GHD)
- Refined Concept Design (Officer Woods Architects)
- Business Case (Bridge42)

Following a presentation from Officer Woods Architects to Elected Members in January 2023, the decision was made that the project would be for a true Ocean Pool. This was a further refinement of the original proposal of utilising treated ground water for supply of the pool that would be required to be treated. This resulted in a significant savings in operational cost and ensured the pool would be untreated ocean water. With this clarification the refined concept design and the business case proceeded based on this direction.

The Ocean Pool that was originally proposed was to use the former quarry site at Wyalup Rocky Point, this would have required the pumping of water into and out of the pool, may have required the water to be treated, required life guards to be operate, opened at set times and due to the size of the old quarry the costs to operate were substantial.

The proposed siting of the ocean pool is centrally located to existing basalt scar and channel which will provide a link to the history of the site as a former quarry. Also, with the landscaping of the surrounding area as the paths and area ramp down to the pool the quarry walls will be exposed as part of the landscape works thus providing a feature and link to the previous use of the site.

The refined concept design includes a 50m lap pool with four lanes, 25m rehabilitation pool with 2 lanes suitable for people with all abilities and accommodating rehabilitation exercises, entry ramp at no greater than 1:20 grade for wheelchair and all people of all capabilities, children's pool and wading zone. The design of the entry ramp considers the need for service vehicles such as bobcats for clean out and servicing of the pool. The refined concept design includes amenities facilities and landscaping of the precinct.

The Bunbury Ocean Pool will be the first, true operating ocean pool in Western Australia and offers a unique opportunity to provide a new recreation and health & wellbeing asset to the community and providing new tourism and engagement opportunities for visitors. The Bunbury Ocean Pool would be the only ocean pool built on a rocky outcrop in Western Australia and the first ocean pool built in Australia in over 60 years.

Following Council Decision (109/23), the below actions have taken place:

- Community engagement and consultation has been undertaken.
- The Ocean Pool project business case has been further reviewed and economic impact analysis is in progress.
- Continued consultation with Gnaala Karla Booja Aboriginal Corporation is being undertaken including amended heritage survey approval.
- Funding opportunities have been identified for consideration and potential application.

Analysis of Financial and Budget Implications

The City was originally provided with a \$250,000 grant from Department of Local Government, Sport and Cultural Industries and the City contributed \$90,000. The project has a balance of \$61,722 allocated in the 2024/2025 budget to continue feasibility and consultation.

Community Consultation

The City of Bunbury Community Engagement for the Bunbury Ocean Pool commenced on 14 August 2023. The engagement comprised of a page on the City's Community Connect website, City of Bunbury website Project page, survey and community information sessions, with the engagement closing on the 15 September 2023.

The two Community Information Sessions were held on 28 August 2023 and approximately 150 people attended over the two sessions. The City's concept design consultants presented the concept design to the community and there was an opportunity to ask questions. Attendees were asked to provide their feedback via the survey.

The purpose of this first phase of Community Engagement for the proposed Bunbury Ocean Pool was to understand community views and sentiment for the City to continue investigating viability to progress the proposed project, gauge community support of the Ocean Pool and to identify any concerns so that they may be addressed should the project progress.

The survey received 1200 responses with 78% of engaged stakeholders highly interested and supportive of the proposed Bunbury Ocean Pool Project going ahead (rating 5 stars). In addition to the survey the City received feedback via email and these responses have been included and assessed.

A full community report is being finalised regarding community feedback including summary of the over 800 positive comments supporting the project and the other community raised concerns/feedback, for understanding and consideration.

Councillor/Officer Consultation

Elected Members were provided community engagement update memo on 30 May 2024.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Delivery of recommendations to continue immediately following Council decision.

Outcome of Meeting 15 October 2024

Lloyd Parker gave a deputation to Council in relation to this item

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

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

Council Decision 220/24

That Council note the progress to date of the works undertaken for the project and endorse continuation of Council Decision items (109/23):

1. Request that the Chief Executive Officer continue with the Identified next steps of project feasibility including:

- a. Further Aboriginal community consultation in regard to heritage and traditional storylines,***
- b. Commencement of discussions with regulatory authorities,***
- c. Identify funding opportunities including private, State and Federal Government sources, and***

2. Request that the Chief Executive Officer identify and seek funding sources to enable the commencement of further development of the concept plan to schematic design phase and to progress to detailed project design and report back to Council for consideration of progressing the Ocean Pool project.

CARRIED

7 votes "for" / 2 votes "against"

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

Councillor Ghasseb and Steck voted against.

Councillor Andrew gave left the meeting at 6:28pm and was an apology for the remainder of the meeting.

10.8 City of Bunbury advocacy in relation to homelessness, domestic violence and safety
(listed as item 10.4.3 in the agenda)

File Ref:	COB/5571
Applicant/Proponent:	Internal Report
Responsible Officer:	Coni Zangari, Senior Strategic Partnerships, Advocacy and Funding Officer
Responsible Manager:	Felicity Anderson, Manager Economic Growth
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

At the Ordinary Council Meeting held 24 September 2024, Council requested the CEO prepare a report to Council regarding the City’s advocacy in relation to homelessness, domestic violence, and safety (Council Decision 209/24). This report is presented to Council for information and discussion, as necessary.

Executive Recommendation

That Council notes the information provided in this report.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	People
Aspiration	A safe, healthy and connected community
Outcome 1	A safe community
Objective 1.1	Improve safety and crime prevention services
Objective 1.2	Modify the physical environment to improve community safety

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

The City of Bunbury’s advocacy efforts will influence, raise awareness and drive change in culture, behaviour and attitudes towards homelessness, domestic violence and safety.

Background

The City of Bunbury aligns its advocacy efforts with its responsibilities while also being open to collaboration with other agencies to ensure we are delivering the best to our community. Advocacy connects the City’s goals to State and Federal government responsibilities, ensuring we are collaborating and voicing issues we are facing as a community, to promote better support and needed change. The City facilitates and participates in the sharing of data and

learnings with other levels of government and support services to understand and address homelessness, domestic and family violence and community safety.

Managing relations between different levels of government is a fundamental requirement of advocacy. The City achieves significant outcomes through a range of approaches to advocacy, seeking to influence key stakeholders around matters critical to Bunbury. Different levels of government have different areas of responsibility, requiring differing levels of engagement. The City supports and brings together existing efforts, aligning them with our position while also strengthening our advocacy work.

Council Policy Compliance

N/A

Legislative Compliance

N/A

Officer Comments

The State Government provides emergency response services like WA Police and the Department of Fire and Emergency Services, along with social services such as the Department of Communities. The City partners with these agencies, along with community organisations, businesses and residents, to maximise capacity in understanding and addressing the issues related to community safety and homelessness.

The City is a member of the *Local Leadership Group* (LLG) which includes members from the Government of Western Australia, WA Country Health Service, Department of Education, Gnaala Karla Booja Corporation, South West Aboriginal Medical Service, Department of Communities (including representation from Child Protection), South West Regional Education Office and the Officer in Charge at Bunbury Police Station. The LLG meet once a month to discuss Domestic and Family Violence; Vulnerable People; Homelessness; Children at Risk; Youth at Risk; and Road Trauma. Where possible information and resources are shared and when the issue is unable to be tackled collectively it is referred to the District/Senior groups for higher level action.

The City provides rate exemptions for qualified charitable organisations which includes support services for the victims of domestic violence and homelessness such as:

- Accordwest – not for profit community housing organisation that provides transitional accommodation (short term) housing for people experiencing homelessness
- Agencies for South West Accommodation – transitional accommodation to provide short term housing for people experiencing homelessness
- South West Refuge Inc – 24 hour crisis centre for women and children escaping family and/or domestic violence
- Waratah Support Centre (SW) Region – counselling and support service to women and children

The City is dedicated to continuing partnerships and discussions with local support services which are doing incredible work in our community. All of these initiatives, partnerships, groups and discussions are resulting in tangible actions in our community.

HOMELESSNESS

Homelessness is a complex issue that requires a multi-agency approach. While there is a lot of work to do to address homelessness in Bunbury, the City is working hard on behalf of its community and supporting relevant agencies to the best of its ability. The City is providing support and collaborating with the relevant service providers and organisations such as those involved in the Housing First strategy, with the State Government as the lead. Reducing the number of people who are homeless or at risk of homelessness is a priority for the State Government, guided by the *All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020-2030* (the Strategy).

A key initiative under the Strategy is providing long-term accommodation and wraparound support to rough sleepers under the evidence-based, Housing First methodology. Housing First Support Services in Bunbury are contracted to Anglicare WA to provide case management, supporting individuals to transition from housing insecurity into sustainable homes. This approach has been working and Specialist Homelessness Services located in the South West reported that 1,693 people have been assisted with 2,032 periods of support. Since 2021, the State Government has invested \$3.2B in housing and homelessness measures, delivering 129 social housing dwellings in the South West region, including 40 specific to Bunbury.

Whilst the Department of Communities (DoC) established the Office of Homelessness in early 2022 to provide a dedicated focus relating to homelessness, the City is advocating for increased housing options in Bunbury to assist in providing adequate housing to break the cycle of homelessness. Breaking the cycle requires collaboration across state, local government and community organisations. The DoC is actively working with service providers through its commissioning process to improve the design and delivery of homelessness services and will continue working with stakeholders in the South West region through this process. The State Government is also supporting individuals facing rough sleeping via the Djuripiny Mia program – a landmark supportive landlord model which has so far seen 43 individuals into long term accommodation in Bunbury.

Other ways that the City is working to help break the cycle of homelessness include:

- Forming the Housing Solutions and Homelessness Working Group in an aim to increase housing options in Bunbury. The City is working towards creating opportunities to utilise undeveloped land to increase housing.
- Council endorsed the City's strategic advocacy priorities at the end of September, which includes advocating for increased investment in infrastructure, services and land releases to enable housing options in Bunbury.
- Becoming a member of the Rough Sleepers Coordination Group which is facilitated by the WA Alliance to End Homelessness. Locally, some of the City's Community Wellbeing team meet fortnightly with the group to collaborate and share information with the view of helping vulnerable people in our community.
- Working closely with Bunbury local support services including Anglicare, Salvation Army, St Jude's, Accordwest, Housing Choices, Department of Communities: Housing, In Town Centre, Doors Wide Open, and many more. These groups along with the City meet regularly to discuss ideas, people, cross-service or wrap-around assistance, and collaboratively communicate and work together to try to assist those suffering in our community.
- The City is part of the WA Alliance to End Homelessness strategic group, which meets regularly to discuss and tackle issues facing particular demographic groups or current issues one at a time, in an aim to reduce homelessness numbers. The group's current focus is mental health within the homelessness space.

- The City will have panel representation at this month's Western Australian Alliance to End Homelessness (WAAEH) summit in Fremantle. The Australian Zero Homelessness Summit 2024 brings together organisations, communities and individuals committed to ending homelessness. International and local practitioners who are working hard to end homelessness in their local municipalities will be presenting with the agenda focusing on 'Ending Homelessness: how do we bring local government to the table?.'
- The City of Bunbury Rangers Team and Community Safety Team are developing a procedure for managing rough sleeper service requests, that focuses on increasing empathy and understanding of individual circumstances and histories. The procedure also aims to help define the differences between Homelessness, Anti-Social Behaviour, Mental Health and Medical Incidents and Illegal Camping. The lines can often seem blurry to community members so the City is trying to change the lens to ensure service requests are managed properly and people receive the appropriate response and assistance.

DOMESTIC AND FAMILY VIOLENCE

Whilst anti-social behaviours, violence and other crimes are matters for police to investigate, the City is committed to working with the community to solve a range of social and health issues that impact vulnerable people, such as victims of domestic violence. The City is in a good position to convene on-the-ground crisis response, it can be as simple as providing contact numbers, educational material or when someone's safety is at risk, reporting it to the police. The City has been working with the community, local leaders and organisations to develop a range of programs, projects and activities in support of its commitment to ending domestic and family violence.

Training

The City recognises the value of our staff who work with our community but are not domestic violence experts. With the right training and support they can help identify and respond to domestic violence. City officers have been undertaking training to ensure they know how to respond appropriately and how to refer to support services. Recent training included Lifeline's 'Domestic Violence Response Training,' a key initiative under the Australian Government's National Plan to End Violence against Women and Children 2022-32. The training covered the nature and scope, patterns and impacts of domestic and family violence, what to consider for diverse groups, communication skills, safety and referral pathways. Further training is planned which focuses on family violence in Aboriginal and Torres Strait Islander contexts where officers will learn how to 'Recognise, Respond and Refer' appropriately and with care.

Bunbury Library DV Safe Phone Collection Box

DV Safe Phone specialises in getting safe phones ready for victims of domestic violence to use. Phones are collected, repaired and gifted to domestic violence survivors, through over 360 Domestic Violence and Law Enforcement Agencies, Safe Houses and Hospitals Australia-wide, providing a lifeline to call for help when it is needed most. The community can donate their old mobile phones and DV Safe Phone passes them on to someone in need. A collection box is on display at Bunbury Library for those wishing to donate an old phone for this purpose.

16 Days in WA

Since 2018, the City has been supporting events held throughout the 16 Days campaign and has been a member of the 'Bunbury 16 Days' group. For 16 days in November and December, the community is invited to take a part in encouraging change to stop violence against women. The 16 Days in WA campaign runs from 25 November (International Day for the Elimination of Violence Against Women) through to 10 December (Human Rights Day) each year. Now in its

eighth year, 16 Days in WA draws inspiration from the global movement for 16 Days of Activism against Gender-Based Violence to drive a change in culture, behaviour and attitudes that lead to violence against women and their children.

The 'Bunbury 16 Days' group creates t-shirts, badges and other resources for teams to raise awareness during this time. Each year, the City turns the lights on Koombana Bridge or Koolambidi Woola orange for the 'Orange Day' event, wearing orange to say we want healthy and safe relationships. Other events organised by the group include: Men Against Domestic Violence Concert at BREC; Students' 2025 Respect Calendar Presentations; Library display with posters, pamphlets, and relevant books; Launch of 16 Days social media campaign on ZCB Facebook page; Maternal Health clinic sessions by SWAMS; Youth events; Bunbury Markets: DV Awareness Campaign and distribution of White Ribbons. The City's participation in the campaign each year helps create change to educate, motivate and advocate in our community, and to stand up and stop violence against women.

White Ribbon

White Ribbon Australia advocates for changes at a government and policy level and collaborates with the community through education, awareness-raising, creative campaigns, and preventative programs to achieve the vision of '*A nation where every woman is free from all forms of men's violence and abuse.*' The City has been a member of the White Ribbon Day Committee since 2010 and supports the annual White Ribbon Day Event and Silent March of Solidarity in Bunbury. Many representatives from the City participate and the City has provided space at Centenary Gardens and Anzac Park for the event to take place. The City, as part of the committee, also supports the committee's attendance at youth football games, specifically for raising awareness to *youth* about domestic violence. Banners are attached to the fencing and the players run through a large white ribbon and there are vests, shirts, footballs and socks with white ribbons pictured. The City promotes these events on social media, places posters in City buildings, supplies white ribbon pins to the public and places collection tins at the front desk for donations (provided by the White Ribbon Day organisation).

SAFETY

The City impacts community safety through planning and development strategies that minimise the opportunity for anti-social behaviour and reduce the fear of crime. Activating spaces and supporting responsible agencies are tangible opportunities that the City has embraced to have a genuine impact on safety and our community's future. The City knows through our MARKYT Community Scorecard that community safety and crime prevention is one of our community's highest priorities. The City is committed to working towards a safe, healthy and connected community as identified through aspirations and objectives included in the City's *Strategic Community Plan (SCP)* and *Corporate Business Plan*.

The City also has a *Community Safety and Crime Prevention (CSCP) Plan* which has put in place tangible actions that align to the objectives in the SCP. This plan has been informed through independent research by criminologists with the process also involving community and stakeholder engagement to help identify our community's priority focus areas, concerns and perceptions. While response to actual crime is primarily managed by police, the City has a role to play in community safety by collaborating, advocating, facilitating, providing services and facilities and regulating compliance. Work is continuing on actions within the City's CSCP which includes advocating for investment in emergency accommodation for rough sleepers and collaborating with organisations that assist those experiencing homelessness.

The City of Bunbury actively contributes to community safety and crime prevention in the following ways:

<i>Fund</i>	We help to fund organisations to deliver essential community services
<i>Advocate</i>	We are a voice for the local community on key issues
<i>Partner</i>	We form strategic alliances in the interests of the community
<i>Regulate</i>	We regulate compliance with legislation, regulation and local laws

The City works with many government agencies, not-for-profit organisations, businesses and community groups to address matters of community safety which is formalised via the City of Bunbury *Community Safety Advisory Group* (CSAG). The CSAG collaborates and discusses the actions and topics in the CSCP on an ongoing basis and consists of the Mayor, 3 Councillors, City of Bunbury Community Safety & Emergency Management team, OIC Bunbury Police, Department of Communities, Anglicare, Richmond Wellbeing, WA Country Health Services, St John of God and more.

The City has a long-standing commitment to community safety, evident from the range of programs and initiatives in place which include:

- **Rangers and Emergency Management** The City of Bunbury Ranger and Emergency Management team liaise closely with Emergency and Community Services to provide support, and response to compliance issues that can impact community safety and wellbeing.
- **Community Safety webpage** The City has created this site for anyone who needs to reach out for links to information, including domestic violence. The page is designed to help educate community members and provide resources to those who may be unaware <https://www.bunbury.wa.gov.au/live/community-safety-and-emergency-management/community-safety>
- **CCTV** The City has 153 CCTV cameras across the CBD and in our suburbs. This CCTV network links directly back to Bunbury Police in real time for monitoring and download including access to Licence Plate Recognition footage. This can act as a deterrent for errant and illegal behaviour, including violence. This also serves as evidence for crimes and court, the City regularly provides footage of incidents. A lot of feedback has been received from the community (women, families and those experiencing homelessness or rough sleeping in carparks), that the CCTV makes them feel more secure and safe when vulnerable.
- **Alcohol Accord** The Bunbury Alcohol Accord facilitates communication between the City, Police and licensees to address alcohol related antisocial behaviour in the City Centre.
- **Extensive lighting network** Notably in carparks, many women have fled their homes due to domestic violence and the lighting assists them to feel safer. The City conducts audits to identify new areas where more lighting could be installed.
- **Bunbury Police Station** Regular meetings with the Officer in Charge to share information and discuss pertinent current issues to identify how the City can collaborate with Police.
- **Koolambidi Woola** Bunbury's first ever youth precinct which opened in July 2022, created to provide young people with a safe space and a hub of activity, keeping them engaged and active in the community.
- **Graffiti removal** The City is committed to dealing with graffiti and working with the community to remove it as soon as possible. Offensive graffiti is responded to immediately due to its capacity to increase the fear of crime.

- **Events** Pre-planning with key stakeholders (including Police) to determine measures which must be in place at the event to reduce risk of violence and increase safety, especially for women and youth. Special attention is paid to large events where violence, domestic violence or sexual assault have a higher risk of occurring. The City’s Events applications require the event organiser to provide and identify security measures.

Analysis of Financial and Budget Implications

N/A

Community Consultation

Community priorities as identified in the *MARKYT® Community Scorecard*

Councillor/Officer Consultation

The Senior Strategic Partnerships, Advocacy and Funding Officer consulted with the City’s Community Safety and Emergency team to prepare this report.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

N/A

Outcome of Meeting 15 October 2024

Pedr Finn and Jane Anderson gave deputations to Council in relation to this item.

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

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

<p>Council Decision 221/24</p>

<p>That Council notes the information provided in this report.</p>

<p>CARRIED UNANIMOUSLY 8 votes “for” / Nil votes “against”</p>
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11. Applications for Leave of Absence

Nil

12. Motions on Notice

12.1 Councillor Steck – Lot 3001 Marrabank Loop – Bunbury Power Boat Club and City Leases

File Ref:	COB/441
Applicant/Proponent:	Cr Michelle Steck
Responsible Officer:	Alan Ferris, Chief Executive Officer
Responsible Manager:	Alan Ferris, Chief Executive Officer
Executive:	Alan Ferris, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Councillor Steck's Motion

That Council:

1. Request the CEO to prepare a report to Council for the 26 November 2024 Council Meeting clarifying the City's risks and liabilities in relation to Lot 3001 Marrabank Loop Bunbury WA 6230.
2. Write to the Minister for Homelessness, Local Members of Parliament and Local Service Providers to relocate the current occupants of the building.
3. Undertake works to secure the building and resolve the vermin issue.
4. Identify all leases that do not have a valid public liability insurance certificate of currency to operate and provide a report to the Audit Committee.

Voting Requirement: Simple Majority

Councillor Steck's comments in support of the motion

This Motion on Notice is to highlight to all councillors the urgent issues surrounding the conditions of Lot 3001 Marrabank Loop including the City's leases, policy and procedures as contained within the "Internal Audit Report – Lease Management FY24/25 tabled during the Audit Committee meeting on Tuesday 24th September 2024.

In 2022, the lessee, Power Boat Club, ceased to have a lease with the City effective 28 July 2022. This lease was terminated by the city under clause 15 of the lease, city rates and other overdue accounts advised from other providers was unpaid.

According to the official report, new locks and alarm systems were replaced in August 2022.

The leadership team engaged a contractor to carry out initial inspections on 24th August 2022.

In October 2022, council received a Building Code of Australia report highlighting defects within the building.

Namely not conforming to the national building code of Australia. Presently, there appears to be no other inspection since by council or qualified contractor as identified within the report.

Over the past couple of years, the building has deteriorated into an unsafe and derelict condition, demolition is the only safe outcome for the local community.

Currently there are several trespassers taking up residence in a now very derelict building which is also vermin infested.

Persons are living under very unsatisfactory, unsafe living conditions including violation of the health act.

There is no running water in the building, there is also a fire risk as there are obviously no fire alarms fitted within the building.

There is severe risk and danger to persons inhabiting the building.

Council needs to seriously consider the exposure to risk of persons and to council especially since the building has not been inspected since 2022.

The Audit Report sets out directions in management of all future city leases. The report does not address the derelict condition of Lot 3001 Marrabank Loop and trespassers living in the building, only highlighting 3 – 6 months' time frame to address the general lease and leases standards yet does not address demolition.

Lack of current inspection of the building has concluded the building has green or low-level rating "Minor control exposures noted". If this was inspected today the building should accurately present as a red rated building with severe high risk.

City of Bunbury Lease Policy and Procedures

During the Audit committee meeting on the 24th of September 2024 the City of Bunbury Internal Audit Report Lease Management FY24/25 was tabled.

The report highlighted several of key issues of concern, not withstanding the timeframes for delivery of improvement timeframes notably 24 months.

The report does not address the Commercial Tenancies Act and namely adhering to that by proving the terms and conditions forms as prescribed within the Commercial Tenancies Act.

The report highlights that small sample of 25 of the cities leases some severe risk problems such as incorrect or lack of insurance, lack of process and communication and lack of inspections

Although the report has a small sample of 25 leases some issues identify severe risk for some community organisations and council.

On the surface this does not seem difficult to remedy it does however highlight the impact of risk and liability to some community organisations and council.

If an incident was to occur prior to obtaining public liability insurance, insurance companies are most likely negated.

The impact to council at this stage is unidentified, the fact that the City is aware of the lack of public liability on some of its leases exposes council at higher risk.

All public liability insurance certificates must be in place prior to any further operations of any lease holder, this is to protect, individuals, community and council.

In addition, a 24 month time frame to remedy inspections, procedures and the like could be considered as far too impractical.

Officer Comments

The Executive supports the recommendation.

In regard to Lot 3001 this is a building owned by the City on land owned by the State Government. The City has previously written to the Minister seeking the potential transfer of the land to the City. This could either be a transfer for an agreed fee or could be part of a land exchange between the State and the City.

The building is in disrepair and work has already commenced on a plan to reduce the risk and liability to the City. Further details will be detailed in the report but any urgent actions the City can take will be taken to reduce the immediate risk.

In regard to the Point 4 of the recommendation further work will be undertaken and a report tabled at the Audit Committee.

Outcome of Meeting 15 October 2024

Pedr Finn was approved to provide a deputation in relation to this item, however, chose not to.

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

The Mayor advised that each point of the motion would be voted on separately. The outcome for each points are as follows:

Point 1

[That Council] Request the CEO to prepare a report to Council for the 26 November 2024 Council Meeting clarifying the City's risks and liabilities in relation to Lot 3001 Marrabank Loop Bunbury WA 6230.

CARRIED UNANIMOUSLY

Point 2

[That Council] Write to the Minister for Homelessness, Local Members of Parliament and Local Service Providers to relocate the current occupants of the building.

LOST

5 votes for / 3 votes against

Councillors Ghasseb, Ramesh, and Steck voted for.

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

Councillor Smith moved, and the Mayor seconded an alternative as follows:

[That Council] Liaise with Local Service Providers to relocate the current occupants of the building.

CARRIED

6 vote for / 2 votes against

Mayor Miguel and Councillors Kozisek, Ramesh, Smith, Steele, and Turner voted for.
Councillors Ghasseb and Steck voted against.

Point 3

[That Council] Undertake works to secure the building and resolve the vermin issue.

CARRIED UNANIMOUSLY

Point 4

[That Council] Identify all leases that do not have a valid public liability insurance certificate of currency to operate and provide a report to the Audit Committee.

CARRIED UNANIMOUSLY

Council Decision 222/24

That Council:

- 1. Request the CEO to prepare a report to Council for the 26 November 2024 Council Meeting clarifying the City's risks and liabilities in relation to Lot 3001 Marrabank Loop Bunbury WA 6230.**
- 2. Liaise with Local Service Providers to relocate the current occupants of the building.**
- 3. Undertake works to secure the building and resolve the vermin issue.**
- 4. Identify all leases that do not have a valid public liability insurance certificate of currency to operate and provide a report to the Audit Committee.**

CARRIED

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

At the Ordinary Council Meeting held 24 September 2024, the following questions were taken on notice in relation to item 10.4.2 *City of Bunbury Strategic Advocacy Priorities*:

Question 1

What were the community priorities identified in the MARKYT Community Scorecard?

Response

The 7 priorities are:

1. Bunbury City Centre development / activation
2. Community safety and crime prevention
3. Festivals, events, art and cultural activities
4. Tourism and destination marketing
5. Access to health and community services
6. Seniors' services, facilities and care
7. Streetscapes, trees and verges

Question 2

Can some of the background documents in relation to the City's advocacy priorities be made publicly available?

Response

Yes, this is available on the City's website.

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 7:34pm.

Confirmed this day, 4 November 2024 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 15 October 2024.



Jaysen de San Miguel
Mayor