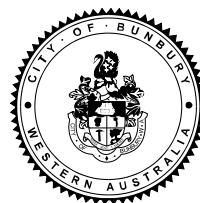




## City of Bunbury Council

### Minutes

25 February 2025



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

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

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## Acknowledgement of Country

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

## Vision

Bunbury: welcoming and full of opportunities.

## Organisational Values

### #WEARECOB

#### **WE ARE COMMUNITY**

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

#### **WE ARE OPEN**

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

#### **WE ARE BRAVE**

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

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## Nature of Council’s Role in Decision Making

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

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

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

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

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

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

## 1. Declaration of Opening / Announcements of Visitors

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

## 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

Any plans or documents contained within this Agenda and any associated Appendices are Copyright of the City of Bunbury. The content is protected by Australian and International copyright trademark. Content must not be modified or reproduced without written authorisation of the City of Bunbury.

### Recording and Webstreaming of Meetings

- All Ordinary and Special Council Meetings are electronically recorded in accordance with Section 5.23A of the *Local Government Act 1995*.
- 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> or <https://www.youtube.com/@CityofBunbury>.
- Recordings can be accessed at <https://www.youtube.com/@CityofBunbury>
- 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

<b>Council Members:</b>	
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
	Councillor P Ramesh
<b>Executive Leadership Team (Non-Voting)</b>	
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
<b>City of Bunbury Officers (Non-Voting)</b>	
Manager Governance and Integrated Planning	Mr G Golinski
Manager Finance	Mr D Ransom
Manager Communications and Place Activation	Mr J Lynam
Team Leader Procurement	Ms J Parsons
Principal Strategic Planning Officer	Mr K Storey
Governance Officer	Mr L Murphy
Senior Corporate Communications Officer	Ms K Fielding
<b>Others (Non-Voting)</b>	
Members of the Public	50 approx.

### 4.1 Apologies

Cr Ghasseb was absent from the meeting.

### 4.2 Approved Leave of Absence

Cr Steck was approved for a leave of absence for 25 February 2025 at item 11.3.

## 5. Declaration of Interest

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

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

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

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

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

Cr Andrew declared a financial interest in item 10.4.1 *Proposed Scheme Amendment No.14 - STRA (Regulatory Reform) and Proposed Local Planning Policy 2.2 - Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay*, as he provides contract management services to accommodation providers.



## 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

Questions were received from the following persons and are presented below alongside any responses from the CEO:

#### **Jane Anderson**

##### Question

Given there is significant and increasing interest in the petition for a homeless shelter, what has the City of Bunbury done, and plans to do, with regards advocating for a shelter with the WA State Government?

##### Response

The City continues to work hard on behalf of its community through supporting relevant agencies to the best of its ability by providing support and collaborating with the relevant service providers and organisations such as those involved in the Housing First strategy, with the State Government as the lead. Reducing the number of people who are homeless or at risk of homelessness is a priority for the State Government, guided by the All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020-2030.

I refer you to the information contained in the Minutes of the Ordinary Council Meeting held 15 October 2024, and responses provided in the Minutes of the Annual General Meeting of Electors held 17 December 2024 which outlines all of the work the City has been doing in this space. City staff continue to work hard and this is all detailed in those minutes.

The Mayor added that the State Government is currently in caretaker mode, however the City will continue to work with the Government following the Election.

#### **Ingrid Hilario**

##### Question

Would the City of Bunbury allow the petition for a homeless shelter to be displayed in shire buildings? Its display would assist the City to advocate for this facility – an action for which the Council voted unanimously. Having the petition placed in shire buildings would send a strong message about this community need.

##### Response

The City has no official policy position on hosting petitions at City managed facilities, however it is general practice that the City should not be perceived to be endorsing a petition, especially considering that all petitions are addressed to the Council. We consider that hosting petitions at our facilities would be inappropriate and may put staff into an

uncomfortable position given that members of the public may have questions in relation to the contents of the petition.

Whilst in this instance, the contents of the petition support a previous resolution of Council, a further concern is the creation of a precedent by favouring certain petitions over others, where future petitions may contradict a position of the Council

### **Gwendoline Stapleton**

#### Question 1

Does City of Bunbury still intend closing Withers Community Library in April 2025?

#### Response

Council's current decision in this regard from December 2024 is that:

#### *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.*

There are ongoing discussions, and we are aware of a petition which will be table tonight, however, as per point 4 of the above decision, the status quo for Withers Library operations will remain should the proposal not proceed.

#### Question 2

Can you give a yes or no answer – is the library closing in April?

#### Response

We understand there is a petition which will be tabled tonight in reference to the Withers Library, and if received a report will be brought back to Council. Should Foodbank not wish to proceed with their proposal, the status quo will remain. A response to the petition will be dealt with as per the usual process.

#### Question 3

Foodbank have extended their lease so will the library time be extended?

#### Response

There is not much more which can be added at this time. The City will work through any process with the petition and bring a report back to Council. Foodbank may not wish to proceed with their proposal, however that is as clear as I can be at this time.

**6.2 Responses to Public Questions Taken ‘On Notice’**

Nil

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

### **7.1 Minutes**

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

The minutes of the Ordinary meeting of the City of Bunbury Council held 4 February 2025 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the City of Bunbury Council held 4 February 2025 be confirmed as a true and accurate record.

*Voting Requirement: Simple Majority Required*

#### **Outcome of Meeting 25 February 2025**

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

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

#### **Council Decision 014/25**

***The minutes of the Ordinary meeting of the City of Bunbury Council held 25 February 2025 be confirmed as a true and accurate record.***

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

### 7.1.2 Minutes – Council Advisory Committees

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Alan Ferris, Chief Executive Officer
<b>Authority/Discretion:</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 7.1.2-A: PRDC Minutes 29 January 2025

#### Summary

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

- Title: Policy Review and Development Committee  
Author: Liam Murphy, Governance Officer  
Appendix: 7.1.2-A

#### Council Committee Recommendation

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

- Policy Review and Development Committee 29 January 2025

#### Outcome of Meeting 25 February 2025

The recommendation (as written) was moved by Cr Andrew 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 015/25**

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

***1. Policy Review and Development Committee 29 January 2025***

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

## 8. Petitions, Presentations, Deputations and Delegations

### 8.1 Petitions

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

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

#### **Outcome of Meeting 25 February 2025**

Cr Ramesh tabled a petition which read:

***Petition in Relation to City of Bunbury Council: Transition of Services – Withers Community Library. (Closure of the library)***

#### ***To the Mayor of the Council of the City of Bunbury***

*We the undersigned, being electors of the City of Bunbury are opposed to the motion unanimously passed by Councillors at the Ordinary Council meeting on the 10<sup>th</sup> Dec. 10.3.2 Transition of Services – Withers Community Library.*

*Your petitioners therefore respectfully request the Council of the City of Bunbury to:*

1. *Rescind the motion 10.3.2 Transition of Services – Withers Community library.*
2. *Reactivate the Withers Community Library with extended opening hours, activities and programs.*

Pursuant to clause 6.10(2), Cr Ramesh moved, and Cr Quain seconded a motion to receive the petition.

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

#### **Council Decision 016/25**

***Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, that Council receive the petition in regard to “Transition of Services – Withers Community Library” and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.***

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

**8.2 Presentations**

Nil

**8.3 Deputations**

Nil

**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 10.1.1, 10.1.2, 10.1.5, 10.2.1, 10.3.1, 10.3.2, 10.4.2, and 10.5.2.

Items 10.1.3, 10.1.4, 10.4.1 and 10.5.1 were discussed and voted on separately.

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

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



## 10. Reports

### 10.1 Amendment of Local Planning Policy 3.4 Outbuildings and Minor Structures (listed as 10.1.1 in the agenda)

<b>File Ref:</b>	COB/4290		
<b>Applicant/Proponent:</b>	Policy Review and Development Committee		
<b>Responsible Officer:</b>	Alice Baldock, Team Leader City Planning		
<b>Responsible Manager:</b>	Barbara Macaulay, Manager Planning & Building		
<b>Executive:</b>	Andrew McRobert, Director Sustainable Development		
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input type="checkbox"/> Legislative		
<b>Attachments:</b>	Appendix 10.1.1-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*.

#### Committee & Executive Recommendation

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 10.1.1-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 500m<sup>2</sup>, to be consistent with the R-Codes Part C requirements (maximum wall height of 3m and floor area of 60m<sup>2</sup>).
- 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 10.1.1-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**

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 25 February 2025**

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

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 017/25**

##### ***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 10.1.1-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.***

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

**10.2 Review of Council Policy: Commercial Leases and Licences** (listed as 10.1.2 in the agenda)

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Responsible Officer:</b>	Gemma Stewart, Senior Lands Officer
<b>Responsible Manager:</b>	Felicity Anderson, Manager Economic Development
<b>Executive:</b>	Andrew McRobert, Director Sustainable Development
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.2-A: Council Policy: Commercial Leases and Licences

**Summary**

The purpose of this report is for Council to review existing Council Policy: Commercial Leases and Licences.

**Committee & Executive Recommendation**

That Council adopt the revised Council Policy Commercial Leases and Licences attached at appendix 10.1.2-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 Licences 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 10.1.2-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 Council by 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 25 February 2025**

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

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 018/25**

***That Council adopt the revised Council Policy Commercial Leases and Licenses attached at appendix 10.1.2-A.***

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



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 Council by 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 25 February 2025**

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

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 019/25**

***That Council note the review of Council Policy Temporary Appointment of CEO, with no changes recommended.***

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





### **Council Policy Compliance**

No Council Policy applies in this instance.

### **Legislative Compliance**

No Legislative Compliance applies in this instance.

### **Officer Comments**

The next CEO KPIs report is scheduled to be presented in the Council Agenda at the Ordinary Council Meeting in May 2025, which will be reporting on Quarter 3 2024-25.

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

Nil

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

Elected Members adopted the 2024-25 CEO KPIs at the Ordinary Council Meeting held on 23 July 2024 and Officers have assisted with the compilation of the Quarter 2 2024-25 report.

### **Outcome of Meeting 25 February 2025**

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

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 020/25**

***That Council notes the CEO KPIs Quarter 2 2024-25 Report for the period ending 31 December 2024, as presented in Appendix 10.2.1-A.***

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



### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

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

### **Officer Comments**

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

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

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

The report outlines progress towards actions scheduled for completion within the 2024-2025 financial year.

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

Budget figures included in the Report are aligned with the operating and capital project expenditure outlined in the Corporate Business Plan 2024 -2028, and Annual Budget 2024-2028.

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

Elected Members adopted The Corporate Business Plan 2024 - 2028 at the Special Council Meeting held on 24 July 2024. The Plan was developed in consultation with Executives, Managers, and Officers. Executive and Managers were engaged by Officers in compilation of the Quarter 2 2024-25 report.

### **Outcome of Meeting 25 February 2025**

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

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 021/25**

**That Council notes the Corporate Business Plan Quarter 2 2024-25 Report. For the period ending 31 December 2024, as presented in Appendix 10.3.1-A.**

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

**10.6 Schedule of Accounts Paid for the period 1 January 2025 to 31 January 2025** (listed as 10.3.2 in the agenda)

<b>File Ref:</b>	COB/6615	
<b>Applicant/Proponent:</b>	Internal Report	
<b>Responsible Officer:</b>	David Ransom, Manager Finance	
<b>Responsible Manager:</b>	David Ransom, Manager Finance	
<b>Executive:</b>	Karin Strachan, Director Corporate and Community	
<b>Authority/Discretion:</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 10.3.2-A: Schedule of Accounts Paid	

**Summary**

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 January 2025 to 31 January 2025 is attached at Appendix 10.3.2-A. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$11,138,816.06
2. Trust Account – payments totalling \$19,666.08
3. Visitor Information Centre Trust Account – payments totalling \$3,566.55

**Executive Recommendation**

The Schedule of Accounts Paid for the period 1 January 2025 to 31 January 2025 be received.

*Voting Requirement: Simple Majority*

**Outcome of Meeting 25 February 2025**

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

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

<p><b>Council Decision 022/25</b></p> <p><b>The Schedule of Accounts Paid for the period 1 January 2025 to 31 January 2025 be received.</b></p> <p>CARRIED UNANIMOUSLY 9 votes “for” / Nil vote “against”</p>
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### **Strategic Relevance**

Pillar	Place
Aspiration	An integrated vibrant and well planned city
Outcome No. 7	A community with high-quality urban design and housing diversity
Objective No. 7.1	Promote responsible planning and development

### **Regional Impact Statement**

The proposed amendments align with and support both strategic directions and population growth aspirations contained within the Bunbury Geopraphe Sub-regional Strategy 2022 (BGSrS), most notably:

#### *BGSrS Theme - Growth:*

- 2. Provide for the growth of the sub-region's population to 200,000 by identifying sufficient residential and employment land to cater for this target population.*
- 3. Recognise the broader aspiration for a population of 300,000 in the subregion and respond to accelerated rates of growth by identifying additional residential and employment land, through regular monitoring and updating the Strategy as required.*

#### *BGSrS Theme – Urban Settlement:*

- 10. Promote a consolidated urban form for the Bunbury Metropolitan Area through urban infill and increased residential densities around activity centres and other areas identified in a local planning strategy, while respecting heritage values and the distinctive character of each locality.*

### **Background**

Prepared by City of Bunbury staff in consultation with key stakeholder groups and the local community, the Local Housing Strategy 2021 considers the housing needs of the City over the next 15 to 20 years. In implementation it seeks to encourage the development of a mix of housing types within suitable locations of the City in a manner that respects local amenity and established character.

The adopted Local Housing Strategy incorporates 'Actions' and identifies housing 'Focus Areas' within which further planning investigations are to be undertaken. While activities associated with a number of the stated actions have commenced (notably within Glen Iris, Withers, Spencer/Blair and Back Beach precincts), in order to provide greater statutory weight to key aspects of the Local Housing Strategy an amendment to the Local Planning Strategy is required by modifying and updating text and mapping within LPS Part 1 - Housing Theme.

### **Council Policy Compliance**

The Strategy amendment as drafted is consistent with the Local Housing Strategy adopted by Council in 2021.

### **Legislative Compliance**

The proposed amendment is being progressed in accordance with requirements of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations').

### **Officer Comments**

The scope of the amendment is set out within the Strategy Amendment No. 3 report. In particular the Strategy amendment seeks to:

- (a) recognise the Focus Areas identified within the Local Housing Strategy
- (b) demonstrate support for a greater diversity of housing types
- (c) facilitate better alignment between housing supply and demand.

Accommodating further growth in focus areas will, as stated in the Local Housing Strategy:

*“...allow the areas retained at lower density to maintain a balance in the mix and availability of housing type. It is intended that the resulting mix will provide a range of choice for families with dependents while enabling growth in the city centre and other activity centres to provide different opportunities for all sectors of Bunbury’s community, especially singles and older residents looking to downsize within the local area.”*

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

There are no financial or budgetary implications in progressing with the proposed amendment.

### **Community Consultation**

Prior to the Local Housing Strategy’s adoption by Council in 2021 consultation was undertaken in line with a Communication and Engagement Plan that included:

- survey responses / comment via the City’s social pinpoint platform
- community and BGCCI briefings
- individual stakeholder teleconferences and meetings
- advertising via social and printed media
- direct email and mail contact.

Following consent from the Western Australian Planning Commission, draft Local Planning Strategy Amendment No. 3 was publicly advertised for community comment for 21 days in accordance with the Regulations. This included:

- a public notice published within the local press (x3)
- a public notice appearing on the City’s website
- hard copies of the documentation made available at the City’s Administration Building.

No submissions from the public were received. Service agencies were advised of the proposal and comments from those that provided a response are captured within the Schedule of Submissions which is attached as Appendix 10.4.2-B. Further opportunity for comment by both the public and service agencies can be expected during subsequent stages of plan preparation and assessment.

### **Councillor/Officer Consultation**

The Local Planning Strategy amendment as proposed was a recommended action (Action 3) in the ‘Strategy and Scheme – First Cycle Review 2018-2023’ report that was prepared by City Officers and presented to elected Members at an information session held on 27 February 2024.



Strategy Amendment No. 3 was initiated for the purpose of public advertising by a resolution of Council on 29 May 2024.

**Timeline: Council Decision Implementation**

The resolution of Council to support Strategy Amendment No. 3 together with the amendment documentation will be referred to the Western Australian Planning Commission.

**Outcome of Meeting 25 February 2025**

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

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 023/25**

**That Council, in accordance with the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:**

**1. Advise the Western Australian Planning Commission that Council supports 'Strategy Amendment No.3 – Housing Theme Update' that proposes to modify:**

**(a) the text box on page 23 by revising and updating the list of documents appearing under 'Relevant State strategies, plans or policies', and by inserting a new entry under 'Relevant Local strategies, plans or policies' that acknowledges the 'City of Bunbury Local Housing Strategy 2021'**

**(b) strategy text boxes appearing on page 24 under 'Strategies'**

**(c) text on page 24 that provides the detail associated with each numbered strategy**

**(d) the Housing Theme Strategy Map on Page 25 by including identified 'Housing Focus Areas' as a graphic insert as depicted within the Strategy Amendment No.3 report.**

**2. Refer the Scheme Amendment No. 3 report, Schedule of Submissions and supporting documentation to the Western Australian Planning Commission for their review and consideration.**

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



## Background

The City of Bunbury is a current participant in the WALGA Sustainable Energy Project. The Project is an Australian Competition & Consumer Commission (ACCC) approved buying group of Local Governments that has contracted electricity under a volume aggregated purchasing process. Participants benefit from access to renewable energy and reduced energy prices.

There are 48 Local Government participants contracted to the Phase One contract term which commenced on 1 April 2022 and will expire on 31 March 2025. The Phase One term of the Project is estimated to have saved Local Governments \$34 million in expenditure and offset over 120,000 tonnes of carbon.

The City is estimated to have saved \$834,247 in expenditure and offset 1646 tonnes of carbon during phase one.

The previous council decision is included below.

### **Council Decision 262/21**

#### ***That Council:***

- 1. Endorses the City of Bunbury's participation in the Western Australian Local Government Association (WALGA) Energy Sustainability and Renewables Energy Project.***
- 2. Accepts WALGA's Energy Framework Offer and authorises the Chief Executive Officer to negotiate and enter into an Electricity Supply Agreement with Electricity Generation and Retail Corporation, trading as Synergy (Synergy) for the supply of electricity to the City's contestable sites for the period commencing 1 July 2022 and ending 20 June 2025 on the basis of accepting an unbundled price structure and Natural Power (renewable energy) to be provided in increasing percentages (Year 1 – 25%, Year 2 – 50% and Year 3 -100%) over the term of the Electricity Supply Agreement.***
- 3. Request the CEO present Council with options for the City's contestable sites to provide their own renewable energy, prior to the end of the 3-year Electricity Supply Agreement.***
- 4. Request the CEO collaborate with surrounding Local Governments to identify opportunities for investment in the production of renewable energy for the region.***

CARRIED

## Council Policy Compliance

The proposed contract is in accordance with

- Purchasing Council Policy
- Sustainability and Environmental Strategy 2023-2028

## Legislative Compliance

The total consideration under the resulting contract is greater than \$400,000, or \$1,200,000 for a multi-year contract. Therefore, in accordance with section 5.43(b) of the *Local Government Act 1995* (the Act) read with Delegation 1.1.12, the quotation is required to be considered by Council.

## Officer Comments

In December 2023, the City of Bunbury entered an MOU with WALGA allowing the City's contestable energy spend to be represented into this procurement process for the purposes of

pricing. WALGA ran a Request For Quotation (RFQ) for a new contract which was overseen by a steering committee and evaluated by a team of WALGA officers, Local Government officers, and independent technical consultants.

Modelling from WALGA shows that the Western Australian Wholesale Electricity Market (WEM) has changed significantly since the Project was first tendered to the market in 2021. The short-term electricity market price has increased from \$48.03 in Q3 2021 to \$98.54 at the end of June 2024, an increase of 105%.

The most advantageous offer from the RFQ was an alternative offer received from Synergy, which is summarised as follows:

- A three-year contract term from 1 April 2025 to 31 March 2028
- A new Time-of-Offer band that allows for Peak, Midday and Off-Peak rates allowing for spend optimisation by scheduling consumption into a business hours period that has a cheaper supply rate
- Unbundled pricing
- Value added services that include an option to apply NaturalPower to street lighting

Synergy's terms are dependent on 100% of Participants agreeing to the contract. The WALGA Sustainable Energy Project Phase Two offer includes fall back options (1 & 2) depending on the percentage of participation.

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

WALGA modelling estimates that by accepting the most advantageous offer from Synergy, WALGA Members will incur an estimated average 36% increase from their incumbent three-year contract (locked in rates from 2022). This compares to an estimated increase in costs (62% for unbundled and 81% for bundled offers) that would otherwise occur were it not for the continuation of the WALGA Sustainable Energy Project.

The City's offer represents a 32% increase in costs for Bunbury's 13 contestable sites, which will be incorporated into future budget projections. However, this is a 17% saving when compared to open market pricing over the 3 years.

Detailed breakdown of the contract pricing has been provided in *Confidential Appendix 10.5.2-A WALGA Sustainable Energy Project Phase Two* as the pricing contained in the attachment is commercial in confidence.

### **Community Consultation**

Not applicable.

### **Councillor/Officer Consultation**

This recommendation has been prepared in consultation with the Director Infrastructure, and the Manager Finance.

### **Applicant Consultation**

Not applicable.

**Timeline: Council Decision Implementation**

The City must provide a signed contract back to WALGA before 7 March 2025 to participate. The new contract will commence 1 April 2025.

**Outcome of Meeting 25 February 2025**

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

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 024/25**

**That the Council:**

- 1. Accept the most advantageous offer from the WALGA Sustainable Energy Project Phase two, and enter into a Renewable Energy Supply Arrangement, effective 1 April 2025 for a three-year term.**
- 2. If the most advantageous offer does not receive 100% take up by the group of Councils, that Council proceed with the fall back options 1 or 2.**

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

## 10.9 Review of Council Policy: Elected Member Entitlements (listed as 10.1.3 in the agenda)

<b>File Ref:</b>	COB/6306
<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance & Integrated Planning
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance and Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Corporate and Community
<b>Authority/Discretion</b>	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.3-A: Revised Council Policy Elected Member Entitlements

### Summary

The purpose of this report is to facilitate a review of the Elected 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.

### Committee & Executive Recommendation

That Council:

1. Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 10.1.3-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 10.1.3-A).

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

Nil

## **Community Consultation**

Nil

## **Councillor/Officer Consultation**

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

## **Applicant Consultation**

Not applicable.

## **Timeline: Council Decision Implementation**

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 25 February 2025**

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 025/25**

**That Council:**

- 1. Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 10.1.3-A.**
- 2. Agree that the provision of ICT hardware as per clause 2.1 of the policy will take effect from 1 July 2025.**

CARRIED

5 votes “for” / 4 votes “against”

Councillors Kozisek, Quain, Ramesh, Smith and Steele voted “for”

Mayor Miguel and Councillors Andrew, Brown and Turner voted “against”



### 10.10 Review of Council Policy: Elected Member Requests (listed as 10.1.4 in the agenda)

<b>File Ref:</b>	COB/306
<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance & Integrated Planning
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance & Integrated Planning
<b>Executive:</b>	Karin Strachan, Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
<b>Attachments:</b>	Appendix 10.1.4-A: Council Policy Elected Member Requests

#### Summary

The purpose of this report is for Council to review existing Council Policy Elected Member Requests.

A copy of the current policy is contained at Appendix 10.1.4-A

#### Executive Recommendation

That Council note the review of existing Council Policy Elected Member Requests, with no changes recommended.

*Voting Requirement: Simple Majority*

#### Committee Recommendation

That Council:

1. 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.

*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**

The PRDC 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 Council by the Policy Review and Development Committee for consideration.

## **Applicant Consultation**

Not applicable.

## **Timeline: Council Decision Implementation**

Immediately following Council decision.

## **Outcome of Meeting 25 February 2025**

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

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

**Council Decision 026/25**

**That Council:**

- 1. 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.**

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



- (b) forms part of -
  - (i) tourist and visitor accommodation; or
  - (ii) a caravan park;and
- (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.

C. amend the general definition for chalet to:

means a building that —

- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) forms part of –
  - (i) tourist and visitor accommodation; or
  - (ii) a caravan park;and
- (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.

D. amend the general definition for Unrestricted Length of Stay to:

means the occupation of accommodation designed for tourists on either a short-term rental accommodation or permanent basis.

1.2 in clause 49, Part 6 – ‘Land Use Terms Used’:

A. delete the definitions for:

- bed and breakfast
- holiday accommodation
- holiday house
- motel
- serviced apartment
- tourist development

B. amend the existing land use term for road house by deleting paragraph (d) and inserting:

- (d) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.

C. insert the definition for tourist and visitor accommodation as per Schedule 1 – Model Provisions

1.3 in clause 17, Table 3 - ‘Zoning Table’, Part 3, insert in alphabetical order the following land uses and permissibility:

- A. hosted short-term rental accommodation; designate as ‘P’ use in zones where a dwelling is capable of approval (i.e. Regional Centre, District Centre,

Neighbourhood Centre, Local Centre, Mixed Use – Commercial, Mixed Use – Residential, Residential and Rural zones); ‘X’ use in all other zones (i.e. Private Community Purpose, Service Commercial, Light Industry and General Industry zones) except Tourism zone where it is designated as an ‘I’ use.

- B. *unhosted short-term rental accommodation*; designate as ‘P’ use in the Tourism zone, as ‘D’ use in zones where a dwelling is permissible (i.e. Regional Centre, District Centre, Neighbourhood Centre, Local Centre, Mixed Use – Commercial, Mixed Use – Residential, Residential and Rural zones) and as ‘X’ use in all other zones (i.e. Private Community Purpose, Service Commercial, Light Industry and General Industry zones).
- C. *tourist and visitor accommodation* and designate as ‘D’ use in Regional Centre, District Centre and Tourism zones, as ‘A’ use in Mixed Use – Commercial zone, and as ‘X’ use in all other zones (i.e. Neighbourhood Centre, Local Centre, Mixed Use – Residential, Residential, Private Community Purpose, Service Commercial, Light Industry, General Industry and Rural zones).

1.4 in clause 17, Table 3 - ‘Zoning Table’, Part 3, delete all references to:

- *bed and breakfast*
- *holiday accommodation*
- *holiday house*
- *motel*
- *serviced apartment*
- *tourist development*

1.5. modify clause 27 ‘Unrestricted Length of Stay’ by replacing the following wording and terms:

- A. subclause (1) “*holiday house, holiday accommodation and serviced apartment*” with ‘*unhosted short-term rental accommodation*’; and “*short-term accommodation*” with ‘*short-term rental accommodation*’.
- B. subclause (2) “*holiday house, holiday accommodation and serviced apartment uses*” with ‘*unhosted short-term rental accommodation and portions of both tourism and visitor accommodation use and hotel use*’; and “*short-term accommodation*” with ‘*short-term rental accommodation*’.

1.6 in Schedule 1 – Table 4 - Additional Uses Table at:

- A. A.U 14, ‘Ocean Drive locality’, delete the entry in full
- B. A.U.17, ‘Bunbury Turf Club’, within column three, delete “*Motel*” and “*Serviced Apartment*” land use classes and insert ‘*Tourism and Visitor Accommodation*’
- C. A.U.18, ‘Bunbury Trotting Club’, within column three, delete “*Holiday Accommodation*”, “*Holiday House*” and “*Serviced Apartment*” land use classes, and insert ‘*Tourism and Visitor Accommodation*’ and ‘*Unhosted Short-Term Rental Accommodation*’
- D. A.U.19, ‘Lot 8 (No.59) Stirling Street, Bunbury, within column three, delete “*Holiday Accommodation*” land use class and insert ‘*Unhosted Short-Term Rental Accommodation*’; and within column four ‘Conditions’ at ‘1’ and ‘4’, delete “*Holiday Accommodation*” and replace with ‘*Unhosted STRA*’.

1.7 in Schedule 2 – Table 5 – Restricted Uses Table at:

- A. R.U.2 Bunbury (Marlston East Precinct), within column three ‘Restricted Use’, insert ‘*Unhosted Short-Term Rental Accommodation*’ within the list of discretionary ‘D’ uses; and within column four ‘Conditions’, add a new condition as ‘4. *Unhosted short-term rental accommodation is limited to the occupation of upper floors.*’
- B. R.U.4 Bunbury (Koombana North Precinct), within column three ‘Restricted Use’, delete “Motel”, “*Tourist Development (e.g. backpackers)*” and “*Serviced Apartment*” and insert ‘*Unhosted Short-Term Rental Accommodation*’ as a discretionary ‘D’ use, and ‘*Tourism and Visitor Accommodation*’ as a discretionary A use; and within column four ‘Conditions’, at ‘4’ delete “*Serviced apartment uses*” and “*short-term accommodation*” and replace these with ‘*unhosted short-term rental accommodation*’ and ‘*short-term rental accommodation*’ respectively.
- C. R.U.6 Pelican Point: Sanctuary Golf Resort Strata Lots 39, 40, 41 and 42 (no.105) Old Coast Road
- i) within column three ‘Restricted Use’, delete “Holiday Accommodation”, “Motel”, “*Serviced Apartment*” and “*Tourist Development*” and insert ‘*Tourism and Visitor Accommodation*’ and ‘*Unhosted Short-Term Rental Accommodation*’ as discretionary ‘D’ uses
- and within column four ‘Conditions’:
- ii) at ‘1(g)’, delete “*short-term accommodation*” and replace with ‘*short-term rental accommodation*’
- iii) at ‘5’, delete “*short-term accommodation*” and replace with ‘*unhosted short-term rental accommodation*’
- iv) at ‘6’, delete “*short-term accommodation units*” and replace with ‘*tourist and visitor accommodation*’
- v) at 7(a) delete “*For any short-stay lots*”; and delete “*Tourist Accommodation Unit*” replace with ‘*tourist and visitor accommodation*’
- D. R.U.8 Bunbury: Lot 11 (No.123) Ocean Drive; and Lot 2 (No.14) Greensell Street
- i) within column three ‘Restricted Use’, delete “Motel”, “*Serviced Apartment*” and “*Tourist Development*” and insert “*Tourism and Visitor Accommodation*” and ‘*Unhosted Short-Term Rental Accommodation*’ as discretionary ‘D’ uses; and
- within column four ‘Conditions’:
- ii) at 2.1, delete “*Serviced apartment*” and replace with ‘*Unhosted short-term rental accommodation*’
- iii) at 2.2, delete “*serviced apartment uses*” and replace with ‘*unhosted short-term rental accommodation*’
- iv) at 2.3, delete “*Tourist Accommodation Unit*” and replace with “*tourism and visitor accommodation*”
- E. R.U.10 Bunbury: Lot 3 (No. 205) Ocean Drive, delete “Motel” and “*Serviced*

*Apartment*” and replace with *‘Tourism and Visitor Accommodation’* and *‘Unhosted Short-Term Rental Accommodation’* as discretionary ‘D’ uses

- F. R.U.14 Bunbury: Lot 19 Lyons Cove (on Plan 23106), Lot 19 (U 1-7 No.16) Lyons Cove, Lot 19 (U3-29 No.14) Lyons Cove, Lot 19 (No.14) Lyons Cove, Lot 12 (Nos. 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38) Marabank Loop, within column three ‘Restricted Use’, delete *“Holiday Accommodation”, “Motel”, “Serviced Apartment”* and replace with *‘Tourist and Visitor Accommodation’* and *‘Unhosted Short-Term Accommodation’*; and delete *“Other incidental uses to a tourist resort”*.

1.8 in Schedule 3 – Table 6 – Additional Site and Development Requirements Table at:

- A. No. 3 Bunbury, lots as indicated at Marabank Loop, Avonbank Way and Lyons Cove, within column three ‘Requirement’ at ‘7.’, delete *“short-term accommodation purposes”* and replace with *‘short-term rental accommodation’*.
- B. No. 9 Bunbury (Marlston North Precinct): Lot 505 Jetty Road, within column three at ‘2.1’ delete *“Serviced apartment uses”* and replace with *‘Unhosted short-term rental accommodation’*

1.9 in Schedule 4 – Table 7 - Car Parking Table at:

- A. column one ‘Land Use Classes’ and column two ‘Minimum Car Parking Requirements’ delete the following entries:
- *Bed and Breakfast*
  - *Holiday Accommodation*
  - *Holiday House*
  - *Motel*
  - *Serviced Apartment*
  - *Tourism Development*
- B. column one ‘Land Use Classes’, insert *“Hosted Short-Term Accommodation”*, with minimum parking standard (column two) provided as *‘In accordance with the Residential Design Codes’*
- C. column one ‘Land Use Classes’ insert *‘Tourism and Visitor Accommodation’*, with minimum parking standard (column two) provided as:
- *1 bay per bedroom or accommodation unit; plus*
  - *1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes*
- D. column one ‘Land Use Classes’ insert *‘Unhosted Short-Term Rental Accommodation’*, with minimum parking standard (column two) provided as:
- *1 bay plus 0.5 bay per additional guest bedroom or equivalent*
  - *with Unrestricted Length of Stay, as above, but not less than the relevant R-Code deemed to comply standard*

1.10 Modify the Scheme Map by deleting all references to ‘A14’ in accordance with the Amending Pages of the Scheme Amendment 14 report.

2. Determine that proposed Scheme Amendment No. 14 is a ‘standard’ amendment for the following reasons:

- A. the amendment would have minimal impact on land in the Scheme area that is not



- the subject of the amendment
- B. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area
- C. the amendment is not considered a complex or basic amendment.
3. Submit the Scheme Amendment No. 14 report to WAPC and:
- A. seek consent from the Minister for Planning to proceed the advertise the proposed amendment.
- B. advise the Department of Planning Lands and Heritage (DPLH) that the proposal is considered to be a prescribed class of local scheme amendment that does not require referral to the Environmental Protection Agency (EPA) in accordance Environmental Protection Amendment Regulations 2024 by reason that it satisfies the following criteria:
- 33C(2)(a) *to correct an administrative or minor error.*
- 33C(2)(c) *to make the planning scheme consistent with the model provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1.*
- 33C(2)(d) *to include or alter a definition of a land use category if the Western Australian Planning Commission considers that the amendment would not materially impact the operation of the planning scheme.*
4. Subject to the approval of the Minister, refer copies of the Scheme Amendment No. 14 report to relevant public agencies for their consideration and comment, and publicly advertise the proposal over a submission period of not less than 42 days.
5. Reconsider the proposed scheme amendment together with any public submissions lodged with the City of Bunbury following the completion of the statutory public advertising period.
6. Proceed to advertise draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay for public comment concurrently with Scheme Amendment No.14 report for a period of not less than 42 days.
7. Propose to establish a discretionary cap of 110 as the initial figure applied in regulating the number of unhosted STRA approved within a Residential zone situated outside of the designated Core Tourism Area.
8. Following completion of the public comment period and in conjunction with Resolution 5, 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 scheme amendment and local planning policy is expected to have negligible regional impact.

### **Background**

Scheme Amendment No.14 is required to ensure alignment with new ‘deemed’ and ‘model’ land use classes and general definitions introduced into the State planning framework. Most significantly it includes amendments to reflect the deemed land use classes for ‘hosted short-term rental accommodation’ and ‘unhosted short-term rental accommodation’, along with removal of superseded land use classes. The Scheme Amendment No.14 report provides further detail and information on these changes, including implications for the City.

Local Planning Policy 2.2: Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay (LPP 2.2) is intended to guide and support subsequent decision-making of unhosted short-term rental accommodation. LPP 2.2 is also intended to supersede existing local planning policies that have previously offered guidance for short term rental accommodation uses. Draft LPP 2.2 was presented to the Policy Review and Development Committee (PRDC) on 29 January 2025, with the minutes of PRDC attached as Appendix 7.1.2-A.

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

The State Government’s planning reforms for short-term rental accommodation are being implemented predominantly through the Planning & Development (Local Planning Schemes) Regulations 2015 (the Regulations), backed and supported by the Western Australian Planning Commission’s (WAPC) Position Statement ‘Planning for Tourism and Short-term Rental Accommodation’ that was released in November 2023.

The proposed scheme amendment has been prepared by the City of Bunbury with direction provided by the State, and is to be progressed in accordance with both the *Planning and*

*Development Act 2005* and the Regulations. Schedule 2, Clause 4 of the Regulations set out the procedural requirements for preparing a local planning policy.

### **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 Scheme Amendment No.14 report provides a comprehensive overview of related matters, including the local planning context, the current distribution of ‘unhosted Short-term Rental Accommodation’ (unhosted STRA) across the City and the rationale for levels of permissibility proposed for the new land use classifications within each zone. The report also addresses how the accompanying draft local planning policy is intended to assist and support discretionary decision making.

The proposed scheme amendment (and draft LPP 2.2) reflects advice provided within WAPC’s Position Statement ‘Planning for Tourism and Short-term Rental Accommodation’ that includes the following for use in guiding the introduction of unhosted STRA by a local government authority:

*“Utilising the zoning table, and other scheme mechanisms to control the locations whereby unhosted short-term rental accommodation proposals may be designated. Short-term rental accommodation should only be prohibited (X) in areas with low residential amenity such as industrial zones. Guidance tailored to specific localities or planning considerations where short-term rental accommodation is discretionary can be provided through local planning policies or other appropriate mechanisms.*

*Utilising a local planning policy to guide discretionary decision making, which may include but not be limited to:*

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

Proposed LPP 2.2 has been specifically tailored to meet 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 prioritising the recognised Core Tourism Area (CTA) as the most suitable and supportive location for unhosted STRA.

#### Residential amenity:

Employing standards 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 (for which a template is provided – attached as Appendix 10.4.1-C), controls upon the number of occupants, and on-site considerations that would help to mitigate potential sources of nuisance.

#### Housing supply:

Incorporating measures (a discretionary cap) that provide the ability to limit potential 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 recent times, the discretionary cap is intended to apply to areas of Residential zone located outside the CTA. This 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 draft LPP 2.2 (and within the Scheme Amendment No. 14 report) provides further background rationale for adopting a cap. Most notably:

- 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.
- In setting a figure to represent the discretionary cap, noting that the recent analysis has identified around 20-30 ‘unhosted STRA’ properties located in a Residential zone outside the CTA, an initial ceiling of 110 (representing approximately 1% of all private dwellings subject to the cap) would comfortably capture all those identified as currently operating and registered, while also allowing a sizable increase in number. 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.”*

*(WAPC Planning for Tourism and Short-term Rental Accommodation Guidelines 2023)*

As several existing land use classifications are required to be deleted and replaced by new land use classifications a significant number of modifications are necessary within the Schedules of the Scheme (i.e. within the Additional Uses Table and Restricted Uses Table). The majority of these modifications represent ‘like-for-like’ changes, with the name of the formerly recognised land use substituted with the equivalent new name.

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

Other than the need for undertaking statutory public advertising there are no additional direct financial or budgetary implications resulting from the proposals.

### **Community Consultation**

Subject to receiving consent to proceed from the Minister for Planning, standard amendments are publicly advertised for a period of not less than 42 days in accordance with the Planning

and Development (Local Planning Schemes) Regulations 2015.

Relevant stakeholders including government bodies, service/utility providers, local STRA management agencies, the Australian Hotels Association, REIWA and landowners / occupiers (where the status of their land may be affected) will be advised of the proposals and invited to comment.

Public consultation will comprise the following:

- written notification as relevant
- public notices published in a local newspaper
- notice of proposal posted on the City of Bunbury’s website
- copies of the scheme amendment report and draft LPP 2.2 made available for viewing at the City of Bunbury Administration Building.

#### **Councillor/Officer Consultation**

The scheme amendment report and draft LPP 2.2 have been prepared with the input from and collaboration between the City’s Planning, Building Services and Environmental Health teams.

#### **Applicant Consultation**

Not applicable.

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

Subject to initiation and adoption by Council, the scheme amendment documentation will be submitted to the Minister for Planning in order to seek their consent to proceed to advertising. Once confirmed the scheme amendment proposal and draft LPP 2.2 would be advertised concurrently and in accordance with the Regulations.

#### **Outcome of Meeting 25 February 2025**

Cr Andrew left the meeting at 5:49pm, as he had declared a financial interest in this matter.

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

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

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#### **Council Decision 027/25**

**That Council in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:**

- 1. Initiate and adopt for the purposes of public advertising proposed Scheme Amendment No. 14 that seeks to amend the City of Bunbury Local Planning Scheme No. 8 in the following manner:**
  - 1.1 in clause 48, Part 6 - ‘Terms Used’:**
    - A. delete the general definition for *short-term accommodation*.**
    - B. amend the general definition for *cabin* to:**

*means a building that –*

- (a) is an individual unit other than a chalet; and**
- (b) forms part of -**
  - (i) tourist and visitor accommodation; or**
  - (ii) a caravan park;****and**
- (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.**

**C. amend the general definition for chalet to:**

**means a building that —**

- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and**
- (b) forms part of –**
  - (i) tourist and visitor accommodation; or**
  - (ii) a caravan park;****and**
- (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.**

**D. amend the general definition for Unrestricted Length of Stay to:**

**means the occupation of accommodation designed for tourists on either a short-term rental accommodation or permanent basis.**

**1.2 in clause 49, Part 6 – ‘Land Use Terms Used’:**

**A. delete the definitions for:**

- **bed and breakfast**
- **holiday accommodation**
- **holiday house**
- **motel**
- **serviced apartment**
- **tourist development**

**B. amend the existing land use term for road house by deleting paragraph (d) and inserting:**

**(d) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.**

**C. insert the definition for tourist and visitor accommodation as per Schedule 1 – Model Provisions**

- 1.3 in clause 17, Table 3 - 'Zoning Table', Part 3, insert in alphabetical order the following land uses and permissibility:
- A. *hosted short-term rental accommodation*; designate as 'P' use in zones where a dwelling is capable of approval (i.e. Regional Centre, District Centre, Neighbourhood Centre, Local Centre, Mixed Use – Commercial, Mixed Use – Residential, Residential and Rural zones); 'X' use in all other zones (i.e. Private Community Purpose, Service Commercial, Light Industry and General Industry zones) except Tourism zone where it is designated as an 'I' use.
  - B. *unhosted short-term rental accommodation*; designate as 'P' use in the Tourism zone, as 'D' use in zones where a dwelling is permissible (i.e. Regional Centre, District Centre, Neighbourhood Centre, Local Centre, Mixed Use – Commercial, Mixed Use – Residential, Residential and Rural zones) and as 'X' use in all other zones (i.e. Private Community Purpose, Service Commercial, Light Industry and General Industry zones).
  - C. *tourist and visitor accommodation* and designate as 'D' use in Regional Centre, District Centre and Tourism zones, as 'A' use in Mixed Use – Commercial zone, and as 'X' use in all other zones (i.e. Neighbourhood Centre, Local Centre, Mixed Use - Residential, Residential, Private Community Purpose, Service Commercial, Light Industry, General Industry and Rural zones).
- 1.4 in clause 17, Table 3 - 'Zoning Table', Part 3, delete all references to:
- *bed and breakfast*
  - *holiday accommodation*
  - *holiday house*
  - *motel*
  - *serviced apartment*
  - *tourist development*
- 1.5. modify clause 27 'Unrestricted Length of Stay' by replacing the following wording and terms:
- A. subclause (1) "*holiday house, holiday accommodation and serviced apartment*" with '*unhosted short-term rental accommodation*'; and "*short-term accommodation*" with '*short-term rental accommodation*'.
  - B. subclause (2) "*holiday house, holiday accommodation and serviced apartment uses*" with '*unhosted short-term rental accommodation and portions of both tourism and visitor accommodation use and hotel use*'; and "*short-term accommodation*" with '*short-term rental accommodation*'.
- 1.6 in Schedule 1 – Table 4 - Additional Uses Table at:
- A. A.U 14, 'Ocean Drive locality', delete the entry in full
  - B. A.U.17, 'Bunbury Turf Club', within column three, delete "*Motel*" and "*Serviced Apartment*" land use classes and insert '*Tourism and Visitor Accommodation*'
  - C. A.U.18, 'Bunbury Trotting Club', within column three, delete "*Holiday Accommodation*", "*Holiday House*" and "*Serviced Apartment*" land use classes, and insert '*Tourism and Visitor Accommodation*' and '*Unhosted Short-Term Rental Accommodation*'

- D. A.U.19, 'Lot 8 (No.59) Stirling Street, Bunbury, within column three, delete "*Holiday Accommodation*" land use class and insert '*Unhosted Short-Term Rental Accommodation*'; and within column four 'Conditions' at '1' and '4', delete "*Holiday Accommodation*" and replace with '*Unhosted STRA*'.

1.7 in Schedule 2 – Table 5 – Restricted Uses Table at:

- A. R.U.2 Bunbury (Marlston East Precinct), within column three 'Restricted Use', insert '*Unhosted Short-Term Rental Accommodation*' within the list of discretionary 'D' uses; and within column four 'Conditions', add a new condition as '*4. Unhosted short-term rental accommodation is limited to the occupation of upper floors.*'
- B. R.U.4 Bunbury (Koombana North Precinct), within column three 'Restricted Use', delete "*Motel*", "*Tourist Development (e.g. backpackers)*" and "*Serviced Apartment*" and insert '*Unhosted Short-Term Rental Accommodation*' as a discretionary 'D' use, and '*Tourism and Visitor Accommodation*' as a discretionary A use; and within column four 'Conditions', at '4' delete "*Serviced apartment uses*" and "*short-term accommodation*" and replace these with '*unhosted short-term rental accommodation*' and '*short-term rental accommodation*' respectively.
- C. R.U.6 Pelican Point: Sanctuary Golf Resort Strata Lots 39, 40, 41 and 42 (no.105) Old Coast Road

- i) within column three 'Restricted Use', delete "*Holiday Accommodation*", "*Motel*", "*Serviced Apartment*" and "*Tourist Development*" and insert '*Tourism and Visitor Accommodation*' and '*Unhosted Short-Term Rental Accommodation*' as discretionary 'D' uses

and within column four 'Conditions':

- ii) at '1(g)', delete "*short-term accommodation*" and replace with '*short-term rental accommodation*'
- iii) at '5', delete "*short-term accommodation*" and replace with '*unhosted short-term rental accommodation*'
- iv) at '6', delete "*short-term accommodation units*" and replace with '*tourist and visitor accommodation*'
- v) at 7(a) delete "*For any short-stay lots*"; and delete "*Tourist Accommodation Unit*" replace with '*tourist and visitor accommodation*'

- D. R.U.8 Bunbury: Lot 11 (No.123) Ocean Drive; and Lot 2 (No.14) Greensell Street

- i) within column three 'Restricted Use', delete "*Motel*", "*Serviced Apartment*" and "*Tourist Development*" and insert "*Tourism and Visitor Accommodation*" and '*Unhosted Short-Term Rental Accommodation*' as discretionary 'D' uses; and

within column four 'Conditions':



ii) at 2.1, delete “*Serviced apartment*” and replace with ‘*Unhosted short-term rental accommodation*’

iii) at 2.2, delete “*serviced apartment uses*” and replace with ‘*unhosted short-term rental accommodation*’

iv) at 2.3, delete “*Tourist Accommodation Unit*” and replace with “*tourism and visitor accommodation*”

E. R.U.10 Bunbury: Lot 3 (No. 205) Ocean Drive, delete “*Motel*” and “*Serviced Apartment*” and replace with ‘*Tourism and Visitor Accommodation*’ and ‘*Unhosted Short-Term Rental Accommodation*’ as discretionary ‘D’ uses

F. R.U.14 Bunbury: Lot 19 Lyons Cove (on Plan 23106), Lot 19 (U 1-7 No.16) Lyons Cove, Lot 19 (U3-29 No.14) Lyons Cove, Lot 19 (No.14) Lyons Cove, Lot 12 (Nos. 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38) Marabank Loop, within column three ‘Restricted Use’, delete “*Holiday Accommodation*”, “*Motel*”, “*Serviced Apartment*” and replace with ‘*Tourist and Visitor Accommodation*’ and ‘*Unhosted Short-Term Accommodation*’; and delete “*Other incidental uses to a tourist resort*”.

1.8 in Schedule 3 – Table 6 – Additional Site and Development Requirements Table at:

A. No. 3 Bunbury, lots as indicated at Marabank Loop, Avonbank Way and Lyons Cove, within column three ‘Requirement’ at ‘7.’, delete “*short-term accommodation purposes*” and replace with ‘*short-term rental accommodation*’.

B. No. 9 Bunbury (Marlston North Precinct): Lot 505 Jetty Road, within column three at ‘2.1’ delete “*Serviced apartment uses*” and replace with ‘*Unhosted short-term rental accommodation*’

1.9 in Schedule 4 – Table 7 - Car Parking Table at:

A. column one ‘Land Use Classes’ and column two ‘Minimum Car Parking Requirements’ delete the following entries:

- *Bed and Breakfast*
- *Holiday Accommodation*
- *Holiday House*
- *Motel*
- *Serviced Apartment*
- *Tourism Development*

B. column one ‘Land Use Classes’, insert “*Hosted Short-Term Accommodation*’, with minimum parking standard (column two) provided as ‘*In accordance with the Residential Design Codes*’

C. column one ‘Land Use Classes’ insert ‘*Tourism and Visitor Accommodation*’, with minimum parking standard (column two) provided as:

- *1 bay per bedroom or accommodation unit; plus*
- *1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes*

D. column one ‘Land Use Classes’ insert ‘*Unhosted Short-Term Rental Accommodation*’, with minimum parking standard (column two) provided as:

- **1 bay plus 0.5 bay per additional guest bedroom or equivalent**
  - **with Unrestricted Length of Stay, as above, but not less than the relevant R-Code deemed to comply standard**
- 1.10 Modify the Scheme Map by deleting all references to ‘A14’ in accordance with the Amending Pages of the Scheme Amendment 14 report.**
- 2. Determine that proposed Scheme Amendment No. 14 is a ‘standard’ amendment for the following reasons:**
- A. the amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment**
  - B. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area**
  - C. the amendment is not considered a complex or basic amendment.**
- 3. Submit the Scheme Amendment No. 14 report to WAPC and:**
- A. seek consent from the Minister for Planning to proceed the advertise the proposed amendment.**
  - B. advise the Department of Planning Lands and Heritage (DPLH) that the proposal is considered to be a prescribed class of local scheme amendment that does not require referral to the Environmental Protection Agency (EPA) in accordance Environmental Protection Amendment Regulations 2024 by reason that it satisfies the following criteria:**
    - 33C(2)(a) to correct an administrative or minor error.**
    - 33C(2)(c) to make the planning scheme consistent with the model provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1.**
    - 33C(2)(d) to include or alter a definition of a land use category if the Western Australian Planning Commission considers that the amendment would not materially impact the operation of the planning scheme.**
- 4. Subject to the approval of the Minister, refer copies of the Scheme Amendment No. 14 report to relevant public agencies for their consideration and comment, and publicly advertise the proposal over a submission period of not less than 42 days.**
- 5. Reconsider the proposed scheme amendment together with any public submissions lodged with the City of Bunbury following the completion of the statutory public advertising period.**
- 6. Proceed to advertise draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay for public comment concurrently with Scheme Amendment No.14 report for a period of not less than 42 days.**
- 7. Propose to establish a discretionary cap of 110 as the initial figure applied in regulating the number of unhosted STRA approved within a Residential zone situated outside of the designated Core Tourism Area.**

- 8. Following completion of the public comment period and in conjunction with Resolution 5, receive a further report detailing the outcomes of the advertising period, including any submissions received for consideration.**

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

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Cr Andrew rejoined the meeting at 5:51 pm.



### Strategic Relevance

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

### Regional Impact Statement

The leisure and walking pool at the SWSC is a regional facility catering for a total of circa 600,000 patrons per annum. The nearest facilities are at Busselton and Leschenault respectively. The long-term repair of this facility via tiling will ensure continued service into the region for the future. The leisure pool is imperative amongst other uses to service the in excess of 1,500 children enrolled in the swim school per term.

### Background

The tender was advertised in the West Australian and the Bunbury South West Times newspapers on Wednesday, 20<sup>th</sup> November 2024 and Thursday, 21<sup>st</sup> November 2024 respectively. The tender document(s) were made available via the City's procurement portal through VendorPanel.

A total of 32 suppliers viewed the advertisement and at closing 3 responses were received.

Tenders received from:									
Maurimosaic	Pty	Ltd	[ABN	95	609	158	769]	2-4 Shepparton Road, Helensvale QLD 4212	
Paragon	Construction	Solutions	Pty	Ltd	[ABN	22	645	233	736]
Suite 2 Level 1 41-43 Ord Street, West Perth WA 6005									
Distinctive	Pools	Pty	Ltd	[ABN	51	619	280	278]	5 Langar Way, Landsdale WA 6065

The tenders were evaluated using the following criteria:

Qualitative Criteria	Weighting (%)
Relevant Experience and Key Personnel	25
Demonstrated Understanding	15
Materials & Quality	15
Workmanship Standards	15
<b>Price</b>	<b>30</b>
<b>Total</b>	<b>100</b>

### Council Policy Compliance

Tendering for goods and services is conducted in accordance with:

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

### **Legislative Compliance**

The total consideration under the resulting contract is greater than \$400,000, or \$1,200,000 for a multi-year contract. Therefore, in accordance with section 5.43(b) of the *Local Government Act 1995* (the Act) read with Delegation 1.1.11, the tender is required to be presented to Council.

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

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

With regard to RFT2425/008, City officers have complied with abovementioned legislative requirements.

### **Officer Comments**

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

The progression of this project to tile the leisure pool is pivotal for the pool to continue operation. The current liner is failing and needs replacement. Through a consultant, tiling has been provided as a better more effective long term solution to ensure that the asset continues to have an extended useful life. The pool has required the liner to be replaced approximately every 4 years since the centre opened. The tiling of the pool is expected to last for approximately 20 years which will ensure minimal service disruption in the longer term.

Details of the evaluation and officer comments can be viewed in Confidential Appendix 10.5.1-A Evaluation Report.

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

The initial estimated cost for this procurement was \$253,000 (Ex. GST), which included a 15% contingency. The base contract price is \$459,236.21 (Ex. GST); however, it could increase to approximately \$531,236.21 (Ex. GST) depending on the utilisation of the provisional sums outlined in the contract.

Project PR-5164 Renew or Refurbish Community, Corporate, Sport and Leisure Buildings 2024/25 has an adopted budget of \$500,000 (Ex. GST). Replacing the SWSC Swimming Pool Liner was one of eight jobs identified to be delivered in 2024/25 with an original estimate of \$253,000 (Ex. GST).

To find sufficient funds to cover the difference in budget, project PR-4877 Renew/Upgrade Local Roads – Strickland Street (\$200,000) and PR-5278 – Renew/Upgrade Local Roads (Industrial) (\$48,400) will not proceed. No further works will occur in PR-5168 Refurbish City Facilities, Changerooms and Public Conveniences and PR-4268 Renewable Energy and Energy Efficient Projects after the current financial commitments are discharged which will cover the balance of the budget difference.

Evaluation of the tender prices (and ranking) has been assessed but as the results are "commercial in confidence" this can be viewed in Confidential Appendix 10.5.1-A Evaluation Report.

### **Community Consultation**

Community consultation was not necessary for this project to be progressed. Direct feedback we have received from the community is that the liner is reaching the end of its useful life and needs replacing.

### **Councillor/Officer Consultation**

Consultation took place with Manager Infrastructure Maintenance Services, Manager Sport and Recreation, Team Leader Sport and Recreation and Coordinator Infrastructure Maintenance Services as well as the Director Infrastructure and Director Sustainable Development to ensure the successful delivery of the tiling of the 25m walking lane at SWSC.

### **Applicant Consultation**

Not applicable.

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

The contract is expected to commence within one (1) week of council endorsement.

### **Outcome of Meeting 25 February 2025**

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

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

**Council Decision 028/25**

**That the Council:**

- 1. Authorise additional funds of \$278,236.21 (Ex. GST) required to award this tender which have been sourced from the following projects that are no longer proceeding:**
  - a. PR-4877 Renew/Upgrade Local Roads – Strickland Street - \$200,000;**
  - b. PR-5278 Renew/Upgrade Local Roads (Industrial) - \$48,400; and**
  - c. No further works will occur in PR-5168 Refurbish City Facilities, Changerooms and Public Conveniences or PR-4268 Renewable Energy and Energy Efficient Projects after the current financial commitments are discharged which will cover the balance of the budget difference of \$29,836.21.**
  
- 2. Accepts the recommendation as contained in the Confidential Appendix 10.5.1-A Evaluation Report.**
  
- 3. Authorise the Chief Executive Officer to:**
  - a. negotiate and agree minor variations with the recommended respondent; and**
  - b. enter into a contract with the recommended respondent.**
  
- 4. Upon resolution of the recommendation, directs that the successful respondents' name, and the estimated total consideration under the resulting contract be made public, and included within the minutes of this meeting.**

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

The successful respondent was Paragon Construction Solutions Pty LTD (Paragon). The estimated total consideration under the resulting contract is \$531,236.21 (ex. GST).



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

### **11.1 Mayor Miguel**

The Mayor requests a leave of absence from all Council-related business from 31 March to 11 April 2025 inclusive.

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

#### **Executive Recommendation**

Pursuant to Section 2.25 of the *Local Government Act 1995*, the Mayor is granted a leave of absence from all Council-related business from 31 March to 11 April 2025 inclusive.

#### **Outcome of Meeting 25 February 2025**

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

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

#### **Council Decision 029/25**

**Pursuant to Section 2.25 of the Local Government Act 1995, the Mayor is granted a leave of absence from all Council-related business from 31 March to 11 April 2025 inclusive.**

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

## 11.2 Cr Quain

Cr Quain requests a leave of absence from all Council-related business from 4 to 26 April 2025 inclusive.

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

### **Executive Recommendation**

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Quain is granted a leave of absence from all Council-related business from 4 to 26 April 2025 inclusive.

### **Outcome of Meeting 25 February 2025**

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

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

#### **Council Decision 030/25**

**Pursuant to Section 2.25 of the Local Government Act 1995, Cr Quain is granted a leave of absence from all Council-related business from 4 to 26 April 2025 inclusive.**

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

### 11.3 Cr Steck

Cr Steck requests a leave of absence from all Council-related business on 25 February 2025.

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

#### **Executive Recommendation**

Pursuant to Section 2.25 of the *Local Government Act 1995*, Cr Steck is granted a leave of absence from all Council-related business on 25 February 2025 inclusive.

#### **Outcome of Meeting 25 February 2025**

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

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

#### **Council Decision 031/25**

**Pursuant to Section 2.25 of the Local Government Act 1995, Cr Steck is granted a leave of absence from all Council-related business on 25 February 2025 inclusive.**

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

**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**

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

Nil

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

Nil

**16. Closure**

The Mayor declared the meeting closed at 5:53pm.

Confirmed this day, 18 March 2025 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 25 February 2025

\_\_\_\_\_  
Jaysen de San Miguel  
Mayor