



City of Bunbury Council

Minutes

10 December 2024



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
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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.

2. Disclaimer

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

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

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

Copyright

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Recording and Webstreaming of Meetings

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

3. Announcements from the Presiding Member

Nil

4. Attendance

| Council Members: | |
|---|-----------------------|
| Presiding Member: | Mayor J de San Miguel |
| Members: | Deputy Mayor T Smith |
| | Councillor B Andrew |
| | Councillor M Kozisek |
| | Councillor K Turner |
| | Councillor T Brown |
| | Councillor M Quain |
| | Councillor K Steele |
| Executive Leadership Team (Non-Voting) | |
| Chief Executive Officer | Mr A Ferris |
| A/Director Infrastructure | Ms A Clemens |
| Director Sustainable Development | Mr A McRobert |
| Director Corporate and Community | Ms K Strachan |
| City of Bunbury Officers (Non-Voting) | |
| Manager Governance and Integrated Planning | Mr G Golinski |
| Manager Communications & Place Activation | Mr J Lynam |
| Manager Finance | Mr D Ransom |
| A/ Manager Community Connection | Ms G O'Brien |
| Governance Officer | Mr L Murphy |
| Senior Corporate Communications Officer | Ms K Fielding |
| Others (Non-Voting) | |
| Members of the Public | 11 |

4.1 Apologies

Cr Steck was an apology for the meeting.

4.2 Approved Leave of Absence

Cr Ghasseb is on an approved leave of absence from 26 November to 10 December 2024.

Cr Ramesh is on an approved leave of absence from 10 to 18 December 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.”

Cr Andrew declared an impartiality interest in item 10.4.1 *Proposed Amendment to Development Approval 2018/228 For Retail Use Incidental to a Home Business (Fish Processing and Freezing)* as he lives on the same street as the applicant.

Cr Andrew declared an impartiality interest in item 15.1.1 *Deed of Variation of Lease – 62 Thirty Café & Bar*.

Cr Andrew declared an impartiality interest in item 10.3.2 *Transition of Services – Withers Community Library* as he is connected through Rotary to both Foodbank and Men’s Shed.

Cr Steele declared a financial interest in item 15.1.2 *Proposed Deed of Licence – WA Country Health Services South West over multiple car parking areas at Hay Park*.

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

Floyd Colton of 2/4 Acacia Street asked the following question:

Question

Could the Council please look into offering medicine blister pack recycling?

Response

The CEO took the question on notice.

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 26 November 2024 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 26 November 2024 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 10 December 2024

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

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

Council Decision 264/24

The minutes of the Ordinary meeting of the City of Bunbury Council held 26 November 2024 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Nil

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Two requests to address Council were received in relation to the following items:

10.3.2 Transition of Services – Withers Community Library

Kate O’Hara

10.4.1 Proposed Amendment to Development Approval 2018/228 For Retail Use Incidental to a Home Business (Fish Processing and Freezing)

Brian Scimone

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 265/24

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.

10.3.2 Transition of Services – Withers Community Library

Kate O’Hara

10.4.1 Proposed Amendment to Development Approval 2018/228 For Retail Use Incidental to a Home Business (Fish Processing and Freezing)

Brian Scimone

CARRIED UNANIMOUSLY

8 votes “for” / Nil votes “against”

8.4 Council Delegates’ Reports

Nil

8.5 Conference Delegates’ Reports

Nil

9. Method of Dealing with Agenda Business

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

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

Items 10.3.2 and 10.4.1 were discussed and voted on separately.

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

The items “*adopted by exception*” were moved by Cr Kozisek and seconded by Cr Quain.

10. Reports

10.1 Request for Quote - CEO Performance Review and KPI Setting 2025 – 2027 (listed as item 10.2.1 in the agenda)

| | | | |
|-----------------------------|---|---|--|
| File Ref: | COB/515 | | |
| Applicant/Proponent: | Internal | | |
| Responsible Officer: | Maureen Keegan, Senior Governance Officer | | |
| Responsible Manager: | Greg Golinski, Manager Governance and Integrated Planning | | |
| Executive: | Alan Ferris, Chief Executive Officer | | |
| Authority/Discretion | <input type="checkbox"/> Advocacy | <input type="checkbox"/> Quasi-Judicial | |
| | <input type="checkbox"/> Executive/Strategic | <input type="checkbox"/> Information Purposes | |
| | <input checked="" type="checkbox"/> Legislative | | |
| Attachments: | Confidential Appendix 10.2.1-A Evaluation | | |

Summary

Quotes for the Chief Executive Officer (CEO) Performance Review 2025-2027 have been received and Council is requested to appoint the recommended respondent as the consultant to undertake the CEO Performance Review and KPI Setting for the period of March 2025 to November 2027

Executive Recommendation

That Council

1. Endorse recommended respondent E as the consultant to provide services to undertake the CEO Performance Review and Key Performance Criteria Setting for 2025 – 2027 as detailed in Confidential Appendix 10.2.1-A, and
2. Authorise the CEO to enter into a contract with the recommended consultant for the CEO Performance Review and Key Performance Criteria Setting for 2025 - 2027.

Voting Requirement: Simple Majority

Strategic Relevance

| | |
|----------------|--|
| Pillar | Performance |
| Aspiration | Leading with purpose and robust governance |
| Outcome 13 | A leading local government |
| Objective 13.1 | Effectively manage the City's resources |

Regional Impact Statement

Not applicable

Background

The City undertook a Request for Quote via Vendor Panel to seek the services of an experienced consultant to facilitate the annual CEO Performance Review and KPI Setting for the period March 2025 to August 2027.

5 submissions were received and assessed by the CEO Performance Committee members at an informal meeting on Tuesday 26 November 2024. Two submissions were received from the same respondent with an alternative scope of works and quote.

The quotes were evaluated using the following criteria:

Qualitative Criteria weighting

- | | | |
|----|----------------------------|---------------|
| 1. | Relevant Experience | 50% weighting |
| 2. | Demonstrated Understanding | 20% weighting |
| 3. | Respondents Resources | 10% weighting |
| 4. | Price | 20% weighting |

Evaluation of the quoted prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in Confidential Appendix 10.2.1-A that has been circulated to members **under separate cover**.

Council Policy Compliance

Quoting for goods and services is conducted in accordance with:

- Council Policy Purchasing
- Council Policy Access and Inclusion

The Council Policy 'CEO Performance and Salary Review' authorises the CEO Performance Review Panel to undertake the CEO Performance Review and report findings and recommendations to Council. Section 2 (Independent Consultant) of the Council Policy provides that the Panel, through the administration support provided, may engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement.

Legislative Compliance

Schedule 2 of the *Local Government (Administration) Regulations 1996* provides the Model Standards for CEO Recruitment, performance, and termination.

Officer Comments

Section 2, Council Policy CEO Performance and Salary Review provides:

2 Independent consultant

2.1 If the Panel does not have the resources and expertise to meet the expected standard of performance review, the Panel, through the administration support provided via point 1.7 may engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement.

2.2 A consultant must have experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives.

2.3 A consultant must not have any interest in, or relationship with, the Council or the CEO. In this policy, interest

(a) 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.

2.4 A consultant may be required to facilitate:

- *Setting performance criteria;*
- *Preparing the performance agreement;*
- *Collecting performance evidence;*
- *Writing the performance appraisal report;*
- *Facilitating meetings between the performance review panel;*
- *Assisting with the provision of feedback to the CEO;*
- *Formulating plans to support improvement (if necessary); and*
- *Providing an objective view regarding any performance management-related matters between the concerned parties.*

2.5 Consultant services must be secured in accordance with the City’s Purchasing Policy.

The option to engage an external facilitator/consultant to assist with the process of performance appraisal and the development of the performance agreement/criteria was exercised with the scope of work defined as:

Conducting an annual review and key performance setting process to be undertaken in line with the adopted “Council Policy CEO Performance and Salary Review”, including the key components detailed below:

- Meet with CEO Performance Review Panel to discuss performance criteria;
- Design and conduct individual interviews/feedback from Elected Members;
- Design and conduct 360 degree feedback from stakeholders (stakeholders identified by CEO Review Panel);
- Design and conduct 360 degree feedback from staff;
- Collecting performance evidence;
- Write Final Performance Appraisal Report;
- Facilitate salary review and incorporate in Performance Appraisal Report;
- Facilitation of setting new key performance criteria in conjunction with a nominated City of Bunbury representative, including two workshops with Elected Members;
- Final key performance indicators and metrics report to be provided to CEO Performance Review Panel;

Five quotations were received from four respondents with one respondent providing an alternative scope of works and quote for consideration.

The CEO Performance Review Committee were provided with all submissions and an evaluation workbook to assist with undertaking the assessment of all respondents.

The shortlisted consultant provided examples of considerable experience in undertaking performance reviews of CEO’s, experience with local governments and development of performance criteria.

Analysis of Financial and Budget Implications

An allocation of \$20,000 per year for the next 3 years has been budgeted for the provision of service by an external consultant to undertake facilitation of the CEO Performance Review and setting of the Key Performance Criteria.

Community Consultation

Not applicable

Councillor/Officer Consultation

This report and assessments are provided to Council to facilitate the engagement of a consultant to assist with the process of the CEO performance review and setting of the Key Performance Criteria for the period 2025 – 2027.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

The recommendation of Council will be implemented immediately.

Outcome of Meeting 10 December 2024

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

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

Council Decision 266/24

That Council

- 1. Endorse recommended respondent E as the consultant to provide services to undertake the CEO Performance Review and Key Performance Criteria Setting for 2025 – 2027 as detailed in Confidential Appendix 10.2.1-A, and***
- 2. Authorise the CEO to enter into a contract with the recommended consultant for the CEO Performance Review and Key Performance Criteria Setting for 2025 - 2027.***

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

10.2 Rate Exemption Application – Unit 1, 82 Blair Steet, Bunbury (listed as item 10.3.1 in the agenda)

| | |
|-----------------------------|--|
| File Ref: | COB/1130 |
| Applicant/Proponent: | Waratah Support Centre |
| Responsible Officer: | Leonie Barwick, Team Leader Corporate Revenue |
| Responsible Manager: | David Ransom, Finance Manager |
| 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 type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative |
| Attachments: | Nil |

Summary

An application for rate exemption has been received from Waratah Support Centre, for Unit 1, 82 Blair Street, Bunbury, totalling \$6,776 per annum under Section 6.26 (2) (g) of the *Local Government Act 1995* – land used exclusively for charitable purposes. Waratah Support Centre currently have 1 exempt property within the City of Bunbury.

Executive Recommendation

That Council grants a rate exemption to Waratah Support Centre under Section 6.26 (2) (g) of the *Local Government Act 1995* for Unit 1, 82 Blair Street, Bunbury, effective from 1 July 2024.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Accepting the rate exemption application from Waratah Support Centre will reduce the City’s rate revenue but will not have a regional impact.

Background

Waratah Support Centre have advised they are a not-for-profit organisation, and that the property is used for the delivery of confidential counselling and support services to women who have experienced sexual assault and/or domestic violence. It is recommended that the exemption be applied from 1 July 2024 as Waratah Support Centre commenced leasing the property in February 2023.

Council Policy Compliance

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

Legislative Compliance

The *Local Government Act 1995* – Section 6.26 (2) (g) states:

6.26. Rateable land

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

Officer Comments

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

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

All rate exempt properties are reviewed on a 2 yearly basis, with a review currently being undertaken. The City currently has 439 properties that are exempt which is a loss of rate income of \$1,651,029 per annum.

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

Analysis of Financial and Budget Implications

Approval of this exemption will result in a reduction of rates income of \$6,776 per annum.

As the proposed exemption is to be granted effective from 1 July 2024, this application, if approved will reduce the forecast Closing Surplus Position to 30 June 2025 by \$6,776.

Community Consultation

There is no requirement for community consultation on this application.

Councillor/Officer Consultation

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

Applicant Consultation

Not Applicable.

Timeline: Council Decision Implementation

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

Outcome of Meeting 10 December 2024

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

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

Council Decision 267/24

That Council grants a rate exemption to Waratah Support Centre under Section 6.26 (2) (g) of the Local Government Act 1995 for Unit 1, 82 Blair Street, Bunbury, effective from 1 July 2024.

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

10.3 Transition of Services – Withers Community Library (listed as item 10.3.2 in the agenda)

| | |
|-----------------------------|--|
| File Ref: | COB/6954 |
| Applicant/Proponent: | Internal |
| Responsible Officer: | Georgia-Mae O’Brien, Acting Manager Community Connection |
| Responsible Manager: | Georgia-Mae O’Brien, Acting Manager Community Connection |
| Executive: | Karin Strachan, Director Corporate and Community |
| Authority/Discretion | <input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative |
| Attachments: | Nil |

Summary

The City has been approached by Foodbank WA on behalf of their Bunbury location, and the Bunbury Men’s Shed to propose a community services hub at the location of the current Withers community library. This report includes a recommendation to transition the Withers Community Library location to allow for Foodbank Bunbury and the Bunbury Men’s Shed to utilise this location and surrounding land for community land.

Executive Recommendation

That Council:

1. Endorse the partnership between the City and Foodbank WA for the provision of wrap-around services from the current Withers Community Library building and surrounding site.
2. Endorse the implementation of a plan that will see the Withers Community Library site transition from its current service provision format from April 2025, allowing Foodbank Bunbury to fully operate from the site as of April 2026.

Voting Requirement: Simple Majority

Strategic Relevance

| | |
|----------------|--|
| Pillar | People |
| Aspiration | A safe, healthy, and connected community. |
| Outcome 3. | A healthy and active community. |
| Objective 3.1. | Improve access to quality health and community services. |

| | |
|----------------|--|
| Pillar | People |
| Aspiration | A safe, healthy, and connected community. |
| Outcome 4. | A compassionate and inclusive community |
| Objective 4.1. | Listen and respond to community needs at all stages of life. |

Regional Impact Statement

The transition of the Withers Community Library to a community services hub will provide significant benefits to the Bunbury-Geographe region by addressing service gaps and enhancing access to essential support. Led by Foodbank Bunbury and the Bunbury Men’s

Shed, the hub will offer food security initiatives, nutrition education, financial counselling, and social connection opportunities, meeting the needs of residents.

Repurposing the underutilised library site will improve efficiency, redirecting resources to the Bunbury library and maintaining library access through home delivery, digital platforms, and outreach. The community garden will remain active, ensuring continuity for residents.

This hub will drive economic and social development, attract partnerships, and address key issues such as food insecurity and social inclusion.

Background

The Withers Community Library has faced a sustained decline in patronage, particularly since the COVID-19 pandemic. Despite significant efforts to increase engagement, including targeted programs, reduced operating hours, and outreach initiatives, visitation remains consistently low. In 2020, the library reduced its operating hours in response to low usage and incidents of antisocial behaviour. Currently, the library averages 25 daily visitors, in contrast to the Bunbury library, which serves around 500 patrons per day.

85 per cent of Withers library patrons drive to the site, indicating that proximity to other libraries, such as Bunbury or Dalyellup, is not a significant barrier to access. Additionally, current staffing requirements necessitate two library staff at the Withers location daily, regardless of patron numbers. This allocation limits resources that could be utilised at the Bunbury library. Combined with an annual operational cost of approximately \$275,000, including salaries, stock, and operational expenses, the Withers library's current model is increasingly unsustainable.

Foodbank Bunbury has been a vital service provider in the region for over 20 years. It is the busiest branch outside Perth, offering essential support to families and individuals experiencing food insecurity. Despite meeting only an estimated 50 per cent of the region's demand due to a non-viable location, Foodbank continues to see high levels of community engagement. Recent expansions, such as providing free fruit and vegetables, have further demonstrated its commitment to addressing local needs. The Bunbury branch operates with four employed staff and the support of 40–50 volunteers. However, Foodbank has reached capacity in its current facility and requires a purpose-designed space to expand its services and impact.

Foodbank has proposed repurposing the Withers library site and surrounding areas into a community services hub, a model that would allow for the co-location of complementary services. This hub would include Foodbank's expanded operations, outreach programs, and support services tailored to meet the needs of the Withers community. Partnering with organisations like the Bunbury Men's Shed, the hub would also include social programs and opportunities for community connection. Key elements of the proposal include food security initiatives, a teaching kitchen to deliver nutrition education, financial counselling services, and the continuation of the community garden.

This initiative represents a unique opportunity to maximise the potential of the Withers library site while helping to address critical social issues in the region. It would allow Foodbank to set a benchmark for similar hubs across Western Australia, demonstrating how co-located services can uplift vulnerable communities. Additionally, the proposal aligns with the City's strategic objectives of promoting social equity and inclusivity, ensuring that community assets like the Withers site are used effectively to meet current and future needs.

Council Policy Compliance

N/A

Legislative Compliance

N/A

Officer Comments

The library services offered to the community that utilise the Withers library can be serviced through expanding our home library service, agreed outreach at the proposed Foodbank community hub, and ‘book vending machines’ as are offered by Cumberland City Council. These can be undertaken through proposed operational savings, both employee and financial.

Analysis of Financial and Budget Implications

Costs that may be incurred will be covered by operational savings related to the transition of the Withers community library.

Community Consultation

Foodbank WA has undertaken community consultation regarding community needs in the area, this has shown a strong need to enhance service delivery related to food security, financial counselling, and social supports.

Councillor/Officer Consultation

A strategic briefing workshop was completed with elected members on December 3, 2024.

Applicant Consultation

Foodbank WA and Men’s Shed Bunbury have both been consulted related to this council report.

Timeline: Council Decision Implementation

By April 2025: Library transitions to no longer operate from Withers library.

By April 2026: Foodbank WA to operate fully from the new location.

Outcome of Meeting 10 December 2024

Kate O’Hara delivered a deputation in relation to this item.

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

During debate, Cr Steele proposed an amendment to the motion to include the following additional points:

3. *Request the CEO undertake community consultation in relation to this proposal.*
4. *Note that the status quo will continue in relation to the operation of the Withers Library should the proposal not proceed.*

The mover and seconder agreed to the inclusion of the 2 additional points, which were therefore included as part of the substantive motion.

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

Council Decision 268/24

That Council:

- 1. Endorse the partnership between the City and Foodbank WA for the provision of wrap-around services from the current Withers Community Library building and surrounding site.***
- 2. Endorse the implementation of a plan that will see the Withers Community Library site transition from its current service provision format from April 2025, allowing Foodbank Bunbury to fully operate from the site as of April 2026.***
- 3. Request the CEO undertake community consultation in relation to this proposal.***
- 4. Note that the status quo will continue in relation to the operation of the Withers Library should the proposal not proceed.***

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

10.4 Proposed Amendment to Development Approval 2018/228 For Retail Use Incidental to a Home Business (Fish Processing and Freezing) (listed as item 10.4.1 in the agenda)

| | |
|-----------------------------|--|
| File Ref: | DA/2018/228/2 |
| Applicant/Proponent: | Brian Gregory Scimone |
| Responsible Officer: | Philip Diamond, Planning Officer |
| Responsible Manager: | Barbara Macaulay, Manager Planning & Building |
| Executive: | Andrew McRobert, Director Sustainable Development |
| Authority/Discretion | <input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative |
| Attachments: | Appendix 10.4.1-A – Executive Recommendation Appendix 10.4.1-B – Location Plan Appendix 10.4.1-C – Site Plan and Future Subdivision Plan Appendix 10.4.1-D – Application Documents Appendix 10.4.1-E – Development Approval 2015/82/1 Appendix 10.4.1-F - Development Approval 2018/228/1 |

Summary

Southwestern Fresh Fish have been operating as an approved ‘Home Business’ at Lot 32 (#32) Jubilee Road, Glen Iris since 2015. The original application was determined at Ordinary Council Meeting in 2015 for fish processing and freezing. A subsequent amendment to the original approval was determined by Council in 2019, in which Council granted temporary development approval for an incidental retail component to the existing fish processing and freezing ‘Home Business’ approval.

The City has since received an application to remove two conditions from the 2019 approval. The conditions requested to be removed related to a time limitation placed upon the ‘Home Business’ approval and a condition that required the retail aspect of the ‘Home Business’ to cease at the point of rezoning, subdivision, or any further development of the lot.

City officers have reviewed the proposal against the relevant planning framework and consider that the development without the subject conditions will be consistent with the planning framework. As the initial Development Approval was determined by Council, officers do not have delegation to determine the amendment application. It is therefore referred to Council for determination with a recommendation of conditional approval.

Executive Recommendation

That Council, in accordance with clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Bunbury Local Planning Scheme No. 8 (LPS 8), resolves to approve the amendment application for an incidental retail use to a ‘Home Business’ (Fish Processing and Freezing) at Lot 32 (#32) Jubilee Road, Glen Iris, in accordance with conditions attached at Appendix 10.4.1-A.

Voting Requirement: Simple Majority

Strategic Relevance

| | |
|------------|---|
| Pillar | Place |
| Aspiration | An integrated, vibrant and well planned City |
| Outcome 7 | A community with high quality urban design and housing diversity. |

Objective 7.1 Promote responsible planning and development.

Regional Impact Statement

The proposal relates to an individual property and is not considered to have a regional impact.

Background

The subject site is zoned Urban Development Zone. The Glen Iris Structure Plan and Glen Iris District Structure Plan Stage 1 apply to the lot which identify the site as having a future zoning of Residential R20. A location plan is attached at Appendix 10.4.1-B. A summary table of details relating to the subject site are as follows:

| | |
|--------------------|--------------------------------------|
| Property Address: | Lot 32 (#32) Jubilee Road, Glen Iris |
| Zoning: | 'Urban Development' |
| Existing Land Use: | 'Single House' and 'Home Business' |
| Lot Area: | 2.0233 ha |
| Heritage: | N/A |

The site was originally issued development approval for a 'Home Business' (Fish Processing and Freezing) at the Ordinary Council Meeting held 1 September 2015 (Appendix 10.4.1-E). An amendment to this development approval which included a subsequent 'incidental retail use' to the existing 'Home Business' was considered and approved at the Ordinary Council Meeting held 19 March 2019 (Appendix 10.4.1-F).

The subject application requests removal of Conditions 1.2 and 1.3 of the 2019 approval. Condition 1.2 had sought to limit the development to a period of five years, or a further period as authorised by the City. Condition 1.3 required the cessation of the retail operations (not the fish processing and freezing) at the point that the lot is rezoned to 'Residential', the lot is subdivided or when further significant development occurred on the lot.

The amendment application has been made as the landowner is seeking to subdivide the subject lot into two lots. This proposal includes one lot with the existing 'Single House' and 'Home Business', and a second lot which could then be further subdivided, subject to the relevant approval process. A copy of the provided site plan is attached at Appendix 10.4.1-C.

Council Policy Compliance

Not applicable.

Legislative Compliance

The following legislation and statutory planning instruments of the State and Local Planning Framework are applicable to the assessment of this application:

Legislation

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*.

Local Planning Framework

- City of Bunbury Local Planning Strategy;
- City of Bunbury Local Planning Scheme No.8 (LPS8);
- Glen Iris Structure Plan August 2010;

- Glen Iris District Structure Plan December 2023.

Officer Comments

Removal of Condition 1.2

The 2019 approval for a retail component is incidental to the 'Home Business' approval from 2015. Condition 1.2's time limited restriction on the business is not necessary as this is suitably covered by Condition 1.1. which restricts the retail component as 'incidental' to the 'Home Business'. The retail component will naturally fall away when the home business ceases to operate.

Removal of Condition 1.3

The subject lot is zoned 'Urban Development Zone' under the City of Bunbury Local Planning Scheme No.8 (LPS8). While no land uses are identified as permissible in this zone, the City can consider a Development Application for uses with reference to any applicable structure plans or local development plans. The Glen Iris Structure Plan and Glen Iris District Structure Plan Stage 1 apply to the lot which identify the lot for future rezoning to Residential R20. As such a 'Home Business' was able to be considered on the lot despite its 'Urban Development' zoning as the subject lot is indicated to be rezoned to Residential.

The original intent of Condition 1.3 is to protect the amenity of any new residential development to the west of the lot that could be impacted by the retail use and to ensure that the 'Home Business' would be consistent with the intent of the 'Residential Zone'. In the five years since the approval for the incidental retail component was approved, the City has received no complaints or objections from nearby residents regarding any amenity impact from either the 'Home Business' component or the associated incidental retail element component.

When considering the intent to subdivide the subject lot as indicated by the landowner, it is considered that the impact of the proposal on the amenity of future residential land uses would be consistent with the current established impact to the residential properties to the east. As no complaints have been received in relation to the operation of the business to date, it can be reasonably ascertained that the 'Home Business' will continue to operate cohesively with any new residential development to the west of the lot. Additionally, as a 'Home Business' can be approved in the 'Residential Zone', the use is considered to be consistent with future intentions of the land and to not prejudice the future residential development of the lot.

To further ensure no impact on any new residential development, the City will recommend a minimum 3m buffer be provided on the south and west of the 'Home Business' development site. This will provide an additional level of separation to the new residential properties to further ensure any potential land use conflict is appropriately mitigated. It is considered that this will be addressed at a formal subdivision application stage, where other details such as road access, retention of native vegetation and bushfire requirements will also be appropriately considered and assessed.

In considering the above, Condition 1.3 restricting the use from operating when subdivision occurs or when significant development occurs is not considered to be necessary and any amenity impact to new residences from the existing 'Home Business' can be appropriately addressed at the time of subdivision.

Analysis of Financial and Budget Implications

If the applicant is aggrieved by Council’s decision they may apply for a review of the decision through SAT. If the decision is forwarded to SAT for appeal, the City of Bunbury may incur legal costs.

Community Consultation

This application was advertised for public comment from 10 October 2024 to 25 October 2024. Public consultation measures included letters sent to adjoining and surrounding landowners. No submissions were received during the advertising period.

Councillor/Officer Consultation

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

Applicant Consultation

The applicant has been provided with a copy of the Officer recommendation and has no objection to the recommendation.

Timeline: Council Decision Implementation

Should Council refuse the application, the applicant has the option to lodge an appeal within 28 days of the date of the decision to the State Administrative Tribunal.

Outcome of Meeting 10 December 2024

Brian Scimone delivered a deputation in relation to this item.

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

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

Council Decision 269/24

That Council, in accordance with clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bunbury Local Planning Scheme No. 8 (LPS 8), resolves to approve the amendment application for an incidental retail use to a ‘Home Business’ (Fish Processing and Freezing) at Lot 32 (#32) Jubilee Road, Glen Iris, in accordance with conditions attached at Appendix 10.4.1-A.

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

11. Applications for Leave of Absence

Nil

12. Motions on Notice

Nil

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. Meeting Closed to Public

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

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

Council Decision 270/24

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

**15.1.1 Deed of Variation of Lease – 62 Thirty Café & Bar
15.1.1 Lot 3001 Marrabank Loop – Bunbury Power Boat Club and City Leases**

15.1.2 Proposed Deed of Licence – WA Country Health Services South West over multiple car parking areas at Hay Park

15.1.3 Lot 3001 Marrabank Loop – Bunbury Power Boat Club and City Leases

CARRIED UNANIMOUSLY

8 votes "for" / Nil vote "against"

The meeting was closed to the public at 6:01pm.

15.1 Matters for which the Meeting may be Closed

15.1.1 Deed of Variation of Lease – 62 Thirty Café & Bar

| | |
|-----------------------------|--|
| File Ref: | COB/5139 |
| Applicant/Proponent: | 62 Thirty Café & Bar |
| Responsible Officer: | Gemma Stewart, Senior Property 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 type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative |
| Attachments: | Confidential Report CRUSC-1 Deed of Variation of Lease – 62 Thirty Café & Bar |

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

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

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

Outcome of Meeting 10 December 2024

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

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

Council Decision 271/24

That Council agrees to reduce 62 Thirty Café & Bar rent fee to \$25,000 per annum for a period of three (3) years.

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

15.1.2 Proposed Deed of Licence – WA Country Health Services South West over multiple car parking areas at Hay Park

| | |
|-----------------------------|---|
| File Ref: | COB/6870 |
| Applicant/Proponent: | WA Country Health Services South West |
| Responsible Officer: | Gemma Stewart, Senior Property and Lands 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 type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative |
| Attachments: | Confidential Report CRUSC-2 Proposed Deed of Licence – WA Country Health Services South West over multiple car parking areas at Hay Park |

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

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

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

Outcome of Meeting 10 December 2024

Cr Steele left the chamber at 6:02pm as she had declared a financial interest in this matter.

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

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

| |
|--|
| <p>Council Decision 272/24</p> <p><i>Council agrees to grant a Licence to WA Country Health Services South West over portion Lot 3001 on Deposited Plan 43554 “Hay Park”, for a term of three (3) years, on the terms and conditions as specified in the report to Council and;</i></p> <p><i>1. The applicant agreeing to pay all costs associated with the lease application including document preparation and advertising; and</i></p> <p><i>2. Advertising in accordance with section 3.58 of the Local Government Act 1995; and</i></p> <p><i>3. Minister for Lands approval</i></p> <p>CARRIED UNANIMOUSLY 7 votes “for” / Nil votes “against”</p> |
|--|

Cr Steele returned to the chamber at 6:03pm.

15.1.3 Lot 3001 Marrabank Loop – Bunbury Power Boat Club and City Leases

| | |
|-----------------------------|---|
| File Ref: | COB/3853 |
| Applicant/Proponent: | Internal |
| Responsible Officer: | Andrew McRobert, Director Sustainable Development |
| 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 checked="" type="checkbox"/> Legislative |
| Attachments: | Confidential Report CRUSC-3 RFQ2324/022 - Lot 3001 Marrabank Loop – Bunbury Power Boat Club and City Leases |

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

- (b) the personal affairs of any person; and*
- (e)(ii) information that has a commercial value to a person; and*
- (f)(ii) endanger the security of the local government's property*

A confidential report and recommendation will be circulated to members **under separate cover** (Confidential Report CRUSC-3). The report is not for circulation.

Outcome of Meeting 10 December 2024

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

That Council:

1. *Note the update provided on item 4 of Council Decision 222/24.*
2. *Note the update provided on item 2 of Council Decision 222/24.*
3. *Note that 2022 Civil and Structural Engineers Report on the Bunbury Powerboat Club attached at Confidential Appendix 15.1.1-A.*

Cr Steele moved, and Cr Andrew seconded a procedural motion to suspend standing orders, which was carried unanimously.

During discussion, Cr Andrew foreshadowed an alternate motion, which expanded on the executive recommendation as follows:

That Council:

1. *Note the update provided on item 4 of Council Decision 222/24.*
2. *Note the update provided on item 2 of Council Decision 222/24.*
3. *Note that 2022 Civil and Structural Engineers Report on the Bunbury Powerboat Club attached at Confidential Appendix 15.1.3-A.*

4. *Note the building cannot be commercially leased under the current management order agreement with the State Government and the estimated cost of \$500,000 to bring the building up to standard*
5. *Agrees in principle to the demolition of the Bunbury Powerboat Club to commence immediately, pending the allocation of funds in the February 2025 budget review*
6. *Requests the CEO to provide a briefing note prior to the adoption of the 2025 budget on the short term options for the site.*
7. *Requests the CEO continues efforts to secure a transfer of the land from the state to the City.*

Cr Steele moved, and Cr Andrew seconded a procedural motion to reinstate standing orders, which was carried unanimously.

Cr Steele and Cr Kozisek withdrew their moving and seconding of the executive recommendation, noting they favoured Cr Andrew's proposed alternate.

Cr Andrew moved, and Cr Turner seconded the foreshadowed alternate motion.

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

Council Decision 273/24

That Council:

- 1. Note the update provided on item 4 of Council Decision 222/24.***
- 2. Note the update provided on item 2 of Council Decision 222/24.***
- 3. Note that 2022 Civil and Structural Engineers Report on the Bunbury Powerboat Club attached at Confidential Appendix 15.1.3-A.***
- 4. Note the building cannot be commercially leased under the current management order agreement with the State Government and the estimated cost of \$500,000 to bring the building up to standard***
- 5. Agrees in principle to the demolition of the Bunbury Powerboat Club to commence immediately, pending the allocation of funds in the February 2025 budget review***
- 6. Requests the CEO to provide a briefing note prior to the adoption of the 2025 budget on the short term options for the site.***
- 7. Requests the CEO continues efforts to secure a transfer of the land from the state to the City.***

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

It is noted that the resolution passed expanded on the recommendation proposed by the executive, and was therefore not deemed contrary to that recommendation. The resolution as passed merely clarified the Council’s position in relation to the Powerboat Club building.

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

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

Council Decision 274/24

That the meeting be reopened to the public.

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

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

15.2 Public Reading of Resolutions that may be made Public

The Mayor read aloud the decisions for the below items as follows:

15.1.1 Deed of Variation of Lease – 62 Thirty Café & Bar

That Council agrees to reduce 62 Thirty Café & Bar rent fee to \$25,000 per annum for a period of three (3) years.

15.1.2 Proposed Deed of Licence – WA Country Health Services South West over multiple car parking areas at Hay Park

Council agrees to grant a Licence to WA Country Health Services South West over portion Lot 3001 on Deposited Plan 43554 “Hay Park”, for a term of three (3) years, on the terms and conditions as specified in the report to Council and;

1. *The applicant agreeing to pay all costs associated with the lease application including document preparation and advertising; and*
2. *Advertising in accordance with section 3.58 of the Local Government Act 1995; and*
3. *Minister for Lands approval*

15.1.3 Lot 3001 Marrabank Loop – Bunbury Power Boat Club and City Leases

That Council:

1. *Note the update provided on item 4 of Council Decision 222/24.*
2. *Note the update provided on item 2 of Council Decision 222/24.*
3. *Note that 2022 Civil and Structural Engineers Report on the Bunbury Powerboat Club attached at Confidential Appendix 15.1.3-A.*

4. *Note the building cannot be commercially leased under the current management order agreement with the State Government and the estimated cost of \$500,000 to bring the building up to standard*
5. *Agrees in principle to the demolition of the Bunbury Powerboat Club to commence immediately, pending the allocation of funds in the February 2025 budget review*
6. *Requests the CEO to provide a briefing note prior to the adoption of the 2025 budget on the short term options for the site.*
7. *Requests the CEO continues efforts to secure a transfer of the land from the state to the City.*

16. Closure

The Mayor declared the meeting closed at 6:25pm.

Confirmed this day, 4 February 2025 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 10 December 2024.

Jaysen de San Miguel
Mayor