



Policy Review and Development Committee

Minutes

29 January 2025

Committee Terms of Reference

- 1** *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
- 2** *To make recommendations to Council on matters of policy, policy and local law review and policy and local law development.*
- 3** *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
- 4** *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
- 5** *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

City of Bunbury
4 Stephen Street
Bunbury WA 6230
Western Australia
Correspondence to:
Post Office Box 21
Bunbury WA 6231

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Acknowledgement of Country

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

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

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

WE ARE OPEN

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

WE ARE BRAVE

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

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

As Cr Quain was an apology for this meeting, Cr Kozisek was chosen by the committee to be the Presiding Member for this meeting.

The Presiding Member declared the meeting open at 10.00am.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Nil

4. Attendances

Committee Members:

Member Name	Representing
Cr Karen Steele	City of Bunbury
Cr Ben Andrew (Deputy)	City of Bunbury
Cr Cheryl Kozisek (Presiding Member)	City of Bunbury
Cr Tresslyn Smith	City of Bunbury

Ex-officio Members (non-voting):

Member Name	Representing
Ms Odetta Robertson	A/Director Corporate and Community

Support Staff:

Name	Title
Mr Greg Golinski	Manager Governance and Integrated Planning
Mr Liam Murphy	Governance Officer
Ms Barbara Macaulay	Manager Planning and Building
Mr Kelvin Storey	Principal Strategic Planning Officer
Ms Alice Baldock	Team Leader City Planning
Ms Gemma Stewart	Senior Lands Officer

4.1 Apologies

Cr Quain was an apology for the meeting.

Cr Ghasseb was absent from the meeting.

4.2 Approved Leave of Absence

Nil

5. Declaration of Interest

IMPORTANT: Committee members to complete a “Disclosure of Interest” form for each item on the agenda in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member before the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.

Cr Andrew declared a financial interest in item *8.1 Proposed Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay* as he is providing management services for an accommodation provider.

6. Confirmation of Minutes

Committee Decision: Moved Cr Steele Seconded Cr Smith

The minutes of the Policy Review and Development Committee Meeting held on 30 October 2024 are confirmed as a true and accurate record.

CARRIED

7. Method of Dealing with Agenda Business

It was agreed that item *8.6 Amendment of Local Planning Policy 3.4 Outbuildings and Minor Structures* would be considered following *8.1 Proposed Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay*. All other items were considered in the order which they appeared on the agenda.

8. Reports

8.1 Proposed Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay

File Ref:	COB/6761
Applicant/Proponent:	Internal
Responsible Officer:	Kelvin Storey, Principal Strategic Planning Officer
Responsible Manager:	Barbara Macaulay, Manager Planning and Building
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:	Appendix 8.1-A: Draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay Appendix 8.1-B: Operational Management Plan template Appendix 8.1-C Scheme Amendment No.14 report (draft)

Summary

The City is required to undertake an amendment to Local Planning Scheme No. 8 in response to legislative changes introduced by the State that primarily deal with the use and development of premises for short-term rental accommodation (STRA). A draft scheme amendment report (Scheme Amendment No.14) has been prepared by officers and is scheduled to be presented for the purpose of initiation and public advertising at an upcoming Ordinary Meeting of Council.

Draft Local Planning Policy 2.2: Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay (LPP2.2) has been prepared in conjunction with the proposed amendment to the local planning scheme and is intended to guide and support subsequent decision-making. Subject to approval, the proposed scheme amendment, which requires consent from the Minister for Planning, and supporting draft local planning policy are intended to be publicly advertised concurrently and then returned to Council for their reconsideration.

Executive Recommendation

Subject to Council resolving to adopt Scheme Amendment No.14 for the purpose of public advertising, the Policy Review and Development Committee recommends that Council resolves in accordance with the provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to proceed to:

1. Advertise draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay for public comment for a period of not less than 42 days.
-

2. Recommend in keeping with the draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay that Council establish a discretionary cap that is to apply to the number of unhosted STRA approved within a Residential Zone that is situated outside of the designated Core Tourism Area, and propose that this be set at an initial figure (cap) of 110.
3. Following completion of the public comment period, that Council receive a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

Voting Requirement: Simple Majority

Strategic Relevance

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

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

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 proposed local planning policy is expected to have negligible regional impact.

Background

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provides the legislative basis for preparing a local planning policy. The primary aim of this local planning policy is to guide and support the future assessment of ‘unhosted short-term rental accommodation’ (unhosted STRA) which, following changes to State planning legislation, is required to be introduced as a new land use classification by way of an amendment to the local planning scheme. In this regard, Scheme Amendment No.14 has been drafted and that report will be presented to Council shortly to seek its adoption for the purpose of public advertising.

The draft local planning policy is attached as Appendix 8.1-A, and the draft scheme amendment report is attached (for information purposes only) as Appendix 8.1-C.

Council Policy Compliance

Not applicable.

Legislative Compliance

Schedule 2, Clause 4 of the Regulations set out the procedural requirements for preparing a local planning policy. The City is required to advertise the proposed policy in accordance with clause 87 of the Regulations for a minimum of 21 days. In this instance as it is intended to publicly advertise the draft local planning policy concurrently with draft Scheme Amendment No.14, the advertising period will be extended to be a minimum of 42 days, in keeping with the statutory advertising period for 'standard' scheme amendments.

Any submissions received are to be reviewed before resolving to proceed with the policy (with or without modification) or not to proceed with the policy. Notwithstanding, the adoption of the policy will be held in abeyance until such time the scheme amendment has been finalised noting that changes to the scheme amendment prior to its Gazettal may result in consequential modifications being necessary to the policy document.

The recommendation of the Policy Review and Development Committee (PRDC) will be included in the agenda item presented to Council for determination.

Officer Comments

To remain consistent with recent changes in State planning legislation that includes the introduction of new deemed land use classes, the City is required to undertake corresponding modifications to its local planning scheme. The City's amendment as drafted necessarily captures the new land use classification of 'Unhosted Short-Term Rental Accommodation' to which the following meaning(s) apply within the Regulations:

short-term rental accommodation

- (a) means a dwelling provided, on a commercial basis, for occupation under a short term rental arrangement; but
- (b) does not include a dwelling that is, or is part of, any of the following —
 - (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
 - (ii) a caravan park;
 - (iii) a lodging house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - (iv) a park home park;
 - (v) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - (vi) workforce accommodation;

short-term rental arrangement means an arrangement under which –

- (a) a dwelling, or part of a dwelling, is provided for occupation by a person; and
- (b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period.

unhosted short term accommodation means short-term rental accommodation that –

- (a) is not hosted short-term accommodation; and
-

- (b) accommodates a maximum of 12 people per night.

Advice provided within the WAPC Position Statement: Planning for Tourism and Short-term Rental Accommodation (November 2023) guides the introduction of unhosted STRA by local government. This encourages the adoption of a local planning policy to support discretionary decision making and identifies consideration be given to:

- locational factors which may assist in determining appropriate locations for unhosted forms of STRA within residential areas, and
- impact on local housing market, where this has been identified as an issue in the local planning strategy.

The City's local planning policy has been specifically tailored to meet the perceived need as relevant to the City of Bunbury and is consistent with strategic direction provided by the City's Local Planning Strategy 2018. Key elements of the proposed policy (in guiding discretionary decision making) extend to:

Location:

Acknowledging and broadly prioritising the recognised Core Tourism Area (CTA) as the being the most suitable and supportive location for unhosted STRA.

Residential amenity:

Standards are employed to ensure that development of unhosted STRA respects the character and amenity of the locality, and that its use and management reasonably meets the expectations of guests and neighbouring residents. These include adherence to an Operational Management Plan (OMP), occupancy controls and on-site considerations (such as bin storage location and screening). The OMP template is attached as Appendix 8.1-B.

Housing supply:

Incorporates measures (a discretionary cap) that provides the ability to limit undesirable outcomes should the roll-out unhosted STRA be seen to negatively impact the local long term rental housing market.

Acknowledging the extremely low long term vacancy rental rate that Bunbury has endured over the course of the last year, the discretionary cap referred to above is intended to apply to areas of Residential Zone located outside the CTA. The discretionary cap will act as a safety-net that is able to be adjusted (up or down) having regard to housing demand and supply conditions at a given time. Information included within Appendix 3 of the draft local planning policy (and the Scheme Amendment No. 14 Report) provides further background rationale for adopting a cap.

Unhosted STRA in locations subject to the cap would be granted development approval on a time limited basis. Renewal (without incurring a fee) then ensures only operating premises will be counted and that the cap does not become unnecessarily clogged with premises no longer offering such accommodation.

Desktop analysis conducted by the City (accessing information held on short stay booking platforms conducted during July 2024) identified a total of approximately 94 unhosted STRA operating within the City of Bunbury, of which 29 were located outside the CTA. Further information gathered from registration data available from State Department of Energy Mines Industry Regulation and Safety (DEMIRS) indicates 59 properties currently

registered as unhosted STRA, of which 37 are located within the CTA, 2 are located within a Tourism zone, and a 20 located within a Residential zone that lies outside the CTA.

In setting a figure to represent the discretionary cap, an initial ceiling of 110 (representing approximately 1% of all private dwellings within the area subject to the cap) comfortably captures those identified as currently operating/registered, while also providing for a generous increase in number over time. Council will set the figure for the cap by way of a Resolution, and will have the ability to apply discretion on individual applications should the threshold of the cap be reached. Council will also have opportunity to adjust the figure used for the cap (up or down) if desired.

In this regard the City will be further informed by outcomes from detailed research and investigation to be undertaken on behalf of the City by Edith Cowan University during the first half of 2025. Undertaking an analysis of local housing need and supply is consistent with advice from the WAPC and moreover offers the City the opportunity to adopt and continue to operate a tailor made strategic approach relevant to the City of Bunbury.

“If land and housing supply pressures are evident or predicted in a local government area, the tourism component of the local planning strategy should be informed by an accommodation demand/supply study and analysis that forecasts future tourism growth, including likely demand for tourist and short term-rental accommodation and long-term (permanent and rental) housing supply. The detail of the accommodation demand/supply analysis should reflect the extent and importance of local tourism and land use/land supply pressures in the locality.”
(extract from WAPC Planning for Tourism and Short-term Rental Accommodation Guidelines 2023)

It is proposed that if the local planning policy is adopted, it is reviewed after a period of 12 months in the light of experience and findings during the first year of operation so that its provisions (and discretionary cap) can be reconsidered. At this point the local planning policy will be returned to PRDC and Council.

LPP 2.2 is also intended to supersede existing local planning policies that have previously offered guidance for short term rental accommodation uses. It is expected that the following will be revoked upon the Gazettal of the scheme amendment and subsequent adoption of the new policy:

- LPP 2.4: Bed & Breakfast Accommodation
- LPP 2.8: Unrestricted Residential Accommodation
- LPP 2.9: Unrestricted Residential Occupation

Analysis of Financial and Budget Implications

No financial or budget implications.

Community Consultation

Should Council resolve to proceed with advertising the draft policy, public advertising will be undertaken concurrently with the scheme amendment proposal for a period of not less than 42 days.

Relevant stakeholders (including government bodies, service/utility providers and agencies representing short-term rental accommodation operators) will be advised of the proposals and invited to comment.

Councillor/Officer Consultation

The draft policy has been the subject of collaboration and development involving representatives from the City's Planning, Building Services and Environmental Health teams.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The recommendation of the Policy Review and Development Committee will be included in the agenda item presented to Council.

Pending Council endorsement, the draft local planning policy will be advertised in conjunction with the proposed Scheme Amendment No. 14 and accordance with the Regulations. Submissions on each of the proposals will be returned to Council for further consideration prior to adoption and prior to recommendation of the scheme amendment to the Minister for Planning.

Outcome of Meeting 29 January 2025

Cr Andrew left the meeting at 10:00am as he declared a financial interest in this item.

The Principal Strategic Planning Officer provided an overview of the policy.

Cr Smith moved, and Cr Steele seconded the executive recommendation. The Presiding Member put the motion to the vote, and it was carried unanimously.

Subject to Council resolving to adopt Scheme Amendment No.14 for the purpose of public advertising, the Policy Review and Development Committee recommends that Council resolves in accordance with the provisions of Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 to proceed to:

- 1. Advertise draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay for public comment for a period of not less than 42 days.***
- 2. Recommend in keeping with the draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay that Council establish a discretionary cap that is to apply to the number of unhosted STRA approved within a Residential Zone that is situated outside of the designated Core Tourism Area, and propose that this be set at an initial figure (cap) of 110.***
- 3. Following completion of the public comment period, that Council receive a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.***

Cr Andrew rejoined the meeting at 10:17am.

8.2 Amendment of Local Planning Policy 3.4 Outbuildings and Minor Structures (listed as 8.6 in the agenda)

File Ref:	COB/4290
Applicant/Proponent:	Internal
Responsible Officer:	Alice Baldock, Team Leader City Planning
Responsible Manager:	Barbara Macaulay, Manager Planning & Building
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:	Appendix 8.6-A - Local Planning Policy No. 3.4 Outbuildings and Minor Structures

Summary

The City’s Planning Department continues its staged review of the City’s Local Planning Policies (LPPs). The objective of the review process is to provide for a more streamlined and navigable planning framework, eliminating inconsistency of development standards and improving planning outcomes and decision-making.

The State government released the 2024 Residential Design Codes Volume 1 (R-Codes) in April 2024 which contained a series of amendments to the former State Planning Policy 7.3 Residential Design Codes 2021. The revised R-Codes has resulted in some inconsistencies with the City’s Local Planning Policy 3.4 Outbuildings and Minor Structures. As such the policy is being amended to reflect consistency for with the revised R-Codes.

The amendments are considered minor in nature and therefore are not considered to require advertising pursuant to Schedule 2, Part 3, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Executive Recommendation

That the Policy Review and Development Committee recommends that Council resolves to:

1. In accordance with the *Planning and Development Act 2005* (as amended), amend Local Planning Policy 3.4 Outbuildings and Minor Structures (as contained in Appendix 8.6-A) in accordance with Part 2, Schedule 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Publish a notice of the amendment in a newspaper circulating in the Scheme area.

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 Local Planning Policy review will not have any regional impact.

Background

The City's Local Planning Policy 3.4 - Outbuildings and Minor Structures (LPP3.4) was adopted in December 2021, as part of the review of the Local Planning Policy framework. The policy provides a clear framework for the assessment of outbuildings, carports and patios, varying the deemed-to-comply provisions of the Residential Design Codes Volume 1 (R-Codes).

The State government released the 2024 R-Codes in April 2024 which contained a series of amendments to the former State Planning Policy 7.3 Residential Design Codes 2021. The key change to the revised R-Codes is that it is now split into two different parts (Part B and Part C), which provide different development standards based on the type of development and density coding of the lot.

The review of LPP3.4 aligns to the State Government's Planning Reform priorities for reduction of red tape, simplification and streamlining of planning processes, and improved navigability of the planning framework.

Council Policy Compliance

Not applicable.

Legislative Compliance

Part 2, Schedule 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) sets out the procedural requirements for amending a Local Planning Policy.

Officer Comments

LPP3.4 modifies deemed-to-comply requirements of the R-Codes in respect of building height, lot boundary setbacks and size of outbuildings, patios and carports. The proposed amendments to the policy are considered minor, including updated provisions, clause references and exemptions aligning with the updated R-Codes which came into effect in April 2024.

The differing development standards across Part B and Part C of the R-Codes (particularly relating to outbuildings, patios and carports) and clause references have resulted in some inconsistencies with the City's LPP3.4. As such the policy is being amended to reflect consistency for with the revised R-Codes. The key changes are summarised below:

- Updating of terms referenced in policy to be consistent with R-Codes changes.
 - Simplification of clause references in Table 1a and Table 1b.
 - Amendment of Table 2, specifically increasing the maximum wall height and floor area of outbuildings for lots less than 500m², to be consistent with the R-Codes Part C requirements (maximum wall height of 3m and floor area of 60m²).
-

- Addition of relevant R-Codes assessment clauses when considering variations under the policy.
- Updated definitions to reflect consistency with the R-Codes.

A full copy of the tracked changes to the policy can be found in Appendix 8.6-A.

Analysis of Financial and Budget Implications

No financial or budget implications.

Community Consultation

Pursuant to Schedule 2, Part 3, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a local government may make an amendment to a local planning policy without advertising if the amendment is considered minor. Given the administrative nature of the amendment, it was considered minor and therefore was not advertised.

A notice of the amendment will be published in a newspaper circulating the Scheme area.

Councillor/Officer Consultation

The amendment of the Policy has been referred to the City of Bunbury's City Planning and Building team for professional advice prior to the finalisation of this report.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The recommendation of the Policy Review and Development Committee will be included in the agenda item presented to Council.

Where Council determines to adopt a local planning policy, a notice will be published, and a copy of the policy made available in accordance with clause 89 of the Regulations. A policy has effect on publication of the notice.

Outcome of Meeting 29 January 2025

The Team Leader City planning provided an overview of the amendments to the Policy.

Cr Steele moved, and Cr Andrew seconded the executive recommendation. The Presiding Member put the motion to the vote, and it was carried unanimously.

That the Policy Review and Development Committee recommends that Council resolves to:

- 1. In accordance with the Planning and Development Act 2005 (as amended), amend Local Planning Policy 3.4 Outbuildings and Minor Structures (as***
-

contained in Appendix 8.6-A) in accordance with Part 2, Schedule 2, Clause 5(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.

- 2. *Publish a notice of the amendment in a newspaper circulating in the Scheme area.***

8.3 Review of Council Policy: Commercial Leases and Licenses (listed as 8.2 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Gemma Stewart, Senior Lands Officer
Responsible Manager:	Felicity Anderson, Manager Economic 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 type="checkbox"/> Information <input type="checkbox"/> Legislative Purposes
Attachments:	Appendix 8.2-A: Council Policy: Commercial Leases and Licences

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy: Commercial Leases and Licenses.

This item was deferred at the PRDC meeting held 30 October 2024 and is now presented for consideration.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy Commercial Leases and Licenses attached at appendix 8.2-A.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

Nil, the policy only applies within the City of Bunbury.

Background

The Commercial Leases and Licenses Council Policy was last reviewed by Council in December 2022.

The Policy outlines the procedures for providing leases/licences to commercial entities to undertake commercial activities during negotiations for the granting of a new lease/licence or when Expressions of Interest (EOI) are sought for commercial tenants on vacant premises.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

N/A

Officer Comments

The Commercial Leases and Licenses Council Policy was presented to the PRDC meeting held 30 October where the committee resolved to defer the review of the policy until this meeting. The reason that the policy was deferred was for officers to consider if it was possible to include additional clauses within the to ensure that City leases remain current, all lessees have current insurance, and that all City properties receive property inspections.

A copy of the revised policy with tracked changes is presented at appendix 8.2-A.

A report detailing the outcomes of the Lease Management Internal Audit was presented to and noted by Council at the Ordinary Council meeting held 26 November 2024 (Council Decision 249/24). It was noted within this report that as part of the 2025/26 Services Facilities Plan process, additional FTE resources will be investigated to facilitate property inspections.

Analysis of Financial and Budget Implications

Nil as there are no changes proposed to the existing policy.

Community Consultation

Nil

Elected Member/Officer Consultation

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

Timeline: Council Decision Implementation

Any changes to the policy will become effective immediately once adopted by Council.

Outcome of Meeting 29 January 2025

Cr Steele moved, and Cr Andrew seconded the executive recommendation. The Presiding Member put the motion to the vote, and it was carried unanimously.

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy Commercial Leases and Licenses attached at appendix 8.2-A.

8.4 Review of Council Policy: Elected Member Entitlements (listed as 8.3 in the agenda)

File Ref:	COB/6306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance & Integrated Planning
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 checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.3-A: Revised Council Policy Elected Member Entitlements

Summary

The purpose of this report is to facilitate a review of the Council Member Entitlements Policy. Following general discussion in relation to this matter at previous meetings of this committee, as well as at Council and also strategic workshops, Officers have made proposed updates to the policy reflecting the sentiment of these discussions.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 8.3-A.
2. Agree that the provision of ICT hardware as per clause 2.1 of the policy will take effect from 1 July 2025.

Voting Requirement: Simple Majority Vote

Strategic Relevance

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

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

The policy was last reviewed in December 2022. At the Policy Review and Development Committee (PRDC) meeting held on 30 October 2024, the policy was deferred for further refinement to be presented back to the PRDC on 29 January 2025.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Local Government Act 1995

Western Australia Salaries and Allowances Act 1975

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

Officer Comments

Following general discussion in relation to this matter at previous meetings of the Policy Review and Development Committee, as well as at Council, and strategic workshops, Officers have made proposed updates to the policy reflecting the sentiment of these discussions (see tracked changes at Appendix 8.3-A).

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The policy will apply immediately following Council decision, noting that recommendation point 2 stipulates that the provision of ICT hardware as per clause 2.1 of the policy will take effect from 1 July 2025.

Outcome of Meeting 29 January 2025

Cr Kozisek moved, and Cr Smith seconded the executive recommendation.

During discussion an amendment to the policy was suggested to a sentence under section 2.1 of the policy as follows:

*...the City will provide each Elected Member appropriate IT hardware (laptop, tablet, or similar) for the duration of their elected term, **unless requested otherwise.***

The Presiding Member put the motion to the vote, and it was carried unanimously.

That the Policy Review and Development Committee recommend that Council:

- 1. Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 8.3-A.***
- 2. Agree that the provision of ICT hardware as per clause 2.1 of the policy will take effect from 1 July 2025.***

8.5 Review of Council Policy: Elected Member Requests (listed as 8.4 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance & Integrated Planning
Responsible Manager:	Greg Golinski, Manager Governance & Integrated Planning
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.4-A: Council Policy Elected Member Requests

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy Elected Member Requests.

A copy of the current policy is contained at Appendix 8.4-A

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy Elected Member Requests, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

This Policy applies only to the City of Bunbury.

Background

The purpose of the Elected Member Requests Policy is to ensure that the City has a streamlined process in which it responds to requests made by elected members in a timely and professional manner.

The existing policy was last reviewed in October 2022 and is now due for review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Not applicable.

Officer Comments

Officers have reviewed the current policy and do not propose any changes.

As part of the Local Government Reforms, it is anticipated that regulations will outline a communication agreement required between Council Members and the CEO, which may have impacts on this policy. The Policy will be presented to the committee for review should any changes be required as a result of the reforms.

Analysis of Financial and Budget Implications

Nil as there are no changes proposed to the policy.

Community Consultation

Nil

Elected Member/Officer Consultation

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

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.

Outcome of Meeting 29 January 2025

Cr Andrew, moved, and Cr Smith seconded the executive recommendation.

During discussion, Cr Andrew suggested a second point to the recommendation, which formed part of the substantive motions as follows:

2. *Request the CEO hold a strategic workshop in relation to this topic, within the next three months.*

The Presiding Member put the motion to the vote, and it was carried unanimously.

That the Policy Review and Development Committee recommend that Council:

- 1. That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy Elected Member Requests, with no changes recommended.***
- 2. Request the CEO hold a strategic workshop in relation to this topic, within the next three months.***

8.6 Review of Council Policy: Temporary Appointment of CEO (listed as 8.5 in the agenda)

File Ref:	COB/5458
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance & Integrated Planning
Responsible Manager:	Greg Golinski, Manager Governance & Integrated Planning
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.5-A: Temporary Appointment of CEO Policy

Summary

This report is presented to the Policy Review and Development Committee to facilitate a review of Council’s existing policy regarding the temporary appointment of a Chief Executive Officer for the City of Bunbury (Acting CEO).

A copy of the current policy is **attached** at Appendix 8.5-A

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Temporary Appointment of CEO, with no changes recommended.

Voting Requirement: Absolute Majority

Strategic Relevance

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

Regional Impact Statement

This Policy applies only to the City of Bunbury

Background

Section 5.36 of the *Local Government Act 1995* (the Act) requires a local government to employ a CEO and such other persons as the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed.

Section 5.39 (1a) of the Act states that an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting.

The introduced section of 5.39C of the Act requires that a local government must prepare and adopt by an absolute majority a policy that sets out the process to be followed by the local government in relation to the employment of a person in the position of CEO for a term not exceeding 1 year.

This policy was last reviewed by Council in March 2023 and is presented to the Policy Review and Development Committee for its biennial review.

Council Policy Compliance

This report facilitates a review of existing Council Policy: Temporary Appointment of CEO.

Legislative Compliance

Sections 5.36, 5.39 and 5.39C of the *Local Government Act 1995* apply.

Officer Comments

Officers have reviewed the existing policy in the context of the relevant legislation and suggest that the policy remains appropriate in its current form.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

This report is presented to the Policy Review and Development Committee for consideration and recommendation to Council.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Once adopted by Council, any amendments to the Policy become effective immediately.

Outcome of Meeting 29 January 2025

Cr Andrew moved, and Cr Kozisek seconded the executive recommendation. The Presiding Member put the motion to the vote, and it was carried unanimously.

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Temporary Appointment of CEO, with no changes recommended.

9. Questions from Members

9.1 Response to Previous Questions from Members taken on Notice

At the Policy Review and Development Committee Meeting held on 30 October 2024, Cr Quain asked the following questions which were taken on notice and are now presented below with a response.

Question 1

Which policy speaks to the provision of soap in public bathrooms and can this be presented to the Committee for review.

Response

The City of Bunbury Health local laws 2001 states that soap or other hand cleaning substances and hand drying facilities are not required in unattended public toilets.

These local laws are due to be reviewed in 2025/26 and community and stakeholder engagement will occur as part of this process.

Question 2

Which policy speaks to the provision of hot water in public ablutions and can this be presented to the Committee for review.

Response

There is no Council Policy which relates to the provision of hot water in public ablutions as this is an operational matter. The provision of hot water is considered on a case-by-case basis as facilities are constructed or upgraded.

9.2 Questions from Members

Nil

11. Date of Next Meeting

The next PRDC meeting is scheduled for Wednesday, 26 March 2025.

10. Urgent Business

Nil

12. Close of Meeting

The Presiding Member closed the meeting at 10:40am.

Confirmed on 26 March 2025 as a true and accurate record of proceedings of the Policy Review and Development Committee meeting held on 29 January 2025.

Cr Marina Quain
Presiding Member
