



City of Bunbury Council

Minutes 27 June 2023



CITY OF BUNBURY
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Western Australia
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Acknowledgement of Country

We acknowledge the Traditional Custodians of this land, the Wardandi Noongar people, and pay our respects to Elders past, present and future.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

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

WE ARE OPEN

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

WE ARE BRAVE

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

Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.
- Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes:** Includes items provided to Council for information purposes only which do not require direction from Council (that is for 'noting')

1. Declaration of Opening / Announcements of Visitors

The Mayor declared the meeting open at 5:30pm and in doing so acknowledged the Traditional Custodians of this land, the Wardandi Noongar People, and paid his respects 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.

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Recording and Webstreaming of Meetings

- All Ordinary and Special Council Meetings are electronically recorded except when Council resolves to go behind closed doors
 - All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office
 - The live stream can be accessed at <http://www.bunbury.wa.gov.au/Pages/Live-Stream.aspx>
 - Recordings can be accessed at <http://www.bunbury.wa.gov.au/Pages/Council-Meeting-Videos-2022.aspx>
 - Images of the public gallery are not included in the streaming, however the voices of people in attendance may be captured and streamed.
 - If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance Officer on 9792 7273.
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3. Announcements from the Presiding Member

The Mayor announced that the City was recently awarded with the PLAWA Park of the Year and Playspace awards for Koolambidi Woola. Additionally, Playce, who designed Koolambidi Woola won the Award of Excellence in the Parks and Open Space category as well as the regional achievement award.

4. Attendance

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor M Steck
	Councillor B Andrew
	Councillor B McCleary
	Councillor C Kozisek
	Councillor K Turner
	Councillor K Steele
	Councillor A Yip
	Councillor M Quain
	Councillor W Giles
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr M Osborne
Director Infrastructure	Mr G Harris
Director Sustainable Communities	Mr G Barbour
Director Strategy and Organisational Performance	Mrs K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Manager Community Facilities	Mr D Russell
Team Leader Marketing and Communications	Ms K Fielding
Team Leader Procurement	Ms J Parsons
Internal Auditor	Mr S Chernabaeff
Governance Officer	Mr L Murphy
Others (Non-Voting)	
Members of the Public	65 (approx.)

4.1 Apologies

Cr Ghasseb was an apology for the meeting.

4.2 Approved Leave of Absence

Nil

27 June 2023
Minutes – Council Meeting

Date	Meeting type	Mayor Miguel	Deputy Mayor Smith	Cr Andrew	Cr Ghasseb	Cr Giles	Cr Kozisek	Cr McCleary	Cr Quain	Cr Steck	Cr Steele	Cr Turner	Cr Yip
	Group												
28/03/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
28/03/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
April 2023													
04/04/2023	CEO Recruitment Project Control Group	✓	✓	✓	✓	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
04/04/2023	Ordinary Council Meeting	✓	✓	✓	Apology	✓	✓	✓	✓	✓	✓	✓	✓
13/04/2023	CEO Performance Review Committee	Apology	Deputy	Deputy	×	N/A	✓	N/A	LOA	×	✓	Deputy	N/A
18/04/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	LOA	✓	Apology	✓	✓
18/04/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	LOA	✓	Apology	✓	✓
26/04/2023	Policy Review and Development Committee	N/A	✓	Deputy	N/A	LOA	✓	N/A	LOA	N/A	Apology	N/A	N/A
26/04/2023	Ordinary Council Meeting	✓	✓	✓	✓	LOA	✓	✓	LOA	✓	✓	✓	✓
May 2023													
09/05/2023	Workshop	✓	✓	✓	✓	LOA	✓	✓	Apology	✓	✓	✓	✓
09/05/2023	Agenda Briefing	✓	✓	✓	Apology	LOA	✓	✓	Apology	✓	✓	✓	✓
23/05/2023	Workshop	✓	LOA	✓	Apology	LOA	✓	✓	✓	Apology	✓	✓	✓
23/05/2023	Ordinary Council Meeting	✓	LOA	✓	✓	LOA	✓	✓	✓	Apology	✓	✓	✓
24/05/2023	Heritage Advisory Committee	N/A	Apology	N/A	N/A	N/A	✓	N/A	✓	N/A	Deputy	N/A	N/A
30/05/2023	CEO Recruitment Panel	✓	N/A	✓	N/A	N/A	N/A	N/A	N/A	N/A	✓	✓	Apology
30/05/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
30/05/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
June 2023													
06/06/2023	Ordinary Council Meeting	Apology	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
07/06/2023	Disability Access and Inclusion Committee	N/A	N/A	✓	×	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
12/06/2023	International Relations Committee	N/A	✓	N/A	×	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13/06/2023	Audit Committee	✓	N/A	✓	N/A	N/A	✓	Apology	N/A	N/A	N/A	N/A	N/A
14/06/2023	Policy Review and Development Committee	N/A	✓	N/A	N/A	✓	✓	N/A	✓	N/A	✓	N/A	N/A
20/06/2023	Workshop	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology
20/06/2023	Agenda Briefing	✓	✓	✓	Apology	✓	✓	✓	✓	Apology	✓	✓	Apology

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 10.1.2 *Proposed Tree Streets Heritage Area – Public Consultation* as he has a contract in place with a business who owns property in the area.

Cr Quain declared an impartiality interest in item 10.4.1 *SWSC Court Expansion*.

Cr Steele declared an impartiality interest in item 10.1.2 *Proposed Tree Streets Heritage Area – Public Consultation* as there are people she knows who live within the Tree Streets area.

Cr McCleary declared an impartiality interest in item 10.1.2 *Proposed Tree Streets Heritage Area – Public Consultation*.

Cr Yip declared an impartiality interest in item 10.4.1 *SWSC Court Expansion* as her husband is on the Bunbury Basketball Association Board.

Cr Yip declared a financial interest in item 10.1.2 *Proposed Tree Streets Heritage Area – Public Consultation* as her principal residence is in this area.

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

The persons below asked the following questions in relation to item 10.1.2 *Proposed Tree Street Heritage Area – Public Consultation*. The questions and responses are provided below:

Mary Collins

Question 1

Why were the property owners in the Tree Street area not proactively and individually informed that this matters was coming to Council for discussion?

Response – Director Sustainable Communities

Item 10.1.2 *Proposed Tree Street Heritage Area – Public Consultation* on the current agenda is for Council to determine if this matter should proceed to public consultation. If Council resolve to approve the executive recommendation, Officers will proceed to consult with the property owners.

Question 2

What are the compensation proposals for this change?

Response – Director Sustainable Communities

This question was taken on notice.

Question 3

On what grounds was a similar proposal rejected previously?

Response – Director Sustainable Communities

This question was taken on notice.

Helen Hastie

Question 1

Why haven't the owners of the affected properties in the Tree Street area been notified about the lengthy and expensive survey that has been undertaken over the past 18 months?

Response – Director Sustainable Communities

Item 10.1.2 *Proposed Tree Street Heritage Area – Public Consultation* on the current agenda is for Council to determine if this matter should proceed to public consultation. If Council resolve to approve the executive recommendation, Officers will proceed to consult with the property owners.

Question 2

Are the Councillors aware of the very expensive and time consuming implications this will have for the property owners when they are needing to comply with strict planning policy and heritage area guidelines?

Response – Director Sustainable Communities

Included as an attachment in Item 10.1.2 *Proposed Tree Street Heritage Area – Public Consultation* is an FAQ which outlines some of the implications for property owners which will be provided to each individual property owner as part of the consultation process. Additional answers will be provided to property owners as part of the consultation process.

Andrew Cooke

Question 1

Why is there no plan to include public meetings in the proposed community consultation process to allow the community to raise and share concerns over the proposed Tree Street Heritage Area?

Response – Director Sustainable Communities

The consultation plan outlines the proposed consultation process. Part of the process involves the opportunity for officers to meet one-on-one with property owners. The reason for this is that each individual property owner will be impacted differently so having a one-on-one meeting allows them to understand what the changes mean to them as opposed to a generalised public forum.

Question 2

What certainties or guarantees are there that the draft local planning policies for the proposed Tree Street Heritage Area will not be more strict or more onerous for property owners?

Response – Director Sustainable Communities

Each individual property owner will be impacted differently so each property owner will be responsible for understanding what those implications are, which will be captured as part of the consultation process and included in the FAQs which are distributed.

Question 3

Why is “special planning control” needed for the Tree Streets area, as the Council already has planning policies and regulations in place by which to review and approve changes?

Response – Director Sustainable Communities

The area has been identified as having heritage value so there is a proposal to implement the controls. This proposal is to seek the community’s feedback on whether they see value in having those controls in place.

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 6 June 2023 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 6 June 2023 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Kozisek and seconded by Cr Giles.

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

Council Decision 097/23

The minutes of the Ordinary meeting of the City of Bunbury Council held 6 June 2023 be confirmed as a true and accurate record.

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

7.1.2 Minutes – Council Advisory Committees

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 7.1.2-A: HAC Minutes 24 May 2023 Appendix 7.1.2-B: DAIC Minutes 7 June 2023 Appendix 7.1.2-C: Audit Committee Meeting 13 June 2023 Appendix 7.1.2-D: PRDC Minutes 14 June 2023

Summary

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

1. Title: Heritage Advisory Committee
Author: Lacey Brown, Strategic Planning Officer (Heritage)
Appendix: 7.1.2-A
2. Title: Disability Access and Inclusion Committee
Author: Sue Alexander, Community Partnerships Officer - Inclusion
Appendix: 7.1.2-B
3. Title: Audit Committee
Author: Greg Golinski, Manager Governance
Appendix: 7.1.2-C
4. Title: Policy Review and Development Committee
Author: Liam Murphy, Governance Officer
Appendix: 7.1.2-D

Council Committee Recommendation

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

1. Heritage Advisory Committee 24 May 2023
2. Disability Access and Inclusion Committee 7 June 2023
3. Audit Committee 13 June 2023
4. Policy Review and Development Committee 14 June 2023

Voting Requirement: Simple Majority

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Kozisek and seconded by Cr McCleary.

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

Council Decision 098/23

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

- 1. Heritage Advisory Committee 24 May 2023**
- 2. Disability Access and Inclusion Committee 7 June 2023**
- 3. Audit Committee 13 June 2023**
- 4. Policy Review and Development Committee 14 June 2023**

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

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

The persons listed below requested to address council in relation to the following items:

Item 10.1.2 Proposed Tree Streets Heritage Area – Public Consultation

Gary Fitzgerald

Item 10.5.2 Bunbury Ocean Pool Project

Todd Brown

The Mayor put the requests to the vote in a singular motion which was carried unanimously.

Council Decision 099/23

Pursuant to clause 6.9 (2)(b) of Council's Standing Orders, Council approves the following person's deputation requests to address the following items and allows a period of up to 10 minutes to present to Council:

Item 10.1.2 Proposed Tree Streets Heritage Area – Public Consultation

Gary Fitzgerald

Item 10.5.2 Bunbury Ocean Pool Project

Todd Brown

CARRIED UNANIMOUSLY

11 votes "for" / nil votes "against"

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for item 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.3.1, 10.3.4, 10.3.5 and 10.3.6.

Items 10.1.1, 10.1.2, 10.3.2, 10.3.3, 10.4.1, 10.4.2, 10.5.1 and 10.5.2 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 Yip and seconded by Cr Kozisek.

With the agreement of Council, the Mayor advised that he would deal with items 10.5.2 and 10.1.2 first following the passing of the en-bloc motion.

10. Reports

10.1 Disability Access and Inclusion Plan Progress Report 2022-2023 (listed as 10.1.3 in the agenda)

File Ref:	COB/1848
Applicant/Proponent:	Disability, Access and Inclusion Committee (DAIC)
Responsible Officer:	Sue Alexander, Community Partnerships Officer
Responsible Manager:	Elizabeth Denniss, Manager Community Connection
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.3-A: Disability Access and Inclusion Plan Progress Report 2022-2023

Summary

The purpose of this report is for Council to review and endorse the Disability Access and Inclusion Plan (DAIP) Progress Report for 1 July 2022 to 30 June 2023 (**attached** at Appendix 10.1.3-A), for submission to the Disability Services Commission.

Committee and Executive Recommendation

That Council endorses the Disability Access and Inclusion Plan (DAIP) Progress Report (**attached** at Appendix 10.1.3-A) and request that the CEO submits the report to the Disability Services Commission.

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

The DAIP Progress Report will be submitted to the Disability Services Commission. Following review by the Disability Services Commission, some achievements may be recognised by the Minister for Disability Services to be included in the State DAIP report.

Background

It is a requirement of the Disability Services Act (1993) that all Local Governments develop and implement a Disability Access and Inclusion Plan (DAIP) that outlines the ways in which they will ensure that people with disability have equal access to its facilities and services.

The Disability Access and Inclusion Committee (DAIC) reviews the progress of the organisation in relation to progress against the objectives of the Community Strategic Plan in relation to disability access and inclusion, as per the Committee's Terms of Reference.

The Disability Services Commission requires an annual DAIP report outlining actions achieved by the City of Bunbury directly aligning with the seven DAIP outcomes set by the Commission. This report is required to be submitted by 31 July 2023.

Council Policy Compliance

The DAIC operates under the Council's Code of Conduct.

The City's DAIP commitments are outlined in the Access and Inclusion Council Policy.

Legislative Compliance

Disability Services Act 1993 (amended 2004)
Local Government Act 1995

Officer Comments

The DAIP Progress Report (**attached** at Appendix 10.1.3-A) provides an opportunity for the City to reflect on achievements from 1 July 2022 to 30 June 2023, as well as to plan for future achievements that align with the DAIP outcomes.

All activities listed in the report are either new activities or ongoing projects that the City of Bunbury have implemented during the last financial year.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from this report.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Not applicable.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The City will submit the DAIP report to the Disability Services Commission once it has been endorsed.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr Kozisek.

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 100/23

That Council endorses the Disability Access and Inclusion Plan (DAIP) Progress Report (attached at Appendix 10.1.3-A) and request that the CEO submits the report to the Disability Services Commission.

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

10.2 Review of Council Policy: Risk Management (listed as 10.1.4 in the agenda)

File Ref:	COB/306
Applicant/Proponent:	Audit Committee
Responsible Officer:	Leanne French, Senior Governance and Risk Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.4-A: REVISED Council Policy Risk Management

Summary

The purpose of this report is for Council to consider a revised policy concerning risk management.

Committee and Executive Recommendation

That Council adopt the revised Risk Management Council Policy as attached at Appendix 10.1.4-A.

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

There will not be any regional impact by endorsing the revised Policy

Background

In 2022 the City, with the assistance of a consultant, undertook a review of the City's existing Enterprise Risk Management Framework. Since that time, officers have continued to evolve and develop the Enterprise Risk Service, which has included reviewing and evolving the previously adopted risk assessment and acceptance criteria.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

This policy was reviewed in the context of Regulation 17 of the *Local Government (Audit) Regulations 1996*.

Officer Comments

The Risk Management Policy includes quantification of the Councils broad risk appetite through the Risk Assessment and Acceptance Criteria.

Officers have reviewed the Risk Assessment and Acceptance Criteria and recommend the following amendments:

- Consequence Matrix
 - **reduce** the impact categories from Compliance; Environment; Financial; Health/People; Property; Reputation; and Service Interruption to Compliance/Regulatory; Environment; Financial; Health and Safety. The reduced number of impact categories will enable consistent and meaningful measurement against all the impact categories. The revised matrix has been amended to include all potential consequences of our identified risks.
 - **introduce** greater clarity in the amended wording by linking the consequences to performance measures which greatly reduces subjectivity and enables the capability to gain a consensus in terms of the impact of each risk. This table is specific to the City of Bunbury and is reviewed regularly so that the ever-evolving operational context of the City continues to be reflected in its risk management approach.
- Likelihood Matrix
 - **Amend** the likelihood table to determine the likelihood of our enterprise risk through the effectiveness of the control environment. Currently we rate our risks on the basis of likelihood being time, frequency and/or probability. Generally, if an incident happens multiple times within an organisation, it does not always mean that the likelihood is likely, it means that the control environment is ineffective. This revised approach provides the key stakeholders with full visibility of the City's risk exposure through understanding the controls that are critical to the effective management of each risk.
- Control Categorisation
 - **Introduce** a control criticality table. There is a direct correlation between the effectiveness of controls and the City's exposure to risk. Our control environment must be continually assessed for effectiveness rather than assuming effectiveness. We can identify the controls that need to be effective through control criticality. Not all controls identified will have the same impact in terms of reducing/maintaining the level of risk. By determining the criticality of a control we can ensure we do not commit more resources than are necessary.
 - **Amend** the Control Effectiveness Ratings to successfully define how effective the current controls are in relation to reducing the likelihood or consequence of the risk.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

This matter is presented to Council by the Audit Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once Council have endorsed the recommendation.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr Kozisek.

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 101/23

That Council adopt the revised Risk Management Council Policy as attached at Appendix 10.1.4-A.

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

10.3 Audit Regulation 17 Report (listed as 10.1.5 in the agenda)

File Ref:	COB/5811
Applicant/Proponent:	Audit Committee
Responsible Officer:	Sam Chernabaeff, Internal Auditor
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	CONFIDENTIAL APPENDIX 10.1.5-A: Regulation 17 Review – 2023 (Under separate cover)

Summary

The purpose of this report is to provide Council with the results of a triennial review regarding the appropriateness and effectiveness of the City's systems and procedures in relation to risk management, internal controls and legislative compliance (Regulation 17).

Committee and Executive Recommendation

That Council note the information provided in the report at Confidential Appendix 10.1.5-A.

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
Objective 13.2	Adopt innovations to improve business efficiencies and the customer experience
Objective 13.3	Effectively manage the City's resources

Regional Impact Statement

N/A

Background

Amendments to the *Local Government (Audit) Regulations 1996* in 2013 extended the functions of local government Audit Committees. The extensions (Regulation 17) require the CEO to review the appropriateness and effectiveness of the City's systems and procedures in relation to risk management, internal control and legislative compliance once every three financial years, and report the results to the Audit Committee.

The review has been conducted from a strategic and whole of organisation perspective in which the City of Bunbury has utilised fixed methodology for assessing each of the matters referred to in the legislation. The methodology has been developed with the intention to provide consistent assessment criteria which are to be applied in future iterations of the Regulation 17 review. The

methodical approach will allow the City of Bunbury to clearly visualise its improvement trends in each of the assessed area.

Council Policy Compliance

Risk Management Council Policy
Risk Management Framework
Management Policy: Legislative Compliance
Management Policy: Internal Control

Legislative Compliance

Regulation 17 of the *Local Government (Audit) Regulations 1996*

r.17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review **not less than once in every 3 financial years.***
- (3) *The CEO is to report to the audit committee the results of that review.*

Officer Comments

The attached report (Confidential Appendix 10.1.5-A) summarises the scope and approach of the review, the findings identified during the review, and how the City of Bunbury plans to address them.

It is important to note that the Regulation 17 review takes a retrospective perspective of the prior three years rather than considering current plans in progress, which are reported to the Audit Committee as they are completed.

Analysis of Financial and Budget Implications

N/A

Community Consultation

N/A

Councillor/Officer Consultation

This matter is presented to Council by the Audit Committee for noting.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

N/A – the item is for noting.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr Kozisek.

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 102/23

That Council note the information provided in the report at Confidential Appendix 10.1.5-A.

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

10.4 Internal Audit Framework (listed as 10.1.6 in the agenda)

File Ref:	COB/4748
Applicant/Proponent:	Audit Committee
Responsible Officer:	Sam Chernabaeff, Internal Auditor
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.1.6-A: Draft Internal Audit Activity Charter Appendix 10.1.6-B: Draft Internal Audit Plan FY24

Summary

The purpose of this report is for Council to review and endorse the Internal Audit Charter and Annual Internal Audit Plan for FY24.

Committee and Executive Recommendation

That Council endorse as presented the:

- Internal Audit Charter (Appendix 10.1.6-A), and
- FY24 Annual Internal Audit Plan (Appendix 10.1.6-B).

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
Objective 13.2	Adopt innovations to improve business efficiencies and the customer experience
Objective 13.3	Effectively manage the City's resources

Regional Impact Statement

N/A

Background

The purpose of the internal audit function is to provide independent, objective assurance and consulting services designed to add value and improve the City of Bunbury's operations. It helps the City of Bunbury accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

The Internal Audit Coordinator is required to report to senior management and the Audit Committee annually on the internal audit function's purpose, authority, and responsibility, by way of review of the Internal Audit Charter.

The Internal Auditor is also required to submit annually to senior management and the Audit Committee an annual internal audit plan which sets out the internal audit function's proposed internal audit specifications for the financial year.

Council Policy Compliance

Risk Management Council Policy
Risk Management Framework
Management Policy: Legislative Compliance
Management Policy: Internal Control

Legislative Compliance

Regulation 17 of the *Local Government (Audit) Regulations 1996*

r.17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review **not less than once in every 3 financial years**.*
- (3) *The CEO is to report to the audit committee the results of that review.*

Officer Comments

The following components of the internal audit framework are required to be reviewed and endorsed annually by senior management and the Audit Committee.

Internal Audit Charter

The internal audit charter is a formal document that defines the internal audit activity's purpose, authority, and responsibility. The internal audit charter establishes the internal audit activity's position within the organisation, including its authority to access records, personnel, and physical properties relevant to the performance of engagements; and defines the scope of internal audit activities.

No changes have been made to the Internal Audit Charter for FY24.

Annual Internal Audit Plan

The Annual Internal Audit Plan is primarily derived from the Strategic Internal Audit Plan and sets out the internal audit function's proposed internal audit specifications for FY24. The report includes adjustments to the original Strategic Internal Audit Plan in response to the need for strategic refinement, accompanied by a minor shift in the starting timeline in 2022-23 financial year.

Analysis of Financial and Budget Implications

N/A

Community Consultation

N/A

Councillor/Officer Consultation

This matter is presented to Council by the Audit Committee for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Immediate once endorsed by Council.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr Kozisek.

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 103/23

That Council endorse as presented the:

- Internal Audit Charter (Appendix 10.1.6-A), and***
- FY24 Annual Internal Audit Plan (Appendix 10.1.6-B).***

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

10.5 Results of Interim Audit 2023 (listed as 10.1.7 in the agenda)

File Ref:	COB/5457	
Applicant/Proponent:	Audit Committee	
Responsible Officer:	David Ransom, Manager Finance	
Responsible Manager:	Greg Golinski, Manager Governance	
Executive:	Karin Strachan, Director Strategy and Organisational Performance	
Authority/Discretion	<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
Attachments:	Nil	

Summary

The Officer of the Auditor General completed the City's Interim Audit for 2023 in April for the year ending 30 June 2023 and no findings were noted. The final audit will be undertaken in October 2023.

Committee and Executive Recommendation

That Council note that the Office of the Audit General noted NIL findings as part of the interim audit for the City for 30 June 2023.

Voting Requirement: Simple Majority required

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

N/A

Background

In April 2023, Moore Australia, on behalf of the Office of the Auditor General conducted the Interim Audit for the year ending 30 June 2023. Ordinarily a management letter would be issued following the interim audit however the OAG have advised they will not be doing so in the event of nil findings being identified.

Council Policy Compliance

Nil

Legislative Compliance

The Interim Audit is completed as part of the Annual Audit required under Section 7.2 of the Local Government Act 1995 that requires the accounts and annual financial report to be audited.

Regulation 5(1) of the Local Government (Financial Management) Regulations 1996 outlines the Chief Executive Officer's duties as to financial management.

Officer Comments

The Office of the Auditor General have advised the City via email on 2 June 2023, that they have completed the interim file review and are happy to report that there were no findings noted as part of the interim audit for the City for 30 June 2023.

The prior year issue on the BHRC Agreement is still ongoing and the status of this will be raised as part of the final audit phase to decide whether the issue needs to be re-raised or not for the current year.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This matter is presented to Council by the Audit Committee for noting.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

N/A as the matter is for noting.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr Kozisek.

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 104/23

That Council note that the Office of the Audit General noted NIL findings as part of the interim audit for the City for 30 June 2023.

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

10.6 Schedule of Accounts Paid for the period 1 May 2023 to 31 May 2023 (listed as 10.3.1 in the agenda)

File Ref:	COB/4736	
Applicant/Proponent:	Internal Report	
Responsible Officer:	David Ransom, Manager Finance	
Responsible Manager:	David Ransom, Manager Finance	
Executive:	Karin Strachan, Director Strategy & Organisational Performance	
Authority/Discretion:	<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
Attachments:	Appendix 10.3.1-A: Schedule of Accounts Paid	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 May 2023 to 31 May 2023 is attached at Appendix DSOP-1. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$12,441,205.94
2. Trust Account – payments totalling \$8,220.20
3. Visitor Information Centre Trust Account – payments totalling \$8,538.70

Executive Recommendation

The Schedule of Accounts Paid for the period 1 May 2023 to 31 May 2023 be received.

Voting Requirement: Simple Majority

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr Kozisek.

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 105/23

The Schedule of Accounts Paid for the period 1 May 2023 to 31 May 2023 be received.

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

10.7 Workforce Plan 2023 – 2027 (listed as 10.3.4 in the agenda)

File Ref:	COB/1793
Applicant/Proponent:	Internal
Responsible Officer:	Shae Phillips, Acting Manager People and Safety
Responsible Manager:	Shae Phillips, Acting Manager People and Safety
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.3.4-A: Workforce Plan 2023 - 2027

Summary

The City seeks Council endorsement of the 2023-2027 Workforce Plan as presented at appendix 10.3.4. This document supersedes the 2018 – 2022 Workforce Plan and outlines the City’s current and proposed future state of workforce resourcing for the next four years.

Executive Recommendation

That Council endorse the Workforce Plan 2023 – 2027 as presented at Appendix 10.3.4-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

This plan outlines the current trends, both internal and external, impacting on the City’s ability to effectively manage people resources, as well as outlining identified future workforce needs. As the City is a significant employer within Bunbury and the greater region, the ability of the City to attract, develop and retain quality staff to enable excellent service provision has strong and direct impact on the region.

Background

The Workforce Plan 2023 – 2027 has been developed over the last financial year. This strategic document outlines current workforce and strategic organisational trends, external trends impacting upon workforce planning as well as outlining proposed future focus areas including workforce resourcing 2023 – 2027.

The plan has been discussed with Elected Members during strategic briefing sessions, most recently on 23/5/2023, whereby a presentation overview of key components of the proposed plan was shared with Council.

The Workforce Plan is the first part of the integrated package of core documents coming to Council over the next two months inclusive of the Corporate Business Plan, Annual Budget and Long-Term Financial Plan (to be tabled July 2023).

The integration of these documents represents a further step towards comprehensive integrated strategic planning and reporting for the City of Bunbury. This is one significant outcome from ongoing operational internal work over the last 12 months led across the strategy, projects, finance and human resource service areas.

Council Policy Compliance

City of Bunbury Integrated Strategic Planning and Reporting Framework

Legislative Compliance

Section 5.56 Planning for the Future, *Local Government Act 1995*
Regulation 19DA(c) Requirements for Corporate Business Plans, *Local Government (Administration) Regulations 1996*

Officer Comments

It is asked that Council endorse the City's Workforce Plan 2023 -2027 on the basis that this plan will inform future workforce capacity building in line with other integrated strategic planning and reporting documents, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Annual Budget.

Analysis of Financial and Budget Implications

As outlined in the Workforce Plan, the proposed 15.4 FTE of additional staffing over the four years of this Workforce Plan will have budget implications as outlined by the Annual Budget 2023. Detailed justification for these positions, as well as the service levels addressed by these positions, is outlined in the document.

Community Consultation

Not applicable

Councillor/Officer Consultation

As outlined above, Elected Members have been updated about the progress and focus of the Workforce Plan informally through strategic briefing sessions focusing on workforce needs and budget. Formal discussion of the elements of the proposed Workforce Plan was held during strategic briefing on 23 May 2023 with Council.

Applicant Consultation

This is an internal operational document and was developed through a series of internal consultations with relevant Department Managers, Directors and CEO over 2022/2023.

Timeline: Council Decision Implementation

Recommended for Council consideration and endorsement 27/6/2023

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr Kozisek.

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 106/23

That Council endorse the Workforce Plan 2023 – 2027 as presented at Appendix 10.3.4-A.

CARRIED UNANIMOUSLY

11 votes "for" / nil votes "against"

10.8 Evolve Transformation Program Update (listed as 10.3.5 in the agenda)

File Ref:	DOC/1079030
Applicant/Proponent:	Internal
Responsible Officer:	Jordan Hunt, Team Leader Project Management Office
Responsible Manager:	Lucy Owen-Conway, Manager Strategy, Projects and Communications
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.3.5-A Evolve Program Update – June 2023

Summary

The attached report provides an update on the progress of the City’s Evolve Transformation Program for the past quarter. It details the progress against the schedule, key achievements and intended activities for the next period, proportion of budget spent, benefits achieved, and details of the social responsibility agreement with technology partner Mastek (previously Evolutionary Systems, “Evosys”).

Executive Recommendation

That Council receive and note the Evolve Transformation Program Update, as provided at Appendix 10.3.5-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust performance.
Outcome 13	A leading local government.
Objective 13.2	Adopt innovations to improve business efficiencies and the customer experience.

Regional Impact Statement

The Evolve Transformation Program (“Evolve”) will make the City of Bunbury the best local government in regional WA and enable us to build a Better Bunbury now and into the future.

Background

The Evolve Transformation Program will significantly enhance the City’s ability to meet our strategic anchors of improved community impact, enhanced reputation and ensuring the sustainability of our services. Changes made through the Evolve Transformation Program will revitalise internal processes, helping us to achieve our organisational purpose of building a better Bunbury through continuous improvements to the way we work.

The Evolve Transformation Program will also build organisational adaptability, enabling organisational capacity increase which can be further invested in offsetting future costs, enhancing service delivery or building further efficiencies. This will allow for greater innovation, enterprise and ongoing improvement within a rapidly and continuously changing social and economic environment.

The successful implementation of the Evolve Transformation Program will achieve significant benefits to the organisation and its community. The extent of these benefits will be tracked and measured as the project is rolled out.

Council Policy Compliance

Tendering for goods and services is conducted in accordance with:

- Purchasing Council Policy; and
- Access and Inclusion Policy.

Legislative Compliance

All elements of the Evolve Transformation Program are developed and rolled out in line with or exceeding the required Legislation.

Officer Comments

Key achievements for the previous period are detailed in the report for the technology and business streams of the program.

Analysis of Financial and Budget Implications

N/A

Community Consultation

N/A

Councillor/Officer Consultation

Ongoing

Applicant Consultation

N/A

Timeline: Council Decision Implementation

It is anticipated that all elements of the Evolve Transformation Program will be implemented over the next 12-18 months, with ongoing culture and change management in the 24 months following to ensure the acquired processes and tools are embedded into the organisation.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr Kozisek.

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 107/23

That Council receive and note the Evolve Transformation Program Update, as provided at Appendix 10.3.5-A.

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

- | | | | |
|---|---|-----------|-----------|
| * | Equity
(Total Assets less Total Liabilities) | \$488.84M | \$479.65M |
|---|---|-----------|-----------|
4. Capital Works (**attached** at Appendix 10.3.6-E)
- Actual capital works of \$7.86M is \$5.85M less than the year-to-date budgeted capital works of \$13.71M, (refer explanation within report).
 - The progress of capital works is monitored on a monthly basis.
 - Capital works include a combination of funding sources including municipal, reserve and grant funds.
5. Operating Project Expenditure (**attached** at Appendix 10.3.6-F)
- Actual operating project expenditure of \$7.54M is \$1.81M less than the year-to-date budgeted operating project expenditure of \$9.35M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

The Financial Management Report for the period ending 31 May 2023 be received.

Voting Requirement: Simple Majority

Strategic Relevance

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

Background

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

- Statement of Comprehensive Income (**attached** at Appendix 10.3.6-A)
- Statement of Financial Activity (**attached** at Appendix 10.3.6-B)
- Statement of Net Current Assets (**attached** at Appendix 10.3.6-C)
- Statement of Financial Position (**attached** at Appendix 10.3.6-D)
- Capital Projects Expenditure Summary (**attached** at Appendix 10.3.6-E)
- Operating Projects Summary (**attached** at Appendix 10.3.6-F)
- Monthly Community Financial Report (**attached** at Appendix 10.3.6-G)

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

Council Policy Compliance

Not applicable.

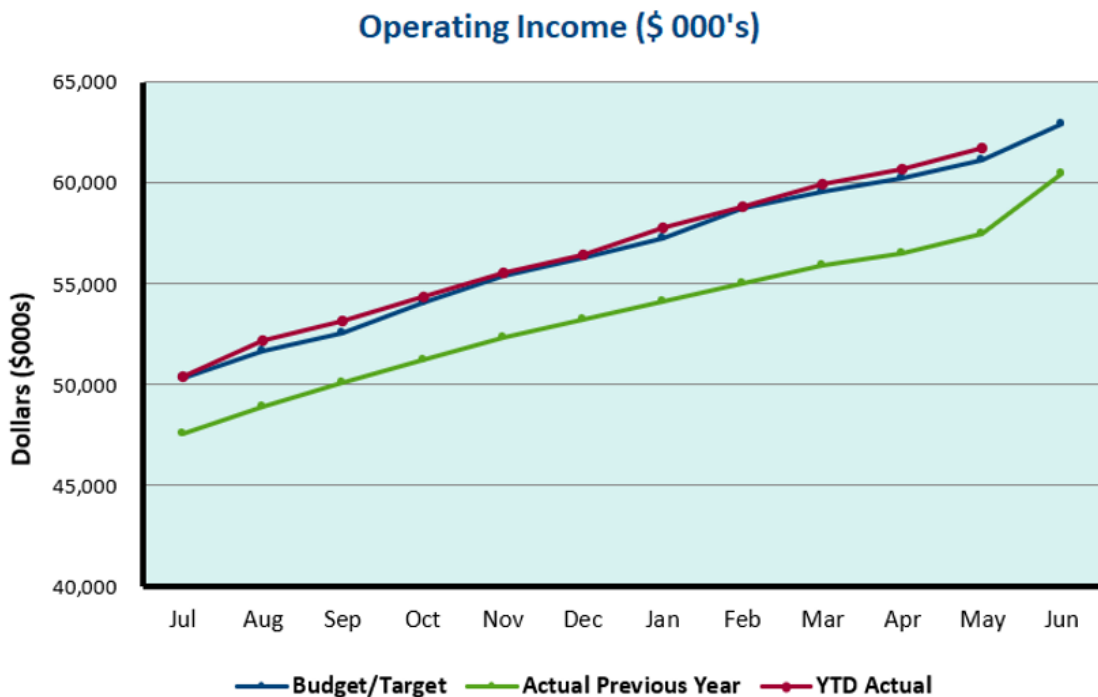
Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix 10.3.6-B) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

At the Special Council Meeting 26 July 2022, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/23.

Officer Comments

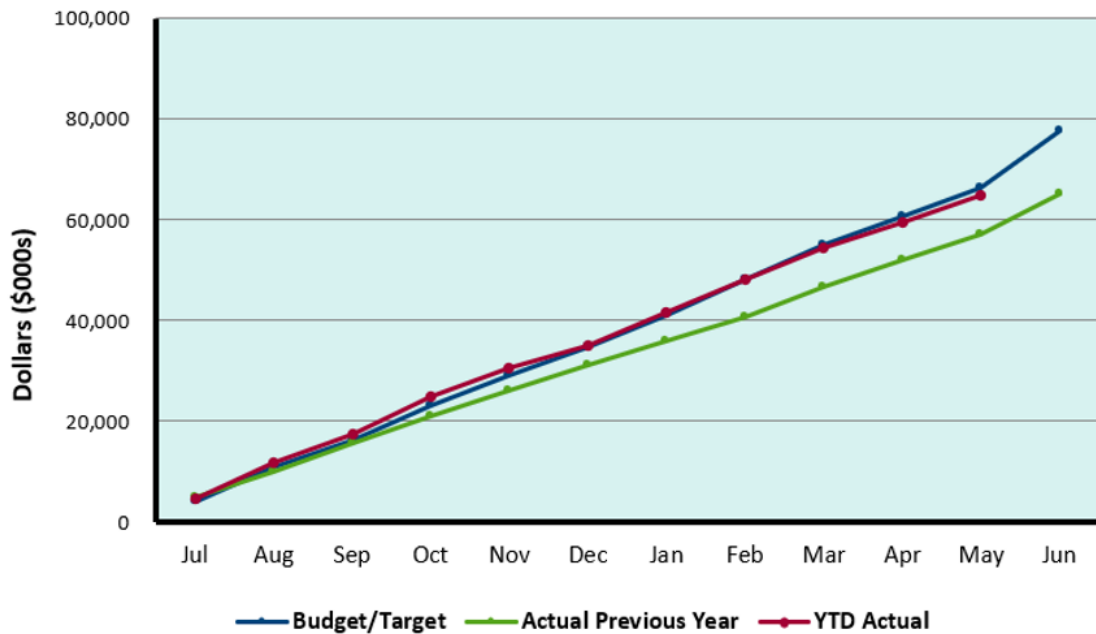
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



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

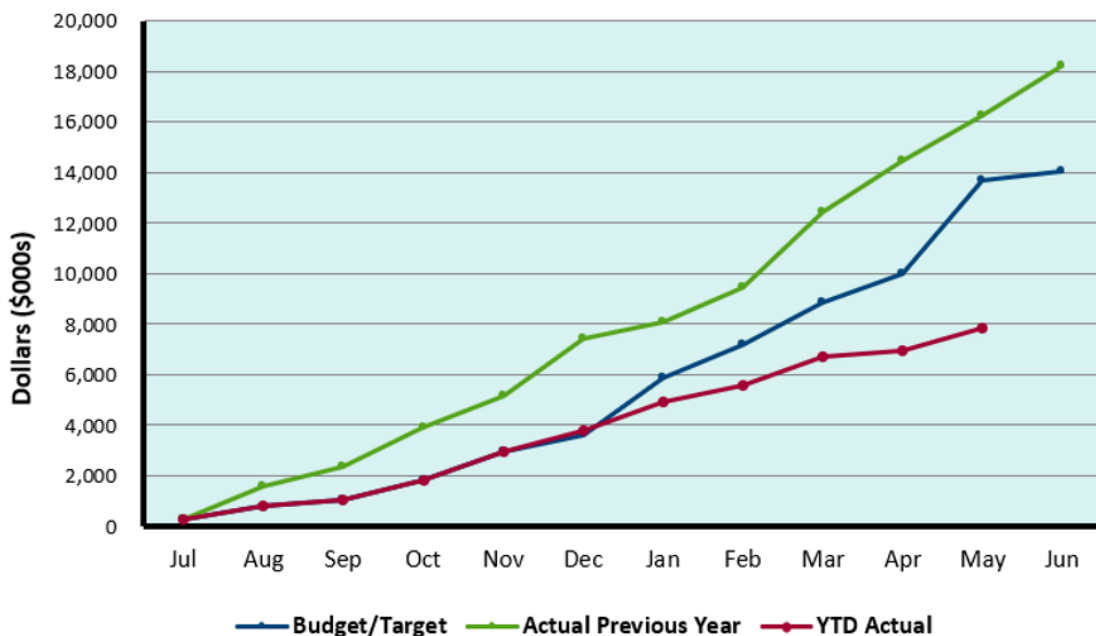
Actual Income of \$61.72M is \$589K above the year-to-date budgeted income of \$61.13M

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure is below the year-to-date budget by \$1.5M

Capital Expenditure (\$ 000's)



Note: The actual capital expenditure at the end of May 2023 is less than the year-to-date budget by \$5.85M
 The monthly Capital Projects Summary report provides more detail on all capital projects.

The following is an explanation of significant variances identified in the statement of Financial Activity. Please refer to Appendices 10.3.6-E and 10.3.6-F for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
Capital Expenses	
<p><i>Acquisition of Assets</i> – favourable year-to-date variance due to the timing of capital expenditure. The capital projects are monitored on a monthly basis. Key project variances include:</p> <p>PR-1809 Construct Hay Park North Pavilion - \$375K PR-4710 Replace corporate heavy plant and vehicles - \$368K PR-5089 Replace administration building air-conditioner - \$270K PR-1543 Boulton Heights Masterplan Implementation - \$265K PR-4701 Replace playground equipment- \$182K PR-4712 Replace waste vehicles and plant - \$147K PR-4799 Upgrade Halifax Business Park Infrastructure - \$135K PR-5038 Withers Regional renewal - \$98K PR-4936 CBD Roadworks - \$88K PR-4696 Replace boardwalks, lookouts, stairs- \$85K PR-4685 Roads to Recovery Road reseals- \$62K PR-1103 Realign and widen Ocean Drive - \$59K PR-5074 Back Beach Landscaping - \$50K PR-4786 Detailed Design, contract documentation \$46K PR-4668 Expand path network - \$42K</p> <p>Currently the following projects have been identified to be carried forward to the 2023/24 financial year:</p> <p>PR-2403 Replace Forrest Park Pavilion - \$1.78M PR-3720 Hands Oval redevelopment - \$612K PR-1883 Water Resources Recovery- \$499K</p>	<p>\$5,853,557 43%</p>

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2022/23 financial year.

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix 10.3.6-G) has been prepared to give the community an easy to understand summary of the City’s financial performance. Once received by Council, this report will be made available on the City’s website for community information.

Councillor/Officer Consultation

The City’s Executive Team, Department Managers and Finance staff monitor the City’s monthly revenue and expenditure and (as required) refers any variances requiring remedial action to Council.

Approved budget amendments are recorded in the financial statements to reflect the City’s current budget and financial position at all times.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr Kozisek.

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 108/23

The Financial Management Report for the period ending 31 May 2023 be received.

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

10.10 Bunbury Ocean Pool Project (listed as 10.5.2 in the agenda)

File Ref:	COB/3303
Applicant/Proponent:	Internal
Responsible Officer:	Gavin Harris, Director Infrastructure
Responsible Manager:	Gavin Harris, Director Infrastructure
Executive:	Gavin Harris, Director Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.5.2-A: Bunbury Ocean Pool Business Case Appendix 10.5.2-B: Bunbury Ocean Pool Concept Plan

Summary

Further investigative works have been completed as identified in the Ocean Pool Feasibility Fatal Flaw Proof of Concept Study. The Bunbury Ocean Pool Refined Concept Plan and Bunbury Ocean Pool Business Case have been completed and it is recommended that the City continues the development of the Ocean Pool concept with endorsement of the Concept Plan and Business Case, seek public comment on the concept plan and continue with the development of the project.

Executive Recommendation

That Council:

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

Voting Requirement: Simple Majority

Strategic Relevance

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

Regional Impact Statement

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

With the development of the Ocean Pool further consideration of the surrounding precinct will be needed including how this can support the ongoing operational and renewals costs. Should the Ocean Pool proceed, the City will need to work with State Government to precinct plan the surrounding area.

Background

At the 10 August 2021 Council Meeting, Council Decision 163/21 resolved:-

Council Decision 163/21

That Council:

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

The City engaged consultants to undertake the investigative works which have been used to prepare the Bunbury Ocean Pool Business Case. The Bunbury Ocean Pool Business Case will be the City's guiding document for funding applications to state and federal government to assist with funding the Bunbury Ocean Pool should Council endorse the business case and the next steps for the project.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

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

- Geotechnical Investigation (WML Consultants)
 - Environment Technical Studies (GHD)
 - Marine Environmental Quality: Pool Flushing and Effects on Coastal Water Quality
 - Marine Environmental Quality: Benthic Habitats
 - Flora and Vegetation
 - Preliminary Site Investigation
 - Hydrogeology
-

- Environmental Noise
- Landscape and Visual Impact
- Aboriginal Cultural Heritage Report (GHD)
- Refined Concept Design (Officer Woods Architects)
- Business Case (Bridge42)

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

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

The current concept plan proposes the pool is a facility available to the public 24/7 and free to use. As the site of the pool has moved onto the beach to create a true 'Ocean Pool' saltwater from the ocean would be pumped into the pool, circulate for a 3.5 hour period prior to overtopping the ocean side and returning to the ocean. In certain weather conditions wave action will overtop the ocean side wall and will require the pool to be cleaned out on a regular basis, requiring the pool to be emptied and then utilising a bobcat or similar plant to remove sand and seaweed before refilling the pool.

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

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

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

Should Council endorse the Bunbury Ocean Pool Business Case and Concept Plan there are a number of next steps identified including –

- Undertake community and stakeholder engagement,
 - Further Indigenous consultation,
 - Commencement of discussions with relevant approval authorities,
 - Conversion of the Business Case into WA Treasury Business Case format,
 - Identify and seek funding opportunities from private, State and Federal Government sources,
-

- Subject to funding, commence developing the concept plan to schematic design and then detailed design

Analysis of Financial and Budget Implications

The estimated capital cost to deliver the Bunbury Ocean Pool is \$17.82M consisting of the ocean pool associated amenities and surrounding landscaping works. The City's funding strategy for the capital costs of the project would be to seek contributions from the State and Federal Governments to match city funding and further consideration of private funding opportunities.

It is estimated that ongoing operational costs would be \$385,000pa. Based on a 20-year financial operational model and including renewal and operational cost the City would need to be setting aside an amount of \$611,350pa. The Business Case considers a number of ongoing financial scenario's for supporting the ongoing operational and renewal costs including the disposal of land and the leasing of government land for further development similar to the Busselton Jetty model. Should the Ocean Pool project development continue then further consideration of this modelling will need to be considered.

The City was provided with a \$250,000 grant from Department of Local Government, Sport and Cultural Industries and the City contributed \$90,000. The project has \$24,784 remaining, which will be carried over and added to 2023/2024 project funds of \$40,000 to facilitate.

Community Consultation

This part of the above recommendation to undertake community and stakeholder engagement.

Councillor/Officer Consultation

Councillors have attended 3 workshops on the Bunbury Ocean Pool Business Case, including providing feedback and input on the refined concept design.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Outcome of Meeting 27 June 2023

Todd Brown gave a deputation in relation to this item.

The recommendation (as printed) was moved by Cr Kozisek and seconded by Cr McCleary.

During debate Cr Giles Moved, and Cr Quain seconded a motion to extend Cr Kozisek's speaking time by 5 minutes, to a total of 10 minutes. The Mayor put the motion to the vote and it was carried unanimously.

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

Council Decision 109/23

That Council:

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

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

10.11 Proposed Tree Streets Heritage Area – Public Consultation (listed as 10.1.2 in the agenda)

File Ref:	COB/100
Applicant/Proponent:	Heritage Advisory Committee
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.2-A: Draft Tree Streets Local Planning Policy Appendix 10.1.2-B: Engagement Plan Appendix 10.1.2-C: FAQ Appendix 10.1.2-D: Proposed Tree Streets Heritage Area Study Boundary: 2022 v 2004 Appendix 10.1.2-E: Local Planning Policy 6.2 Heritage Listing, Assessment and Concessions

Summary

The *Heritage Act 2018* requires the preparation and review of a Local Heritage Survey (LHS) (previously referred to as the Municipal Inventory or Local Government Inventory). The City's 2001 LHS was reviewed in 2012 but no new places were assessed. The Local Planning Strategy commits to a comprehensive review of the LHS and this was budgeted for accordingly. A targeted approach was workshopped with the Heritage Advisory Committee. One of the priority locations raised to be assessed was that known as the "Tree Streets".

A detailed assessment of the Tree Streets has been completed and was reported to Council in January 2023 with a recommendation that a local planning policy be drafted for Council consideration. It is now recommended that Council proceed to advertise the proposed heritage area and draft local planning policy for the purposes of public consultation.

Executive and Heritage Advisory Committee Recommendation

That Council:

1. Proceed to advertise the proposed Tree Streets Heritage Area and associated Local Planning Policy 4.3: Tree Streets Heritage Area (Appendix 10.1.2-A) in accordance with Clause 4 and Clause 9, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for an extended period of 42 days;
2. Proceed to advertise the proposal to amend the City of Bunbury Local Heritage Survey with the inclusion of the proposed Tree Street Heritage Area in accordance with Part 8, Section 103 of the *Heritage Act 2018*;
3. Note and endorse the Engagement Plan (Appendix 10.1.2-B) for conducting public consultation for this proposal;
4. Note the FAQ (Appendix 10.1.2-C) that will form part of the public consultation.

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
Objective 7.2	Grow recognition and respect for local history and heritage

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

“Heritage supports urban and rural amenity by providing familiarity and the presence of landmarks, by underpinning our ‘sense of place’, and by enhancing the quality of our built environment generally.” (State Planning Policy 3.5 Historic Heritage Conservation (SPP 3.5)).

Local governments, in close engagement with their communities, perform an important role in the identification and protection of local places of cultural heritage significance. This starts with the creation and adoption of a local heritage survey (LHS). Having identified individual places, groups and precincts in the LHS, consideration should be given as to whether any significant areas warrant further investigation for their potential as a heritage area.

The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the deemed provisions) identify that a heritage area should be designated ‘if, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area...’. A separate local planning policy (LPP) is required for each heritage area designated under the local planning scheme. The requirements of such an LPP are detailed in Clause 9(2), Schedule 2 of the deemed provisions.

In 2004, the City of Bunbury commissioned an investigation into the cultural heritage significance of the Tree Street Area. The initial investigation was undertaken by Considine and Griffiths Architects with Historian Robin Chinnery. During the 2004 analysis of the proposed Tree Street Heritage Area, the study area included Karri Street, Jarrah Street, Banksia Street, Stockley Road, Beach Road and included a section of Tuart Street from Sampson Road to Beach Road (Appendix 10.1.2-D). There were opposing views from the community and extensive consultation. The finalisation of a heritage area did not proceed at that point. Recent demolitions and new built form have triggered further consideration of this area as part of the Local Heritage Survey (LHS) review. Previous analysis and the contemporary assessment by Stephen Carrick Architects have been given consideration through the LHS and heritage area review process.

The City of Bunbury Housing Strategy investigated, amongst other matters, appropriate infill areas. The proposed Tree Streets Heritage Area is in a location close to the CBD and schools that would normally trigger higher density investigations. However, given the character and cluster of heritage listings in this area, it was an action of the Strategy to investigate the Tree Streets potential as a heritage area in the first instance.

The Bunbury Council resolved on 31 January 2023 (Decision 009/23) to support the proposal of a designated heritage area and require preparation of a local planning policy and an engagement plan.

Council Policy Compliance

Local Planning Policy 6.2 Heritage Listing, Assessment and Concessions

Legislative Compliance

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

Legislation

- *Heritage Act 2018*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- The Burra Charter

State Planning Framework

- *Guidelines for Local Heritage Surveys 2019*
- *Guidelines for Heritage Areas (draft)*
- *Statement of Planning Policy 3.5 Historic Heritage Conservation*

Local Planning Framework

- *City of Bunbury Local Planning Strategy*
- *City of Bunbury Local Planning Scheme No.8 (LPS8)*
- *City of Bunbury Housing Strategy 2021*
- *Local Planning Policy 6.1 – Heritage Conservation and Development*
- *Local Planning Policy 6.2 – Heritage Listing, Assessment and Concessions*

Officer Comments

In December 2021, the City engaged heritage professionals, Stephen Carrick Architects, to undertake heritage assessments of priority locations across the City. The HAC and members of the public had previously identified the CBD and the 'Tree Streets' (HAC recommendation August 2021). The project team included a heritage architect and historian. Street surveys and desktop research were conducted to inform the assessment as previously reported to Council in January 2023. The assessment was based on the Guidelines for Heritage Areas (draft), DPLH, 2022. The FAQ (Appendix 10.1.2-C) details considerations for recommending a heritage area.

The draft local planning policy for a heritage area must set out the following –

- a) a map showing the boundaries of the heritage area;
- b) a statement about the heritage significance of the area;
- c) a record of places of heritage significance in the heritage area.

These criteria in the LPP are based on the assessment conducted by Stephen Carrick Architects. Local planning policies also contain design guidelines that demonstrate how the values of a heritage area can be retained. The design guidelines are based on performance criteria and design solutions to reinforce the heritage streetscapes and retain the significant housing stock. The LPP aims to guide development so that it does not detract from the values of the area.

Demolition of places of little or no significance may be considered but any new builds will need to respond to the design guidelines in the LPP. The policy does take a performance-based approach as values and significance can be difficult to measure, particularly for new additions. Design review is an important approach to determine whether the required performance criteria have been achieved. The City provides a free Heritage Advisory Service to assist with design review of proposals.

Another key consideration is that new buildings in heritage areas should not replicate or mimic existing buildings in design, appearance and materials. This provides a more honest or identifiable response to architecture and demonstrates that buildings do not have to look 'old' to respond to their setting and surroundings.

Policy Structure

Policy statements are structured as follows:

- Intent: Statement of intent for the policy statement in order to meet the policy objectives.
- Performance Criteria: Sets out those criteria and outcomes that define how a development proposal can meet the intent of the policy statement.
- Measures: Specific measures to assist in meeting the Performance Criteria. These may include Typology specific Measures for Residential Typology and Non-Residential Typology Areas.
- Design Guidance: General Design Guidance is provided for designers and applicants to assist with achieving contextually appropriate design and suggestions for how to meet the Performance Criteria. Site specific contextual analysis should also be undertaken.

A development application must meet the Performance Criteria for the relevant Policy Statement. If the Measures of a Policy Statement are met, then the Performance Criteria are satisfied. Where variations to the Measures are proposed, Design Guidance will provide guidance for achieving the Performance Criteria. The policy statements extend to the following design considerations:

- Demolition and Relocation
- Subdivision and/or Amalgamation
- Conservation of Contributory Buildings
- Alterations and Additions to Existing Buildings
- New Buildings
- Building Setbacks and Orientation
- Building Form, Scale and Bulk
- Roof Form and Pitch
- Verandahs and Porches
- Materials and Colours
- Access, Parking and Rights-of-Way
- Garages, Carports and Outbuildings
- Landscaping and Boundary Fences
- Incidental Development Requirements
- Signage
- Public Realm

The 'Public Realm' policy statement is a new consideration to assist in guiding policy development, infrastructure delivery and community expectations on street trees, street furniture, verge treatments, crossovers and street signage. This will have implications on Infrastructure Directorate policy statements.

Analysis of Financial and Budget Implications

Additional places included on the Heritage List and/or within a heritage area could result in an increase of rate concession applications. The area proposed includes 302 properties of varying significance. The take up of rate concessions is generally quite low, but this could have future budget implications. Rate concessions, subject to eligibility, may be 30% or a maximum of

\$1000/year, whichever is the lesser. Any rate concessions will be considered in accordance with the City of Bunbury Local Planning Policy 6.2 Heritage Listing, Assessment and Concessions, attached at appendix 10.1.2-E.

Community Consultation

The proposed heritage area will be consulted with the property owners as per legislative requirements (for an extended period of 42 days rather than the prescribed 21 days) and the engagement plan. City officers will be available for 1:1 meetings. Public consultation is sought on the proposal of a heritage area, the boundary, the levels of contribution and the design criteria as detailed within the LPP. This item went to the Heritage Advisory Committee on 24 May 2023.

Councillor/Officer Consultation

A Council Briefing was held on 9 May 2023 in which the intent of a heritage area and LPP were discussed. Consultation has also occurred at an officer level with the Development Coordination Unit and City Planning. Associated policy implications have been discussed with officers across the Infrastructure, Sustainable Communities and Strategy and Organisational Performance Directorates. The Western Australian Planning Commission (WAPC) will also be consulted on any variations sought against the State Planning Policy 7.3 - Residential Design Codes.

Applicant Consultation

Not applicable.

Timeline

On completion of the public consultation, a schedule of submissions and associated changes to the local planning policy will be presented to the Heritage Advisory Committee and Council for consideration by the end of 2023.

Outcome of Meeting 27 June 2023

Councillors Andrew and Yip left the chamber at 6:06pm as they each declared a financial interest in this item.

Gary Fitzgerald gave a deputation in relation to this item.

The recommendation (as printed) was moved by Cr Steele and seconded by Cr Smith.

Cr McCleary moved a procedural motion to defer the item for two rounds, however the motion lapsed as there was no seconder.

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

Council Decision 110/23

That Council:

- 1. Proceed to advertise the proposed Tree Streets Heritage Area and associated Local Planning Policy 4.3: Tree Streets Heritage Area (Appendix 10.1.2-A) in accordance with Clause 4 and Clause 9, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, for an extended period of 42 days;***
- 2. Proceed to advertise the proposal to amend the City of Bunbury Local Heritage Survey with the inclusion of the proposed Tree Street Heritage Area in accordance with Part 8, Section 103 of the Heritage Act 2018;***
- 3. Note and endorse the Engagement Plan (Appendix 10.1.2-B) for conducting public consultation for this proposal;***
- 4. Note the FAQ (Appendix 10.1.2-C) that will form part of the public consultation.***

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

Cr Andrew and Cr Yip returned to the chamber at 6:18pm.

10.12 Statutory Annual Review of Delegations – 2022/23 (listed as 10.1.1 in the agenda)

File Ref:	COB/5780
Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Leanne French Senior Governance and Risk Officer
Responsible Manager:	Greg Golinski Manager Governance
Executive:	Karin Strachan, Director Strategic and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.1.1-A: Current City of Bunbury Delegation Register where Council is the delegator Appendix 10.1.1-B: Draft Instrument of Delegation 1.1.12 Tenders for Goods and Services - Exempt Procurement Appendix 10.1.1-C: Draft Instrument of Delegation 1.1.17 Defer, Grant Discounts, Waive or Write Off Debts Appendix 10.1.1-D: Draft Purchasing Council Policy

Summary

The purpose of this report is for Council to receive the annual review of delegations made under the *Local Government Act 1995*, *Building Act 2011*, *Bush Fires Act 1954*, *Cat Act 2011*, *Dog Act 1976*, *Food Act 2008*, *Graffiti Vandalism Act 2016*, *Health (Miscellaneous Provisions) Act 1911*, *Planning and Development Act 2005*, *Public Health Act 2016*, *Health (Asbestos) Regulations 1992* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It is important to note that although Council is required to review its register of delegations to the CEO annually, individual delegations can be considered/amended on a standalone basis at any time.

Executive and Committee Recommendation

That Council:

1. Receives this report as the review of the delegations for the 2022/23 financial year pursuant to section 5.46(2) of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011*, and section 10AB (2) of the *Dog Act 1976*.
2. Amends the conditions within delegation 1.1.12 Tender for Goods and Services – Exempt procurement as presented at Appendix 10.1.1-B, to include enable a new contract to be formed by the novation of a contract which has already be approved from a previous council decision.
3. Amends the conditions within delegation 1.1.17 Defer, Grant Discounts, Waive or Write Off Debts as presented at Appendix 10.1.1-C, to amended to reflect the City’s operating environment post State of Emergency.
4. Adopt the revised Purchasing Council Policy as presented at Appendix 10.1.1-D.

Voting Requirements: Absolute Majority

Strategic Relevance

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

Regional Impact Statement

Not applicable to this report.

Background

The *Local Government Act 1995*, *Cat Act 2012* and *Dog Act 1976* require delegations to be reviewed by the Delegator at least once each financial year. This standard is applied to all delegations regardless of the Head of Power. Council last reviewed its delegations in its entirety on 28 June 2022. Therefore, this review is being conducted to ensure Council is compliant with the requirements of the applicable legislation. A copy of the Register, including any amendments made by Council since the last annual review is attached at Appendix 10.1.1-A. This Register includes all delegated authority where the delegator is Council.

Council Policy Compliance

The City's Management Policy Legislative Compliance applies.

Legislative Compliance

The following sections of legislation apply when delegating powers or duties to the Chief Executive Officer:

- section 5.42(1) of the *Local Government Act 1995*;
- section 45 of the *Cat Act 2011*;
- section 10AA of the *Dog Act 1976*;
- section 16 of the *Graffiti Vandalism Act 2016*;
- section 127 (1) and (3) of the *Building Act 2011*;
- section 48 and 59(3) of the *Bush Fires Act 1954*;
- section 118 of the *Food Act 2008*;
- section 26 of the *Health (Miscellaneous Provisions) Act 1911*;
- schedule 2, Clause 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- section 21 of the *Public Health Act 2016*; and
- regulation 15D(7) of the *Health (Asbestos Regulations 1992)*

Officer Comments

As part of the review the City's operational requirements, the volume of decisions under each statutory power or duty and the conditions and limitations integrated to mitigate risks and sensitivities of the decisions have been considered.

The Executive Leadership Team and officers have been involved in consultation regarding individual delegations.

City officers recommend some changes to delegations as part of the statutory annual review, as detailed below. A draft version of the proposed amended instrument of delegation for 1.1.12 is attached at Appendix 10.1.1-B and 1.1.17 is attached at Appendix 10.1.1-C.

Ref.	Current Function	Head of Power	Proposed amendment	Analysis
1.1.12	Tenders for Goods and Services – Exempt Procurement	<i>Local Government Act 1995</i>	Add in a condition c: <i>Tender Exempt Procurement under F&G r11(2)(ia) is exempt from the Maximum Value(s) for Individual Contracts where there is no change to the total consideration under the resulting contract from the original council decision.</i>	<p>On 22 May 2023, an amendment to the <i>Local Government (Function and General) Regulations</i> was gazetted (SL 2023/47) which included a tender exemption where <i>(11(2)(ia)) the contract is formed by the novation of a contract to which subregulation (1) applies;</i></p> <p>The City’s procurement lawyers provided the following definition of contract novation:</p> <p><i>Novation is the making of a new contract and the extinguishment of the obligations of the old contract. Under a novation, a new contract stands in place of the old.</i></p> <p><i>A novation is different to an assignment which transfers contractual rights from one person to another but does not transfer the burden of obligations. An assignment does not require a new contract.</i></p> <p>The changes to the regulations mean that if the City has entered into a Contract with a supplier <u>through a public tender process</u>, and receive a request to novate that contract to a new entity (e.g. when the company restructures, or is bought out by another company and there is a new ABN/ACN), we can now accept that novation, rather than having to terminate the Contract and go back out to tender.</p> <p>The new condition provides the CEO with the authority to enter into the novated contract without seeking Council’s approval, where there is no change to the total consideration under the new contract.</p>

Ref.	Current Function	Head of Power	Proposed amendment	Analysis
1.1.17	Defer, Grant Discounts, Waive or Write Off Debts	<i>Local Government Act 1995</i>	<p>It is recommended the conditions be amended to:</p> <ol style="list-style-type: none"> 1. This delegation does not apply to debts, which are prescribed as debts that are taken to e a rate or service charge. 2. A list of waivers, concessions, and debts written-off under this authority will be presented to Council quarterly. 3. Waivers, concessions and debts written-off are limited up to \$1,000 per matter. Any matter greater than this must be referred to Council for a decision. 	<p>This delegated authority was amended by Council at its meeting held 31 March 2020 (CD 067/20) in response to the COVID-19 pandemic. The delegation was subsequently reviewed on 21 July, 8 December 2020, 29 June 2021 and 28 June 2022 with no changes made.</p> <p>Following the end to the Western Australian State of Emergency on 4 November 2022, and the subsequent revocation of the Ministerial Order prohibiting application of interest or penalty charges on an excluded person's rate and service charge debts on 3 February 2023, Council revoked the COVID-19 Financial Hardship Council Policy effective from 1 July 2023 at the OCM held 23 May 2023, Council Decision 074/23.</p> <p>The last request to be approved under this delegation was processed in November 2020, being the waiving of both 2021 home occupation and business renewal fees.</p> <p>These changes reflect the City's operating environment post State of Emergency, with a limit of \$1,000 per matter and a quarterly report to be presented to Council of any decisions made under delegation.</p>

Associated with the amended to Delegation 1.1.12 Tenders for Goods and Services – Exempt Procurement, officers also recommend the following amendments to the Purchasing Council Policy as attached at Appendix 10.1.1-D to ensure consistency as outlined below:

- amend the purchasing thresholds table in section 5.0(e) Purchasing Requirements to clarify the process required for \$250,000 and above tender exempt for WALGA PSP, or State CUA or Australian Disability Enterprise as opposed to the tender exempt supply arrangements in accordance with Regulation 11(2);
- amend section 5.1(d) to include “and/or” and the word “supplier” to provide clarity of process;

- add section 5.9 Contract Novation to provide an administrative process which supports the novation of a contract as per the new the tender exemption (11(2)(ia) and Instrument of Delegation 1.1.12);
- throughout the Policy amend references to “procurement management policy” to correctly reflect “procurement toolkit”;
- amend section 6.1 tendering exemptions to correctly reflect the recent Regulation amendments;

Two new sections have also been recommended for addition to section 6. Exceptions to Procurement Requirements to streamline the procurement process in line with regulatory requirements as outlined below:

- add new section 6.3 to allow the City to process existing business software licensing renewals; and
- add new section 6.4 to allow the City to be more agile in procuring new vehicles in the currently challenging new vehicle market.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

The CEO and Executive have been consulted in the review of the City’s delegations and Purchasing Council Policy, and the matter is now presented to Council by the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Any amendments to delegations and the Purchasing Council Policy apply immediately following Council resolving as such.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Giles 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 111/23

That Council:

- 1. Receives this report as the review of the delegations for the 2022/23 financial year pursuant to section 5.46(2) of the Local Government Act 1995, section 47(2) of the Cat Act 2011, and section 10AB (2) of the Dog Act 1976.***
- 2. Amends the conditions within delegation 1.1.12 Tender for Goods and Services – Exempt procurement as presented at Appendix 10.1.1-B, to include enable a new contract to be formed by the novation of a contract which has already be approved from a previous council decision.***
- 3. Amends the conditions within delegation 1.1.17 Defer, Grant Discounts, Waive or Write Off Debts as presented at Appendix 10.1.1-C, to amended to reflect the City's operating environment post State of Emergency.***
- 4. Adopt the revised Purchasing Council Policy as presented at Appendix 10.1.1-D.***

CARRIED BY ABSOLUTE MAJORITY
11 votes "for" / nil votes "against"

10.13 Write-Off of Accounts Receivable 2022/23 (listed as 10.3.2 in the agenda)

File Ref:	COB/4727
Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 10.3.2-A: 2022-23 Accounts Receivable Debtor Write-Offs

Summary

All endeavours to facilitate collection of the outstanding Accounts Receivable Balances have been exhausted. This list of accounts receivable invoices (as **attached** at Appendix 10.3.2-A) totalling \$633.55 is proposed to be written off as at 30 June 2023.

Executive Recommendation

That Council approves the write-off of accounts receivable invoices totalling \$633.55 as at 30 June 2023 as presented at appendix 10.3.2-A.

*Voting Requirement: **Absolute Majority***

Strategic Relevance

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

Regional Impact Statement

Not applicable

Background

A review of outstanding invoices is regularly conducted to determine that unpaid amounts can be recovered. Account receivable follow-up of unpaid invoices unusually ensures that invoices raised are collected within 90 days of issue. However, there are instances where amounts are deemed to be not collectable or the cost recovery is not economically feasible for the amount outstanding.

In all instances:

- All the necessary measures have been taken to recover the debt,
- The debt remains unpaid for a minimum period of 90 days after its date for payment, and
- A list of debts to be written off is presented to Council.

Council Policy Compliance

This item complies with Council's policy for the write-off of accounts receivable balances.

Legislative Compliance

In accordance with the provisions of Section 6.12 of the Local Government Act 1995, Council may write-off any amount of money which is owed to the local government. An absolute majority vote is required.

Officer Comments

All endeavours to facilitate collection of the outstanding Accounts Receivable Balances have been exhausted.

Analysis of Financial and Budget Implications

The write-off of these accounts receivable balances has been provided for in the current budget, therefore there will be no impact on the 2022/23 budget.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

Council's Executive Leadership Team, Department Managers and Finance staff monitor the City's accounts receivable balance and after all endeavours to facilitate collection have been exhausted outstanding balances are referred to Council.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

30 June 2023

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Kozisek and seconded by Cr McCleary.

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

Council Decision 112/23

That Council approves the write-off of accounts receivable invoices totalling \$633.55 as at 30 June 2023 as presented at appendix 10.3.2-A.

CARRIED BY ABSOLUTE MAJORITY
11 votes "for" / nil votes "against"

10.14 Write-Off of Outstanding Community Services Infringements (listed as 10.3.3 in the agenda)

File Ref:	COB/4063
Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Nil

Summary

Each year the outstanding infringements from 2 years ago are recommended to Council for write-off.

Endeavours to facilitate the collection of outstanding infringements will continue through the Ministry of Justice Fines Enforcement Registry (FER), however the certainty of success is reduced after 2 years and it is prudent that these amounts are removed from the financial statements to accurately reflect the collectability of infringements.

Although fines will be written off by the City, these fines will remain with FER and the City will receive any monies if successfully recovered.

Executive Recommendation

That Council approves the write-off of 2020/2021 outstanding Community Services Infringements totalling \$63,218.64 as at 30 June 2023.

*Voting Requirement: **Absolute Majority***

Strategic Relevance

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

Regional Impact Statement

Not applicable.

Background

The City aims to collect 90% of infringement notices issued each year. Debt collection actions include internal efforts by staff and lodging infringements with the FER.

The following is a summary of outstanding infringements from 2020/2021. The amounts presented to Council last year for 2019/2020 are also shown as a comparison:

Infringement:	Amount Raised 2020/2021	Outstanding Balance 2020/2021	% Outstanding 2020/2021	Amount Raised 2019/2020	Outstanding Balance 2019/2020	% Outstanding 2019/2020
Parking	\$135,980.50	\$20,960.30	15.4%	\$138,851.75	\$15,163.85	10.9%
Dog Act	\$58,490.30	\$36,485.54	62.4%	\$41,231.00	\$19,602.09	47.5%
Cat Act	\$5,241.40	\$3,550.00	67.7%	\$6,840.95	\$5,578.85	81.6%
Litter	\$843.20	\$321.60	38.1%	\$1,032.15	\$235.32	22.8%
Bushfire	\$5,876.70	\$664.80	11.3%	\$3,269.25	\$441.65	13.5%
Local Laws	\$6,198.30	\$1,236.40	19.9%	\$44,847.55	\$7,886.88	17.6%
Off Road Vehicle	\$0.00	\$0.00	0.0%	\$0.00	\$0.00	0.0%
Health Act	\$0.00	\$0.00	0.0%	\$0.00	\$0.00	0.0%
Total	\$ 212,630.40	\$63,218.64	29.7%	\$ 236,072.65	\$48,908.64	20.7%

During 2020/2021 Community Services issued 2,277 infringements, totalling \$212,630.40 (original penalty and additional costs) with 2,015 or 88.5% collected to date. The amount that has not been recovered to date is \$63,218.64. This represents approximately 29.7% of the infringement penalties issued during the 2020/2021 financial year.

Council Policy Compliance

This item complies with Council's policy for the write-off of monies.

Legislative Compliance

In accordance with the provisions of Section 6.12 of the Local Government Act 1995, Council may write off any amount of money which is owed to the local government. An absolute majority vote is required.

Officer Comments

Although fines will be written off by the City, these fines will remain with FER and the City will receive any monies if successfully recovered.

Analysis of Financial and Budget Implications

The write-off of these infringements has been provided for in the current budget, therefore there will be no impact on the 2022/23 budget.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

This item has been referred to Council after consultation with the Manager Community Wellbeing who will continue efforts to recover outstanding infringements through the FER.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

30 June 2023.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Andrew and seconded by Cr Giles.

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

Council Decision 113/23

That Council approves the write-off of 2020/2021 outstanding Community Services Infringements totalling \$63,218.64 as at 30 June 2023.

CARRIED BY ABSOLUTE MAJORITY
11 votes "for" / nil votes "against"

10.15 South West Sports Centre Court Expansion (listed as 10.4.1 in the agenda)

File Ref:	COB/2314
Applicant/Proponent:	Internal
Responsible Officer:	David Russell, Manager Community Facilities
Responsible Manager:	David Russell, Manager Community Facilities
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

The recommendations are in line with completing actions from Council Decision 065/23 from the Ordinary Council Meeting held 26 April 2023. Once adopted this will acknowledge that the Bunbury Basketball Association (BBA) are the sole stakeholder interested in progressing the proposed standalone facility for court expansion that would be owned and operated by BBA at the proposed Hay Park site subject to meeting the requirements set out by the Department for Local Government, Sport and Cultural Industries (DLGSC).

Executive Recommendation

That Council:

1. Note that Bunbury Basketball Association are the sole third-party stakeholder interested in building, owning and operating the proposed standalone court facility at Hay Park.
2. Request that the Chief Executive Officer continues to work in conjunction with the Bunbury Basketball Association and the Department of Local Government, Sport and Cultural Industries to progress the development of a standalone indoor court facility to align with the Western Australian Government's 2021 election commitment.

Voting Requirement: Simple Majority

Strategic Relevance

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

Pillar Place
Aspiration An integrated, vibrant and well planned City
Outcome 8 A placed with attractive and welcoming community spaces, where people want to live
Objective 8.3 Maintain quality community buildings, halls and toilets.

Regional Impact Statement

Any regional impact that is derived from the work to be carried out from Recommendation 2 will be explored and information provided back to Council for consideration in September 2023.

Background

The State Government has committed \$8 million dollars through an election commitment to build new indoor multipurpose courts at the South West Sports Centre (SWSC) in November 2020. Due to cost issues associated with expanding the existing SWSC courts, the City has investigated another model of a standalone facility being owned and operated by a third-party.

At the Ordinary Council Meeting held 26 April 2023 an item was presented which included a comprehensive overview of the project to date, and Council decided (065/23):

“That Council:

- 1. Endorse that the City pursue the option of a standalone indoor court stadium and court expansion being developed by a 3rd party which shall include the Bunbury Basketball Association and other relevant stakeholders subject to satisfying the requirements of the Department of Local Government, Sport & Cultural Industries.*
- 2. Endorse the stand-alone Hay Park location (as noted in Appendix 10.4.1-A) as the proposed site for the court expansion.*
- 3. Request the CEO report back to Council with the nominated party for the transfer of the development together with management and operation of the facility and the preference for construction management, at the 28 June 2023 Ordinary Council Meeting.”*

Council Policy Compliance

Recreation Facilities Council Policy

Legislative Compliance

Not applicable

Officer Comments

The City Officers in conjunction with the Bunbury Basketball Association and Basketball WA are currently working through Recommendation 1 from Decision 065/23, with a report due back to Council in September 2023 reporting on meeting the requirements from the Department of Local Government, Sport and Cultural Industries (DLGSCI).

The purpose of this agenda item is to satisfy Recommendation 3 of Decision 065/23 post-stakeholder engagement to establish what level of interest each party had in the proposed new facility. During May/June 2023, the following key stakeholders were engaged to establish their level of interest/involvement in the concept of a standalone facility.

- Bunbury Basketball Association
 - Bunbury Netball Association
 - Bunbury Volleyball Association
 - Southwest Slammers
 - Southwest Football/Netball League
 - Indoor Hockey
 - Bunbury and Districts Badminton Association
-

Each stakeholder met individually with the Manager Community Facilities. A presentation was given for background information followed by some questions asked of each stakeholder around their level of interest in the project. The questions were as follows:

1. Would your association see yourself as a joint tenant in the overall management, operation, maintenance and replacement of this facility
2. If yes to Q1, would your association be interested or capable in project managing the construction and commissioning of the new proposed facility
3. If no to Q1, would you see yourself as a hirer of the proposed facility (without being a joint tenant) or would you see yourself still utilising the SWSC as your preference
4. Would the answer to Q3 be any different for larger events or carnivals if your regular booking remained at the SWSC

Below is a condensed summary of the responses;

Group/Question	Q1	Q2	Q3	Q4
Bunbury Basketball Association	Yes	Yes (outsourced)	N/A as would be a tenant	Would utilise the new facility and only SWSC if filled all new facility courts.
Bunbury Netball Association	No	N/A as not a tenant	Mainly continue at SWSC	Larger Events only
Bunbury Volleyball Association	No	N/A as not a tenant	Mainly continue at SWSC	Larger events only
Southwest Slammers	No	N/A as not a tenant	Hire new facility as needed and continue to hire SWSC as needed.	Would utilise which ever facility offered the most appropriate facilities
Southwest Football/Netball League	No	N/A as not a tenant	Mainly continue at SWSC and expand booking if more space available.	Larger events only (seating)
Indoor Hockey	No	N/A as not a tenant	Commence using SWSC (currently no home)	Larger events only (seating)
Bunbury Districts Badminton Association	No	N/A as not a tenant	Utilise SWSC as an overflow to existing Badminton courts as needed (rarely)	Would not utilise new facility

In addition to the questions, the proposed scope and preliminary concept plans were shown to each stakeholder with some discussion around requirements for individual sports so each stakeholder had an understanding of not just the physical court space but other social and club spaces that would be encompassed in a proposed facility and how this may benefit each club.

Below are the key themes from the engagement with stakeholders:

1. The Bunbury Basketball Association are the only club/organisation interested in the proposed court expansion that would be built, owned and operated by a third-party (becoming a tenant) at the proposed Hay Park site.
 2. The majority of current SWSC stakeholders would continue to utilise the SWSC and are interested in the proposed new facility for larger events where there is more space and the possibility of utilising seating for significant games (such as finals or carnivals).
-

3. The Bunbury Netball Association have no interest or need to utilise indoor court space or any associated social/functional space in a new facility (other than large events that may occur from time to time). This provides some guidance around site orientation/location of the proposed site. Bunbury Netball have indicated that court re-surfacing and upgrade of lighting would ensure their club was well provided in meeting future needs.

In accordance with the recommendation in this report and Council Decision 065/23 from Ordinary Council Meeting held 26 April 2023, the City will continue to work with the Bunbury Basketball Association to satisfy the requirements of the Department of Local Government, Sport and Cultural Industries.

Once the work has been completed a report will be provided back to Council with a recommendation on the suitability of the project as proposed in line with the requirements to satisfy the DLGSC.

Analysis of Financial and Budget Implications

The City currently holds funding from the DLGSCI for the purpose of undertaking the proposed works.

Community Consultation

Stakeholder engagement took place as part of the original Cox Architecture work in developing the Concept Design on the SWSC site. Consultation has taken place with the main stakeholder (Bunbury Basketball Association) which has in part expressed a desire for an alternate site to be explored.

Further community and stakeholder engagement took place in May - June 2023 in order to satisfy Recommendation 3 of Decision 065/23.

In addition to the community, key personnel at the DLGSC have been involved in the consultation process as they are the funding partner for the project. DLGSC have been kept up to date through monthly and quarterly reporting.

Councillor/Officer Consultation

Councillors have been provided updates and participated in discussion on this project through strategic briefing sessions on 23 August 2022 and 7 March 2023. The agenda item considered at the Ordinary Council Meeting held 26 April 2023 provided additional information which resulted in three recommendations as per Decision 065/23.

Officers including the CEO, Directors, key Managers and Team Leaders have all been involved in discussions prior to this agenda item being presented.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Recommendation 2 will be reported back to Council by 5 September 2023 and Recommendation 1 is for noting purposes.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Quain 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 114/23

That Council:

- 1. Note that Bunbury Basketball Association are the sole third-party stakeholder interested in building, owning and operating the proposed standalone court facility at Hay Park.***
- 2. Request that the Chief Executive Officer continues to work in conjunction with the Bunbury Basketball Association and the Department of Local Government, Sport and Cultural Industries to progress the development of a standalone indoor court facility to align with the Western Australian Government's 2021 election commitment.***

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

10.16 BREC Licence Agreement Renewal (listed as 10.4.2 in the agenda)

File Ref:	VR/00003
Applicant/Proponent:	Bunbury Regional Entertainment Centre Board of Management
Responsible Officer:	Elizabeth Denniss, Manager Community Connection
Responsible Manager:	Elizabeth Denniss, Manager Community Connection
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.4.2-A Correspondence Regarding Board of Management Appointments

Summary

This agenda report seeks Council endorsement of the renewal of the Bunbury Regional Entertainment Centre (BREC) Management Agreement for a 3 year period and the endorsement of the membership composition of the BREC Board of Management as requested in Appendix 10.4.2-A.

Executive Recommendation

That Council:

1. Request the CEO to enter into a new 3 year agreement with the BREC Board of Management for the purpose of service provision, operational and capital management of BREC.
2. Endorse that the value of operational subsidy for the 3 year agreement will commence at \$498,478 for the 2023/24 financial year with CPI increases applied annually in July of each subsequent year based on the previous March CPI percentage value.
3. Endorse that the value of the capital subsidy for the 3 year agreement will remain at \$100,000 per annum.
4. Endorse the following members as the BREC Board of Management:
 - Holly Hastie
 - Paul Springate
 - Lynette Narkel
 - Saira Manning
 - Georgia Malone

*Voting Requirement: **Absolute Majority***

Strategic Relevance

Pillar People
Outcome 2 Our Community and Culture
Objective 2.1 A growing hub of culture and creativity

Pillar Place
Outcome 8 A place with attractive and welcoming community spaces where people want to live.

Objective 8.1	Create a strong and vibrant City Centre
Pillar	Prosperity
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.

The 2022 MARKYT Scorecard identified that the community view of Council’s performance in the delivery of art, culture, events and festivals is ‘strong but declining and this area of service delivery was a priority for optimisation by the community.

Background

BREC is a place of artistic, social and cultural significance within the community and is one of WA’s leading venues hosting on average over 200 events and welcoming over 60,000 visitors annually.

The City of Bunbury has a current funding agreement with the Bunbury Regional Entertainment Centre Board of Management (BREC) which commenced on 1 July 2018. The current agreement is due to expire on 30 June 2023.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable.

Officer Comments

The value of the operational contribution has been arrived at on review of the 2022/2023 financial year contribution which, with the March 2022 CPI percentage applied to recurring indexed payments was \$471,628. The March 2023 CPI figure of 5.8% has then been applied to this figure (at a value of \$27,354) to arrive at the new baseline figure of \$498, 982 for the first year of the new agreement. The value of the capital contribution is currently \$100,000 and it is recommended this value be consistent across the term of the agreement.

Analysis of Financial and Budget Implications

Should Council endorse the recommendations, the expenditure amounts will be reflected in the 2023/2024 financial year and subsequent reviews of the long-term financial plan.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The Executive Director and Chairman of BREC Board of Management presented a briefing to Councillors in April 2023.

Applicant Consultation

The Chief Executive Officer, Director of Sustainable Communities, Director of Strategy and Performance and Manager Community Connections have participated in several meetings with the Board of Management and the Executive Director.

Timeline: Council Decision Implementation

Should the recommendations be endorsed by Council a letter will be issued from the CEO to the BREC Chairman by 30 June advising of the endorsement of the BREC Board Members and the new lease agreement will be reviewed and signed by both parties by 31 July 2023.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Yip and seconded by Cr McCleary.

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

Point 1

[That Council] Request the CEO to enter into a new 3 year agreement with the BREC Board of Management for the purpose of service provision, operational and capital management of BREC.

CARRIED BY ABSOLUTE MAJORITY

10 votes “for” 1 vote “against”

Mayor Miguel and Councillors Andrew, Giles, Kozisek, McCleary, Quain, Smith, Steck, Turner and Yip voted “for”

Cr Steele voted “against”

Point 2

[That Council] Endorse that the value of operational subsidy for the 3 year agreement will commence at \$498,478 for the 2023/24 financial year with CPI increases applied annually in July of each subsequent year based on the previous March CPI percentage value.

CARRIED BY ABSOLUTE MAJORITY

10 votes “for” 1 vote “against”

Mayor Miguel and Councillors Andrew, Giles, Kozisek, McCleary, Quain, Smith, Steck, Turner and Yip voted “for”

Cr Steele voted “against”

Point 3

[That Council] Endorse that the value of the capital subsidy for the 3 year agreement will remain at \$100,000 per annum.

CARRIED BY ABSOLUTE MAJORITY

11 votes “for” Nil votes “against”

Point 4

[That Council] Endorse the following members as the BREC Board of Management:

- Holly Hastie
- Paul Springate
- Lynette Narkel
- Saira Manning
- Georgia Malone

CARRIED UNANIMOUSLY

11 votes “for” Nil votes “against”

Council Decision 115/23

That Council:

- 1. Request the CEO to enter into a new 3 year agreement with the BREC Board of Management for the purpose of service provision, operational and capital management of BREC.**
- 2. Endorse that the value of operational subsidy for the 3 year agreement will commence at \$498,478 for the 2023/24 financial year with CPI increases applied annually in July of each subsequent year based on the previous March CPI percentage value.**
- 3. Endorse that the value of the capital subsidy for the 3 year agreement will remain at \$100,000 per annum.**
- 4. Endorse the following members as the BREC Board of Management:**
 - Holly Hastie
 - Paul Springate
 - Lynette Narkel
 - Saira Manning
 - Georgia Malone

CARRIED

10.17 City of Bunbury Parks and Playgrounds Action Plan (listed as 10.5.1 in the agenda)

File Ref:	COB/3718
Applicant/Proponent:	Carol Marter, Landscape Architect
Responsible Officer:	Kale Faulkner, Coordinator Parks and Reserves
Responsible Manager:	Aileen Clemens, Manager Infrastructure Maintenance Services
Executive:	Gavin Harris, Director Infrastructure
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 10.5.1-A Parks and Playground Action Plan

Summary

City Officers have developed a Parks and Playground Action Plan (Plan). The plan provides a 10 year strategic framework for the provision, design and management of the City’s recreation parks and playgrounds.

Executive Recommendation

That Council endorse the final Parks and Playgrounds Action Plan as presented at Appendix 10.5.1-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well-planned City.
Outcome 8.	A place with attractive and welcoming community spaces where people want to live.
Outcome 9.	A City that is easy to get around safely and sustainably.

Regional Impact Statement

It is envisaged that the Parks and Playgrounds Action Plan will be the blueprint for future park and playground renewal projects and will assist with funding application for regional facilities that attract visitors to the Bunbury Geopraphe Region.

Background

As per Council Decision 147/19

- 1) Endorse the following guiding principles for the draft Public Open Space Strategy: Parks and Playgrounds:
 - a) A Park Hierarchy as per Appendix DWS 1 be used to identify a classification for each park.
 - b) The application of the “List of Assets” (both standard and optional) by Park Hierarchy as per Appendix DWS 2.
 - c) The City will measure the accessibility of parks to all residential properties utilising both 400m (5-minute walk) and 800m (10-minute walk) as acceptable measures.
-

- d) The current % coverage of residential properties to all built parks will be maintained as a minimum standard as follows:
 - Currently 89.73% of residential properties are within 400m (5-minute walk) of a built park.
 - Currently 99.77% of residential properties are within 800m (10-minute walk) of a built park.
 - e) The current % coverage of residential properties to parks with playgrounds as a minimum standard will be maintained as follows -
 - Currently 78.18% of residential properties are within 400m (5-minute walk) of a park with a playground.
 - Currently 98.30% of residential properties are within 800m (10-minute walk) of a park with a playground.
 - f) Playgrounds that are surplus to needs and that can be removed without a reduction in the current % of coverage will be retired at the end of their useful life.
 - g) That the useful life of a playground be set at a 15-year replacement interval.
 - h) Playgrounds (including the value of equipment, installation, soft fall, edging, shade) are to be classified as one of the following standards:
 - i. Platinum \$500,000 (minimum)
 - ii. Gold \$300,000
 - iii. Silver \$200,000
 - iv. Bronze \$100,000
- 2) Request the draft Public Open Space Strategy: Parks and Playgrounds be returned to Council for endorsement prior to being advertised for public submissions and community engagement being held.

The Council Decision 147/19 was the framework for the development of the Parks and Playgrounds Action Plan (Plan). City Officers initially worked with a consultant to assist with the development of the plan which was refined by the project team.

Council Policy Compliance

The management and replacement of City's assets are conducted in accordance with the Asset Management Policy.

Legislative Compliance

Not Applicable.

Officer Comments

Bunbury has a diverse and growing community. With limited greenfield space to create new parks the City needs to ensure that it's existing parks respond to contemporary community needs.

The Parks and Playgrounds Action Plan (Plan) highlights the importance of providing accessible, quality, adaptable and flexible parks and playgrounds.

The Plan outlines the many values of parks for our community and looks at the current situation within our network, provides a snapshot of our existing community profile and examines future growth projections.

The Plan establishes a hierarchy for the City's 87 parks with the primary function of recreation and outlines a 10 year playground replacement programme for a proposed network of 43 playgrounds.

To ensure a more equitable provision of playgrounds across the City's parks the Plan proposes to relocate 4 existing playgrounds, develop 2 new playgrounds and remove 3 existing playgrounds at the end of their useful asset life.

The Plan also includes a number of short and medium term recommendations to provide further direction around amenity provision, walkability, access and inclusion.

It should be noted that this plan is for the provision of parks and playgrounds only and does not include sporting or nature spaces.

Analysis of Financial and Budget Implications

The Parks and Playground Action Plan includes a 10 year playground replacement programme that will be used to guide existing operational and capital budget spend. Ancillary amenities to parks and playgrounds including replacement of park furniture are separately funded capital projects. This programme has been developed in line with the budget allocations contained in the City's Long Term Financial Plan.

Community Consultation

An engagement process was undertaken as part of the development of the Plan which included an online survey. The results of this engagement are summarised within the Plan.

Councillor/Officer Consultation

City officers from the Project and Asset Management and Parks and Reserves teams were involved in the preparation of the Parks and Playgrounds Action Plan.

The draft Parks and Playgrounds Action Plan was presented to Councillors at the 30 May 2023 briefing session.

Applicant Consultation

Not Applicable.

Timeline: Council Decision Implementation

The Plan includes a 10 year playground replacement program commencing in 2023.

Outcome of Meeting 27 June 2023

The recommendation (as printed) was moved by Cr Turner and seconded by Cr Giles.

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

Council Decision 116/23

That Council endorse the final Parks and Playgrounds Action Plan as presented at Appendix 10.5.1-A.

CARRIED

10 votes “for” / 1 vote “against”

Mayor Miguel and Councillors, Giles, Kozisek, McCleary, Quain, Smith, Steck, Steele, Turner and Yip voted “for”

Councillor Andrew voted “against”

11. Applications for Leave of Absence

11.1 Mayor Miguel

Mayor Miguel requests a leave of absence from all Council-related business from 14 August 2023 to 28 August 2023 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*, Mayor Miguel is granted leave of absence from all Council-related business from 14 August 2023 to 28 August 2023 inclusive.

Outcome of Meeting 27 June 2023

The recommendation was moved by Cr Giles 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 117/23

Pursuant to Section 2.25 of the Local Government Act 1995, Mayor Miguel is granted leave of absence from all Council-related business from 14 August 2023 to 28 August 2023 inclusive.

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

11.2 Cr Steele

Cr Steele requests a leave of absence from all Council-related business from 4 August 2023 to 8 August 2023 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 Steele is granted leave of absence from all Council-related business from 4 August 2023 to 8 August 2023 inclusive.

Outcome of Meeting 27 June 2023

The recommendation was moved by Mayor Miguel and seconded by Cr Giles.

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

Council Decision 118/23

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Steele is granted leave of absence from all Council-related business from 4 August 2023 to 8 August 2023 inclusive.

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

12. Motions on Notice

Motions of which previous notice has been given are governed by clause 5.3 of the City's Standing Orders which states:

5.3 Motions of which previous notice has been given

- (1) *Unless the Act, Regulations or this Local Law otherwise provides, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.*
- (2) *A notice of motion under subclause (1) is to be given at least 14 clear working days before the meeting at which the motion is moved.*
- (3) *A notice of motion is to relate to the good governance of the district.*
- (4) *The CEO–*
 - (a) *may, with the concurrence of the Mayor, exclude from the agenda paper any notice of motion deemed to be, or likely to involve, a breach of this Local Law or any other written law;*
 - (b) *will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;*
 - (c) *may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*
 - (d) *may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*
- (5) *A motion of which notice has been given is to lapse unless –*
 - (a) *the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or*
 - (b) *the Council on a motion agrees to defer consideration of the motion to a later stage or date.*
- (6) *If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.*

The CEO has received a proposed Notice of Motion from Cr Ghasseb. In accordance with the City of Bunbury Standing Orders, the CEO has offered to meet and consult with Cr Ghasseb to bring the motion into due form. At the date of this agenda being published this proposed meeting has not taken place, and as such the proposed motion, in the opinion of the CEO, has not been brought into due form, and therefore is not able to be included in this agenda.

13. Questions from Members

13.1 Response to Previous Questions from Members taken on Notice

Councillor Ghasseb asked the below question which was taken on notice at the Ordinary Council Meeting held 23 May 2023. The response from the CEO is provided below.

Question 1

Is the City of Bunbury developing a local tourism plan that includes visitation, and specifically mitigation and advocacy measures to correspond with next year's scheduled opening of the Bunbury Outer Ring Road (BORR)?

Response (CEO)

The City has previously written to Minister Saffioti raising the issue of the BORR and potential impacts on tourism. The City in conjunction with the Bunbury Geographe Tourism Partnership (BGTP) are currently working on a submission to the Minister to request assistance in response to the opening of the BORR.

13.2 Questions from Members

Cr Smith asked the following question:

Question

When will the art and photographs which were previously in the Council Chambers be reinstalled?

Response

The CEO took the question on notice and advised that he will provide the information to all Elected Members out of session.

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

The Chief Executive Officer advised Council of a late item for deliberation relating to the membership of the CEO Selection Panel to facilitate a change in membership.

Recommendation

That Council pursuant to section 5.4 of Council's Standing Orders, agree to receive the item titled "*14.1. Amendment to CEO Selection Panel Membership*" as a matter of urgent business.

Outcome of Meeting 27 June 2023

The recommendation was moved by Cr Kozisek and seconded by Cr Giles.

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

Council Decision 119/23

That Council pursuant to section 5.4 of Council's Standing Orders, agree to receive the item titled "14.1. Amendment to CEO Selection Panel Membership" as a matter of urgent business.

CARRIED

10 votes "for" / 1 vote "against"

Mayor Miguel and Councillors Andrew, Giles, Kozisek, Quain, Smith, Steck, Steele, Turner and Yip voted "for"

Councillor McCleary voted "against"

14.1. Amendment to CEO Selection Panel Membership

File Ref:	COB/5250
Applicant/Proponent:	Internal
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Nil

Summary

The purpose of this report is for Council to consider amending the membership composition of the CEO Selection Panel.

Executive Recommendation

That Council:

1. Acknowledge the resignation of Cr Andrew from the CEO Selection Panel;
2. Amend the composition of the panel to appoint the Deputy Mayor to the Panel, which results in the CEO Selection Panel members now being the Mayor, Deputy Mayor and Councillors Steele, Yip and Turner along with the Mayor of the City of Mandurah (Rhys Williams) as the independent member; and
3. Note that point 2 above supersedes point 3 of Council Decision 082/23.

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 and accountable leadership and governance.

Regional Impact Statement

Nil

Background

At its meeting held on 23 May 2023, Council resolved as follows in relation to this matter (refer Council Decision 082/23):

That Council:

1. ***In accordance with clause 5(2) of the City of Bunbury Standards for CEO Recruitment, Performance and Termination, adopt the CEO Recruitment Application Package as presented at Appendix 10.3.1-A.***
 2. ***In accordance with clause 8(2) of the City of Bunbury Standards for CEO Recruitment, Performance and Termination, establish a CEO Selection Panel with terms of reference as detailed at Appendix 10.3.1-B.***
-

- 3. In accordance with clause 8(2) of the City of Bunbury Standards for CEO Recruitment, Performance and Termination, appoint the Mayor and Councillors Andrew, Steele, Yip, and Turner as members of the CEO Selection Panel.**
- 4. In accordance with clause 8(2) of the City of Bunbury Standards for CEO Recruitment, Performance and Termination, appoint all other Councillors as deputy members of the CEO Selection Panel.**
- 5. In accordance with clause 8(2) of the City of Bunbury Standards for CEO Recruitment, Performance and Termination, appoint Rhys Williams as an independent member of the CEO Selection Panel.**

Councillor Ben Andrew has since advised the Mayor of his resignation from the panel, leaving a vacancy. In this instance it is considered that formally appointing a replacement is preferable over having Deputy Members filling the vacancy.

Council Policy Compliance

The City of Bunbury Standards for CEO Recruitment, Performance and Termination apply.

Legislative Compliance

Sections 5.39A and 5.39B of the *Local Government Act 1995* prescribe model standards for CEO recruitment to be observed. The Council's adopted Standards for CEO Recruitment, Performance and Termination reflect the model standards.

The standards require the Council to establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO. The Panel is to comprise Elected Members and at least 1 independent person – *Regulation 8*.

Officers Comments

With Councillor Ben Andrew resigning from the CEO Selection Panel, it is considered that formally appointing a replacement is preferable over having Deputy Members filling the vacancy.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This item is presented to Council for consideration.

Timeline: Council Decision Implementation

Immediately following Council determination.

Outcome of Meeting 27 June 2023

The recommendation was moved by Cr Steck and seconded by Cr Giles.

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

Council Decision 120/23

That Council:

- 1. Acknowledge the resignation of Cr Andrew from the CEO Selection Panel;***
- 2. Amend the composition of the panel to appoint the Deputy Mayor to the Panel, which results in the CEO Selection Panel members now being the Mayor, Deputy Mayor and Councillors Steele, Yip and Turner along with the Mayor of the City of Mandurah (Rhys Williams) as the independent member; and***
- 3. Note that point 2 above supersedes point 3 of Council Decision 082/23.***

CARRIED

9 votes “for” / 2 votes “against”

Mayor Miguel and Councillors Andrew, Giles, Kozisek, Quain, Smith, Steck, Steele and Yip voted “for”

Councillors McCleary and Turner voted “against”

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

Nil

15.2 Public Reading of Resolutions that may be made Public

Nil

16. Closure

The Mayor declared the meeting closed at 6:34pm.

Confirmed this day, 25 July 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 27 June 2023.

Jaysen de San Miguel
Mayor
