

Bunbury City Council

Notice of Meeting and Agenda 17 March 2015



CITY OF BUNBURY
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Bunbury WA 6230
Western Australia
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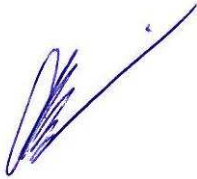
Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Review:** When Council reviews decisions made by Officers.
- 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.

Bunbury City Council Notice of Meeting

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 17 March 2015 at 5.30pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 13 March 2015)

Agenda 17 March 2015

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

Council Members:

Mayor Gary Brennan
Deputy Mayor Councillor Brendan Kelly
Councillor Murray Cook
Councillor Wendy Giles
Councillor James Hayward
Councillor Judy Jones
Councillor Betty McCleary
Councillor Neville McNeill
Councillor Jaysen Miguel
Councillor Sam Morris
Councillor David Prosser
Councillor Michelle Steck
Councillor Karen Steele

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

3. Announcements from the Presiding Member

4. Attendance

4.1 *Apologies*

4.2 *Approved Leave of Absence*

Cr Giles is on approved leave of absence from all Council-related business from 17 March 2015 to 17 March 2015 inclusive.

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 Giles declared an Impartiality Interest in item 12.1 titled *“Motion on Notice – Cr Kelly – PhD Scholarship Proposal - Access”* as she is an employee of Edith Cowan University. Cr Giles will remain in the chamber for the discussion on the matter.

The Mayor Gary Brennan declared an Impartiality Interest in item 10.2.3 titled *“Proposed Deed of Licence – Bunbury Men’s Shed Inc. – Over portion of Adam Road, Road Reserve (between Parade Road and Bussell Highway), South Bunbury”* as he is an honorary member of the Rotary Club of South Bunbury. The Mayor will remain in the chamber for the discussion on the matter.

Cr Hayward declared an Impartiality Interest in item 10.2.3 titled *“Proposed Deed of Licence – Bunbury Men’s Shed Inc. – Over portion of Adam Road, Road Reserve (between Parade Road and Bussell Highway), South Bunbury”* as he is a member of the Rotary Club of South Bunbury. Cr Hayward will remain in the chamber for the discussion on the matter.

Cr Morris declared a Proximity Interest in item 10.3.1 titled *“Action Sports Games 2016-2018 Proposal”* as the proposed games would take place in front of his business. Cr Morris will leave the chamber for the discussion on the matter.

6. Public Question Time

In accordance with Reg. 7(4)(a) of the Local Government (Administration) Regulations 1996, members of the public in attendance at the meeting may stand, state aloud their name and address, and ask a question in relation to any matter over which the municipality of Bunbury has jurisdiction or involvement.

In accordance with Standing Order 6.7(3)(a) a person wishing to ask a question, must complete a question form which is provided in the trays at the back of the public gallery and on the City's website. The completed form must include your name and address and contain no more than three (3) questions. If your question requires research or cannot be answered at the meeting, it will be taken on notice and you will receive a written response and a summary of your question (and any responses provided) will be printed in the minutes of the meeting.

6.1 Public Question Time

6.2 Responses to Public Questions Taken 'On Notice'

Nil.

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 3 March 2015 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 3 March 2015 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 – Community Access Committee Meeting Minutes – 06/02/2015 Appendix MTBN-2 – Policy Review and Development Committee Minutes – 19/02/2015 Appendix MTBN-3 – Audit Committee Minutes – 26/02/2015 Appendix MTBN-4 - Bunbury Setagaya Sister Cities Committee Minutes – 18/02/2015

Summary

The following Advisory Committee Meetings were held and the minutes are presented for noting:

1. Title: Community Access Committee Minutes – 06/02/2015
Author: Deanna Sullivan, Team Leader Community Development
Appendix: MTBN-1
2. Title: Policy Review and Development Committee Minutes – 19/02/2015
Author: Leanne French, Senior Governance and Risk officer
Appendix: MTBN-2
3. Title: Audit Committee Minutes – 26/02/2015
Author: Greg Golinski, Manager Governance
Appendix: MTBN-3
4. Title: Bunbury Setagaya Sister Cities Committee Minutes – 18/02/2015
Author: Helena Sahm, Senior Officer Sister Cities
Appendix: MTBN-4

Council Committee Recommendation

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

1. Community Access Committee Minutes – 06/02/2015
2. Policy Review and Development Committee Minutes – 19/02/2015
3. Audit Committee Minutes – 26/02/2015
4. Bunbury Setagaya Sister Cities Committee – 18/02/2015

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, upon receiving a petition, the Council is to

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

8.2 *Presentations*

8.3 *Deputations*

8.4 *Council Delegates' Reports*

8.5 *Conference Delegates' Reports*

9. Method of Dealing with Agenda Business

10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 Revision of Council Policy – Tree Removal

Applicant/Proponent:	Policy Review and Development Committee
Author:	Kristy Tillett, Manager Landscape & Open Space
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix RAC-1: Tree Removal policy (revised)

Summary

The purpose of this report is for Council to consider a revised Policy relating to tree removal.

Committee Recommendation

That Council adopt the revised Council Policy *Tree Removal* **attached** at Appendix RAC-1.

Strategic Relevance

- Goal 1 Accountable and Transparent Governance.
- Objective 1.2 Maintain a high standard of corporate governance and improve access to information.
- Strategy 1.2.4 Oversee and regularly review corporate policies, delegations and management guidelines.

Background

The Tree Removal Policy was originally adopted by Council on 21 December 2004 (refer Council Decision 386/04) and last reviewed on 29 June 2010. The purpose of the Policy is to provide clear guidelines to the procedures involved in assessment of trees proposed for removal and to help minimise the removal of mature tree species throughout Bunbury.

Council Policy Compliance

This report proposes a revision of an existing Council Policy.

Legislative Compliance

There is no legislative compliance impacting upon this report.

Officer Comments

The Policy Review and Development Committee have undertaken a review of Council's current policy relating to tree removal. As a result, some minor wording changes have been proposed, as detailed within Appendix RAC-1.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from the recommendations of this report, as the intent of the existing Policy has not been altered.

Councillor/Officer Consultation

The Director Works and Services and staff within the Landscape and Open Space Department have been consulted in the review of this Policy.

10.1.2 Revocation of Council Policy – Municipal Chambers

Applicant/Proponent:	Policy Review and Development Committee
Author:	Leanne French, Senior Governance and Risk Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-2: Council Policy: Municipal Chambers

Summary

The purpose of this report is for Council to consider the revocation of an existing policy relating to the use of the municipal chambers.

Committee Recommendation

That Council revoke the Council Policy entitled *Municipal Chambers* as **attached** at Appendix RAC-2.

Strategic Relevance

- Goal 1 Accountable and Transparent Governance.
- Objective 1.2 Maintain a high standard of corporate governance and improve access to information.
- Strategy 1.2.4 Oversee and regularly review corporate policies, delegations and management guidelines.

Background

The Council Policy, *Municipal Chambers*, was originally adopted on 21 September 1992. The intent of the Policy was to rationalise use of the municipal chambers and to ensure the City of Bunbury obtained maximum benefit from the use of the facility.

Council Policy Compliance

This report proposes the revocation of the Council Policy – *Municipal Chambers*.

Legislative Compliance

There is no legislative compliance applicable to this Policy.

Officer Comments

It is generally agreed that a policy is a statement that outlines parameters agreed to by Council to guide and facilitate consistency in decision-making. Corporate guidelines can be the “how to” in relation to implementing an associated policy or a stand-alone internal procedure.

The management of municipal chamber use is considered an operational process and therefore does not require a Council Policy.

Officially repealing the Policy will not change the way in which the City currently manages the municipal chambers. For reference, the Marion Hudson Room is not available for general use and the chambers itself is rarely used for any purpose except the hosting of Council meetings and briefing sessions. The function room is available for mayoral receptions, civic functions and meetings as determined by the Mayor and the Chief Executive Officer in joint consultation. The Executive Assistant to the Mayor facilitates the coordination of the municipal chamber facility.

Additionally, the current Policy specifies that charges may be made to recover operating costs including power, cleaning and refreshments and that the Mayor will determine the rate charged. Any charges applied for the use of Council facilities are adopted by Council as part of the annual budget process and are outlined in the published Schedule of Fees and Charges. The Mayor is not permitted to determine the rates charged for the use of Council facilities.

For the reasons stated above, the Policy Review and Development Committee recommends that this policy be revoked.

Analysis of Financial and Budget Implications

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

Councillor/Officer Consultation

The proposed revocation of the policy has been recommended by the Policy Review and Development Committee.

10.1.3 Revision of Council Policy - Food Regulation Compliance and Enforcement Policy

Applicant/Proponent:	Policy Review and Development Committee
Author:	Sarah Upton, Manager Environmental Health
Executive:	Bob Karaszewych – Manager Director Planning and Development Services
Attachments:	Attachment RAC-3: Council Policy: Food Regulation Compliance and Enforcement

Summary

The purpose of this report is for Council to consider a review of a current Council Policy relating to the City's approach to food regulatory enforcement activity for food businesses within the City.

Committee Recommendation

That Council note the review of Council Policy *Food Regulation Compliance and Enforcement*, with no changes, as **attached** at Appendix RAC-3.

Strategic Relevance

- Goal 1 Accountable and Transparent Governance.
- Objective 1.2 Maintain a high standard of corporate governance and improve access to information.
- Strategy 1.2.4 Oversee and regularly review corporate policies, delegations and management guidelines.

Background

The *Food Regulation Compliance and Enforcement* Policy was first adopted by Council at its meeting held 25 September 2012, Council decision 278/12. The Policy was developed to clearly identify Council's strategic approach to its legislative and statutory obligations under the provisions of various forms of legislation.

It documents the City's position in relation to national and state enforcement processes and procedures, as well as setting out the individual strategic objectives in order to meet compliance.

The Policy is underpinned by a corporate guideline which provides further operational detail.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

This policy complies with the *Health Act 1911 Food Act 2008, Food Regulations 2009* and the Food Standards Code.

Officer Comments

The Policy Review and Development Committee have undertaken a review of the Council Policy *Food Regulation Compliance and Enforcement* and propose no changes to the existing policy.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from the recommendations of this report, as the intent of the Policy has not been altered.

Councillor/Officer Consultation

The policy has been reviewed internally by Environmental Health Staff, as well as the Policy Review and Development Committee.

10.1.4 Review of Terms of Reference – Policy Review and Development Committee

Applicant/Proponent:	Policy Review and Development Committee
Author:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The purpose of this report is for Council to consider a review of the terms of reference for the Policy Review and Development Committee.

Committee Recommendation

That Council adopt the amended terms of reference for the Policy Review and Development Committee as follows:

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

Background

Point 5 of Decision 335/13 from the Ordinary Council Meeting held on 26 November 2013 was that each Council Committee commences a review of its terms of reference in March 2015, to enable a complete review of the operations to be completed prior to the next Ordinary Elections.

The Policy Review and Development Committee reviewed its terms of reference at its meeting held on 19 February 2015.

Council Policy Compliance

N/A

Legislative Compliance

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

Officer Comments

The current terms of reference for the Policy Review and Development Committee are as follows:

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

As a result of a recent amendment to facilitate the consideration of planning policies within the scope of the Policy Review and Development Committee, the terms of reference continue to be current and applicable.

The Policy Review and Development Committee do however propose an expansion of point 1 to ensure policies are reviewed within a consistent time frame:

1. *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*

Analysis of Financial and Budget Implications

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

Councillor/Officer Consultation

This report is presented to Council following review by the Policy Review and Development Committee.

10.1.5 Review of Terms of Reference – Audit Committee

Applicant/Proponent:	Audit Committee
Author:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The purpose of this report is for Council to consider a review of the terms of reference for the Audit Committee.

Committee Recommendation

That that Council adopt an amended terms of reference for the Audit Committee as follows:

The duties and responsibilities of the committee will be:

- a) *Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;*
- b) *Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;*
- c) *Develop and recommend to Council:*
 - *a list of those matters to be audited; and*
 - *the scope of the audit to be undertaken;*
- d) *Recommend to Council the person or persons to be appointed as auditor;*
- e) *Develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include:*
 - *the objectives of the audit;*
 - *the scope of the audit;*
 - *a plan of the audit;*
 - *details of the remuneration and expenses to be paid to the auditor; and*
 - *the method to be used by the local government to communicate with, and supply information to, the auditor;*
- f) *Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;*
- g) *Liaise with the CEO to ensure that the local government does everything in its power to:*
 - *assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and*
 - *ensure that audits are conducted successfully and expeditiously;*
- h) *Examine the reports of the auditor after receiving a report from the CEO on the matters to:*
 - *determine if any matters raised require action to be taken by the local government; and*
 - *ensure that appropriate action is taken in respect of those matters;*
- i) *Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;*
- j) *Review the scope of the audit plan and program and its effectiveness;*

- k) *Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;*
- l) *Review the level of resources allocated to internal audit and the scope of its authority;*
- m) *Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;*
- n) *Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;*
- o) *Review the local government’s draft annual financial report, focusing on:*
 - *accounting policies and practices;*
 - *changes to accounting policies and practices;*
 - *the process used in making significant accounting estimates;*
 - *significant adjustments to the financial report (if any) arising from the audit process;*
 - *compliance with accounting standards and other reporting requirements; and*
 - *significant variances from prior years;*
- p) *Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;*
- q) *Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee’s terms of reference;*
- r) *Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee’s terms of reference following authorisation from the Council;*
- s) *Review the annual Compliance Audit Return and report to the council the results of that review, and*
- t) *Consider the CEO’s biennial reviews of the appropriateness and effectiveness of the local government’s systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to the council the results of those reviews.*

Background

Point 5 of Decision 335/13 from the Ordinary Council Meeting held on 26 November 2013 was that each Council Committee commences a review of its terms of reference in March 2015, to enable a complete review of the operations to be completed prior to the next Ordinary Elections.

The Audit Committee reviewed its current terms of reference at its meeting held on 26 February 2015.

Council Policy Compliance

N/A

Legislative Compliance

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

Officer Comments

The *Local Government Act 1995* (the Act) requires that all local governments establish an Audit Committee. The Audit Committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The current terms of reference for the City's Audit Committee are as follows:

1. *The Audit Committee is to provide guidance and assistance to Council based on the following Terms of Reference:*
 - 1.1 *To carry out Council's functions in relation to audits carried out under Part 7 (Audit) of the Local Government Act 1995*
 - 1.2 *To develop a process to be used to select and appoint a person to be an Auditor.*

2. *The Audit Committee may also provide guidance and assistance to Council as to:*
 - 2.1 *Matters to be audited;*
 - 2.2 *The scope of audits;*
 - 2.3 *Council's functions under Part 6 (Financial Management) of the Local Government Act 1995; and*
 - 2.4 *The carrying out of Council's functions relating to other audits and other matters relating to financial management.*

3. *The Audit Committee may evaluate tenders received for the provision of audit services and report to Council with a recommendation for appointment of an auditor for the City of Bunbury and the Bunbury-Harvey Regional Council.*

2013 saw a number of amendments made to the *Local Government (Audit) Regulations* (the Regulations), following which the Department of Local Government amended the local government guidelines relating to Audit in local government.

The revised guidelines contain a model terms of reference for Audit Committees which, whilst not totally dissimilar to those currently employed by the City, are more detailed and include specific reference to the recent amendments to the Regulations, namely Audit Regulation 17.

The model terms of reference is outlined below and is recommended for adoption by Council as revised duties and responsibilities for the City's Audit Committee.

Proposed Terms of Reference

The duties and responsibilities of the committee will be:

- a) *Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;*
- b) *Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;*
- c) *Develop and recommend to Council:*
 - *a list of those matters to be audited; and*
 - *the scope of the audit to be undertaken;*

- d) *Recommend to Council the person or persons to be appointed as auditor;*
- e) *Develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include:*
 - *the objectives of the audit;*
 - *the scope of the audit;*
 - *a plan of the audit;*
 - *details of the remuneration and expenses to be paid to the auditor; and*
 - *the method to be used by the local government to communicate with, and supply information to, the auditor;*
- f) *Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;*
- g) *Liaise with the CEO to ensure that the local government does everything in its power to:*
 - *assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and*
 - *ensure that audits are conducted successfully and expeditiously;*
- h) *Examine the reports of the auditor after receiving a report from the CEO on the matters to:*
 - *determine if any matters raised require action to be taken by the local government; and*
 - *ensure that appropriate action is taken in respect of those matters;*
- i) *Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;*
- j) *Review the scope of the audit plan and program and its effectiveness;*
- k) *Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;*
- l) *Review the level of resources allocated to internal audit and the scope of its authority;*
- m) *Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;*
- n) *Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;*
- o) *Review the local government's draft annual financial report, focusing on:*
 - *accounting policies and practices;*
 - *changes to accounting policies and practices;*
 - *the process used in making significant accounting estimates;*
 - *significant adjustments to the financial report (if any) arising from the audit process;*
 - *compliance with accounting standards and other reporting requirements; and*
 - *significant variances from prior years;*
- p) *Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;*
- q) *Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;*
- r) *Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;*
- s) *Review the annual Compliance Audit Return and report to the council the results of that review, and*

- t) *Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to the council the results of those reviews.*

Analysis of Financial and Budget Implications

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

Councillor/Officer Consultation

The recommendations within this report have been made by the Audit Committee.

10.1.6 Internal Audit Programme HR – Recommendations Update

Applicant/Proponent:	Audit Committee
Author:	Aileen Clemens, Manager Organisational Development and HR
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-4: Internal Audit Recommendations Update – HR

Summary

The purpose of this item is to present Council with an update as to the implementation of the recommendations from the Human Resource (HR) audit conducted by AMD Chartered Accountants (AMD) between March and May 2014.

Committee Recommendation

That Council:

1. Notes the implementation of all recommendations, with the exception of FN01-01 and FN06-03, which will remain ongoing in perpetuity.
2. Closes recommendations FN01-01 and FN06-03.

Background

The Audit Committee has previously received the final report and recommendations relating to the HR audit as provided by AMD. The Committee requested that subsequent updates be provided outlining progress achieved in relation to the implementation of the recommendations contained therein. A copy of the summary is **attached** at Appendix RAC-4.

Council Policy Compliance

Not Applicable.

Legislative Compliance

Not Applicable.

Officer Comments

The Human Resources Audit encompassed the following areas:

- Identification of HR requirements;
- Recruitment procedures and processes including identification of new positions, advertising; interviewing and related procedures, communication to existing staff and setting up of new employees;
- Basis of remuneration;
- Staff induction procedures and processes;

- Procedures and assessment of staff feedback; performance management and pay reviews;
- Payroll recording and payment procedures, including timesheet authorisation, timesheet data entry; payroll processing and payment authorisation procedures;
- Leave accruals, including use of leave forms, authorisation of leave forms, processing and reconciliation of employee provisions on a regular basis;
- Payroll deductions, including employee authorisation and documentation;
- Superannuation and group tax deduction payments; and
- Termination payments, including use of termination checklist and review and authorisation prior to termination payment.

Nine recommendations were made, the progress of which is outlined at Appendix 1. Of these, 7 have now been completed as detailed within the appendix. Two of the recommendations, FN01-01 and FN06-03 are recommended for closure as follows:

FN01-01 – That all HR work procedures be reviewed annually.

The nature of this recommendation means that the work will remain ongoing in perpetuity.

Work procedures have now been converted into Corporate Guidelines consistent with the City's adopted policy framework, and periodic reviews of all Corporate Guidelines will continue on an ongoing basis.

As this recommendation is also captured within the City's Audit Regulation 17 findings, where it is a statutory requirement to report progress annually to the Audit Committee, to save duplication it is requested that this recommendation be closed for the purpose of the HR Internal Audit Programme Report.

FN06-03 – Leave balances should be reviewed quarterly by management to identify employees with excessive leave.

At the last meeting of the Audit Committee held on 30 October 2014, it was requested (via motion) that the CEO provide the Committee with a list of accrued leave in excess of 4 weeks at each subsequent meeting.

As with FN01-01, the nature of this recommendation means that the work will remain ongoing in perpetuity, and will be the subject of a separate report at each future meeting of the Audit Committee.

To this extent, it is requested that this recommendation be closed for the purpose of the HR Internal Audit Programme Report.

Analysis of Financial and Budget Implications

Nil

Councillor/Officer Consultation

The recommendations within this report have been made by the Audit Committee.

10.1.7 Annual Leave Accruals

Applicant/Proponent:	Audit Committee
Author:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The purpose of this report is to provide Council with information relating to Annual Leave Accruals for City staff.

Committee Recommendation

That Council:

1. Note the report.
2. Note that the Audit Committee is satisfied that strategies have been put into place by the Executive to reduce the excess annual leave liability.
3. Note that the Audit Committee will continue to monitor the excess annual leave liability at each subsequent meeting of the Committee.

Background

At the last meeting of the Audit Committee held on 30 October 2014, the Chief Executive Officer was requested to provide the Committee with a list of accrued leave in excess of four (4) weeks at each subsequent meeting.

Council Policy Compliance

N/A

Legislative Compliance

N/A

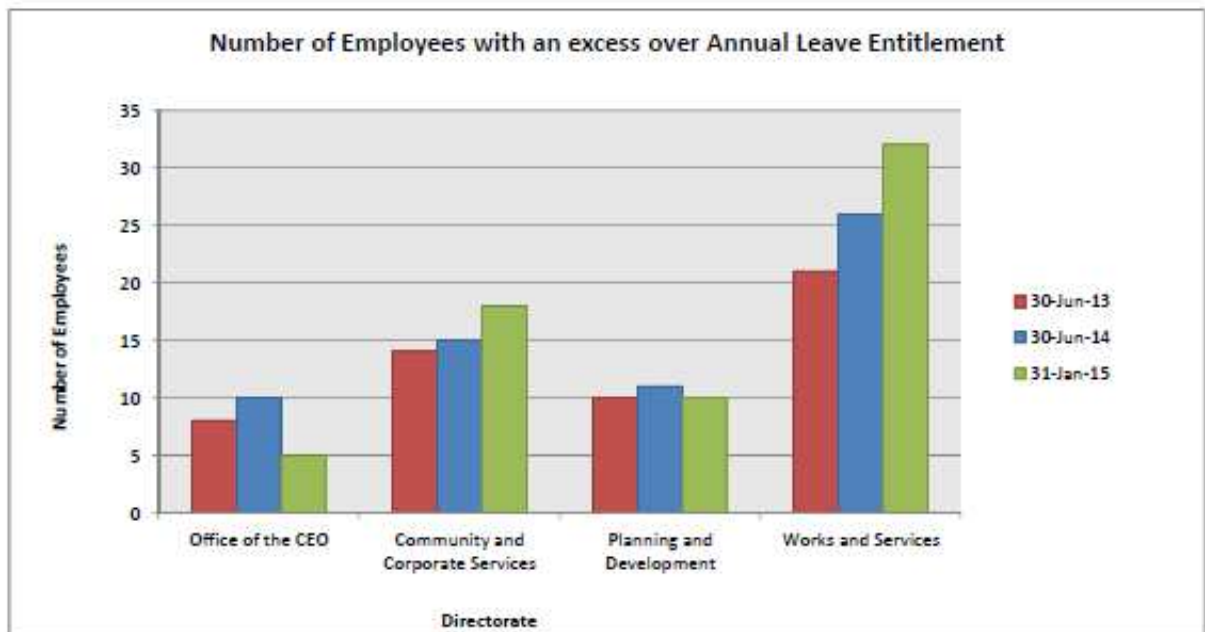
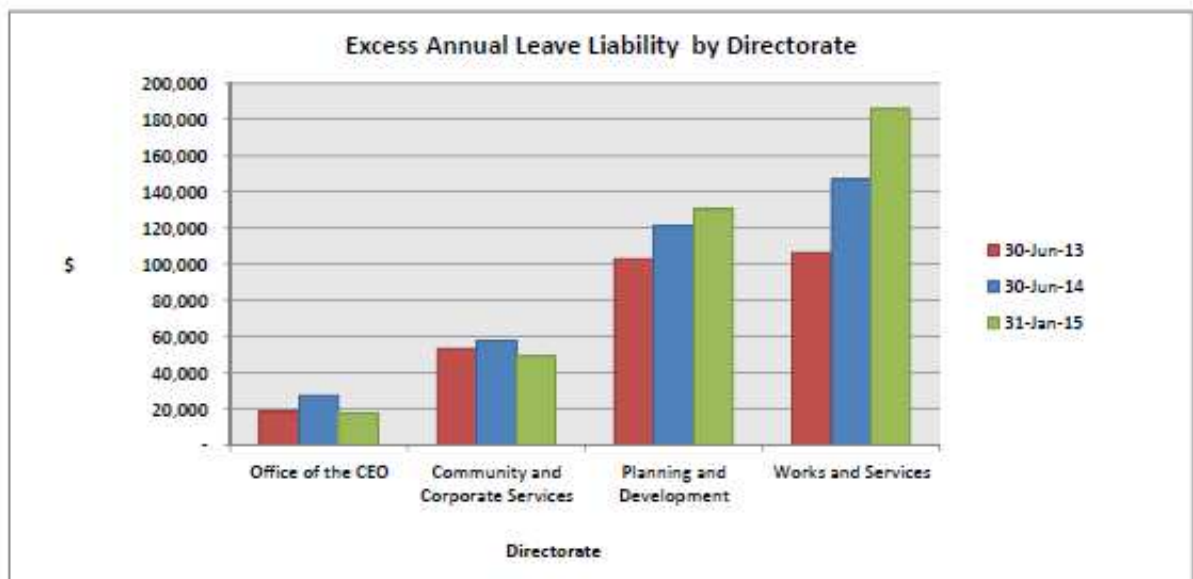
Officer Comments

The HR Audit undertaken by AMD Chartered Accountants (AMD) between March and May 2014 contained one particular recommendation (FN06-03) relating to the risk to the City caused by carrying excessive annual leave liabilities. As part of monitoring this risk, it was decided that a summary of the City's leave liabilities be provided to the Audit Committee for review at each meeting.

The tables and graphs overleaf detail the City's leave liabilities since 30 June 2013. Note that the figures represent liabilities in excess of annual entitlements.

Annual Leave Liability in excess of Annual Entitlements

Directorate	Number of Employees		Liability		Number of Employees		Liability	
	31-Jan-15	31-Jan-15	30-Jun-14	30-Jun-14	30-Jun-13	30-Jun-13	30-Jun-13	30-Jun-13
Office of the CEO	5	17,717.76	10	27,457.03	8	18,437.69		
Community and Corporate Services	18	48,896.05	15	57,409.33	14	53,446.97		
Planning and Development	10	130,485.19	11	120,984.69	10	103,016.98		
Works and Services	32	185,736.87	26	146,665.22	21	106,477.39		
	65	\$ 382,835.88	62	\$ 352,516.28	53	\$ 281,379.03		
Total Annual Leave Liability		\$ 1,831,672.43		\$ 1,844,667.18		\$ 1,714,065.56		
% of Annual Leave excess of Annual Leave entitlements		21%		19%		16%		



The request from the Audit Committee to the Chief Executive Officer to provide a list of accrued leave in excess of four weeks was made on 30 October 2014. Processes have since been put into place for affected staff to either utilise leave, or submit leave plans detailing how they intend on clearing leave balances in excess of their annual entitlement.

Accordingly, whilst the data for 31 January 2015 may indicate that leave accruals have actually increased since 30 June 2014, an accurate time series assessment is not possible until a full 12 months has passed since the leave reduction mandate was made known.

Notwithstanding, recurring reports will continue to be presented to the Audit Committee in this regard.

Analysis of Financial and Budget Implications

Financial details relating to outstanding leave accruals are outlined within the body of this report.

Community Consultation

N/A

Councillor/Officer Consultation

The recommendations within this report have been made by the Audit Committee.

10.1.8 2014 Compliance Audit Return

Applicant/Proponent:	Audit Committee
Author:	Leanne French, Senior Governance and Risk Officer
Executive:	Andrew, Brien Chief Executive Officer
Attachments:	Appendix RAC-5: 2014 Compliance Audit Return

Summary

The purpose of this report is for Council to consider the Statutory Compliance Audit Return (the Return) for the calendar year 1 January to 31 December 2014.

Committee Recommendation

That Council adopt the Statutory Compliance Audit Return for the City of Bunbury for the period 1 January to 31 December 2014.

Background

Each year the Department of Local Government requires Councils' to conduct an annual assessment of their compliance with key components of the *Local Government Act 1995* (the Act) and associated Regulations. The 2014 Return is to be provided to the Department by 31 March 2015.

Seventy-eight (78) questions are contained within the 2014 return. A copy of the reviewed Return is **attached** at Appendix RAC-5.

Council Policy compliance

There is no current Council Policy relevant to this item.

Legislative Compliance

Completion of the Statutory Compliance Audit Return is a requirement under the provisions of section 7.13(1)(i) of the *Local Government Act 1995* and clauses 13 and 14 of the *Local Government (Audit) Regulations 1996*.

Officer Comments

The Chief Executive Officer, Directors and relevant Managers are provided with copies of relevant sections of the Return for completion. The final Return is then compiled on-line at the end of the review period using information provided.

Completion of the relevant sections of the Return effectively requires a number of ad-hoc internal audits, which assist the City to ensure that operations meet the statutory requirements of the Act and associated Regulations.

Of the 78 questions in the 2014 Return, 3 areas of non-compliance have been identified as follows:

1. *Delegations of Authority Question 13 - did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required?*

This was identified as an area of non-compliance following an internal audit of processes, which exposed some deficiencies in the record keeping practices of a number of Officers with powers delegated to them.

More specifically, the requirements outlined in the guidelines and the wording of the legislation vary in relation to the specific requirements. The provision does not necessarily require the keeping of a register, and other efficient record keeping practices are deemed sufficient. The Department of Local Government does however, recommend that such systems provide for accessible accountability of the performance of these tasks.

The Governance team has been working with relevant staff to ensure that sufficient record keeping practices are adhered to, with the expectation that compliance with this particular section of the Act is achieved in future.

2. *Tenders for Providing Goods and Services Question 1 – did the local government invite tenders on all occasions when it is prescribed to do so?*

Far from being definitive, this question was marked as being non-compliant due to the ambiguous nature of the *Local Government (Function and General) Regulations* when assessing if a tender is required.

Certainly at a project level all expenditure is fully compliant. However, a review undertaken of operational expenditure did identify areas that could be considered as non-compliant, depending on one's interpretation of the legislation. This review remains ongoing, and there is an expectation that compliance in this regard will be achieved in future.

3. *Did the information recorded in the local government's tender register comply with the requirements of regulation 17 of the Local Government (Function and General) Regulations?*

Upon review, it became apparent that 2014 tender register did not include the consideration amount for the successful tenderer as required by regulation 17 of the *Local Government (Function and General) Regulations*. This has since been retrospectively applied and will be adhered to in the future.

On a more positive note, whilst non-compliance was identified in three areas as listed above, the City was fully compliant in 75 of the 78 audited sections of the Act and Regulations.

Analysis of Financial and Budget Implications

Nil

Community Consultation

There is no requirement for community consultation on this matter.

Councillor/Officer Consultation

Officers have been consulted in relation to the relevant sections of the 2014 Return. The recommendations within this report have been made by the Audit Committee.

10.1.9 Proposed Sister Cities Staff Visit to Setagaya

Applicant/Proponent:	Bunbury-Setagaya Sister Cities Committee
Author:	Julian Bowron, Manager Community Arts & Culture
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Nil.

Summary

The purpose of this report is for Council to consider a Committee recommendation to allocate funding in the 2015/16 budget to fund a trip to Setagaya for the City's Senior Sister Cities Officer to meet face-to-face with her counterparts.

The Committee were advised by staff that this was not required and that there was no funding available, however the Committee wished for Council to still consider the request. The Chair of the Bunbury Sister Cities Committee, Cr McCleary, has indicated that she is not supportive of the Committee Recommendation.

The Chief Executive Officer and Director Corporate and Community Services are not supportive of the recommendation as an international visit is not currently a priority, and there is no funding available for such a discretionary exercise.

Committee Recommendation

That the Bunbury Setagaya Sister Cities Committee endorse the invitation that the Chief of International Affairs, Setagaya gave to the Senior Sister Cities Officer to visit Setagaya.

Executive Recommendation

That Council:

1. Note the invitation from the Chief of International Affairs, Setagaya for the Senior Sister Cities Officer to visit Setagaya.
2. Not approve the attendance of the Senior Sister Cities Officer in response to this invitation.

Background

Each year the Chief of International Affairs Setagaya City issues an invitation to the principal City of Bunbury Sister Cities Officer to travel to Japan. This invitation is usually declined as it is not something the City usually budgets for given the relationship is conducted via student (and other) exchanges by community members, over the phone and via Skype. This year the Bunbury-Setagaya Sister Cities Committee voted on a recommendation to request Council fund a visit by the relevant staff member to enable some face-to-face meetings. It should be noted that a delegation from Setagaya was in Bunbury for a week four months ago to attend the Australian National Sister Cities Conference and several meetings and functions were attended by both Bunbury and Setagaya representatives during that time.

Council Policy Compliance

There is no Council policy relating to this report.

Legislative Compliance

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

Officer Comments

As noted above, the City of Setagaya issues an invitation of this kind each year as a matter of protocol. In those terms, this is not a sudden or urgent request. The request is normally declined due to financial constraints and the fact this is not a necessary function for the Senior Officer Sister Cities.

A delegation from Setagaya was in Bunbury for a week four months ago to attend the Australian National Sister Cities Conference and several meetings and functions were attended by both Bunbury and Setagaya representatives during that time. Relationships were forged between the Mayor, Elected Members and staff with the delegation from Japan. Renewal of these ties after such a short time is not an urgent priority.

It must also be noted that while a Bunbury Mayoral delegation went to Setagaya for the 20 year anniversary of the relationship between the two cities, 2015 is not a milestone anniversary year in the relationship between Bunbury and Setagaya and accordingly no visits, delegations or additional exchanges have been planned for. Should this be arranged, it would be more appropriate for the Mayor or his delegate to undertake such a visit, rather than a staff member.

Should Council wish to support the recommendation from the Committee, it will need to reallocate funds from the existing Sister Cities budget to enable this to happen. This will result in a reduction in the number of places on school student exchanges or similar.

Should Council not support the Committee recommendation, the Senior Sister Cities Officer will still have an opportunity to apply for the role of Tour Leader for the 2015 outbound primary school group exchange with Setagaya should she wish to embark upon a visit to Setagaya.

The Committee were advised by staff that this was not required and that there was no funding available, however they wished for Council to still consider the request.

Analysis of Financial and Budget Implications

There is no provision in current relevant budgets to enable the proposed travel, accommodation and associated expenses. Should Council wish to support the recommendation from the Committee, it will need to reallocate funds from the existing Sister Cities budget to enable this to happen. This will result in a reduction in the number of places on school student exchanges or similar.

Community Consultation

The Bunbury Setagaya Sister Cities Committee presents this recommendation to Council for consideration.

Councillor/Officer Consultation

As members of the Bunbury-Setagaya Sister Cities Committee, Councillor Betty McCleary (Chair) and Councillor Wendy Giles (as proxy for Councillor Neville McNeill) are aware of this report.

The Chief Executive Officer and Director Corporate and Community Services are not supportive of the recommendation as such a visit is not a priority and there is no funding available for such a discretionary exercise.

10.1.10 Review of Terms of Reference – Bunbury-Setagaya Sister Cities Committee

Applicant/Proponent:	Bunbury-Setagaya Sister Cities Committee
Author:	Julian Bowron, Manager Community Arts & Culture
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Nil

Summary

The purpose of this report is for Council to consider amending the Terms of Reference for the Setagaya Sister Cities Committee.

Committee Recommendation

That Council adopt the amended terms of reference for the Community Access Committee as follows:

- 1. To promote the benefits of the Setagaya Sister City relationship to the Bunbury Community and inform them of relevant programs and activities.*
- 2. To actively participate in, and facilitate, the Sister City relationship between Bunbury and Setagaya.*
- 3. To encourage the development of links between individuals and interest groups of the two (2) communities.*
- 4. To encourage and plan for cross cultural visitations between the cities of Bunbury and Setagaya.*
- 5. To identify opportunities to develop areas of mutual interest between the two (2) cities.*
- 6. To advise the Bunbury City Council on matters relating to the Sister City relationship.*
- 7. All communications to the Mayor of Setagaya shall be through the Mayor of Bunbury's office.*

Background

Point 5 of Decision 335/13 from the Ordinary Council Meeting held on 26 November 2013 was that each Council Committee commences a review of its terms of reference in March 2015, to enable a complete review of the operations to be completed prior to the next Ordinary Elections.

Council Policy Compliance

There is no Council Policy relating to this report.

Legislative Compliance

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

Officer Comments

The current terms of reference for the Bunbury Setagaya Sister Cities Committee and suggested amendments are as follows:

1. ~~To publicise and educate the Bunbury community on it's Sister City relationship with the City of Setagaya through active promotional programs and liaison with community, educational and commercial organisations~~
To promote the benefits of the Setagaya Sister City relationship to the Bunbury Community and inform them of relevant programs and activities.
2. New term added
To actively participate in, and facilitate, the Sister City relationship between Bunbury and Setagaya.
3. To encourage the development of ~~special~~ links between individuals and interest groups of the two (2) communities.
4. To encourage and plan for cross-cultural visitations between the cities of Bunbury and Setagaya.
5. To identify opportunities to develop areas of mutual interest between the two (2) cities.
6. To advise the Bunbury City Council on matters relating to the Sister City relationship.
7. All communications to the Mayor of Setagaya shall be through the Mayor of Bunbury's office.

The proposed replacement of the wording of point one (1) reflects the view of the Committee that their role is not to publicise, educate or generate promotional programs but rather to promote through advice and provision of information.

The addition of a new item at point two (2) reflects the view of the Committee that theirs is an active role in enabling and facilitating sister city activities.

The deletion of the word 'special' in point three (3) reflects the view of the committee that all links between the cities are of equal importance.

Analysis of Financial and Budget Implications

No financial or budgetary implications will arise from the recommendations of this report.

Community Consultation

The Bunbury-Setagaya Sister Cities Committee presents this recommendation to Council for consideration.

Councillor/Officer Consultation

As members of the Bunbury-Setagaya Sister Cities Committee, Councillor Betty McCleary (Chair) and Councillor Wendy Giles (as proxy for Councillor Neville McNeill) are aware of this report.

10.2 Chief Executive Officer Reports

10.2.1 Revision of Strategic Community Plan

Applicant/Proponent:	Internal
Author:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1: Strategic Community Plan revised March 2015 Appendix CEO-2: Summary of SCP Submissions

Summary

The purpose of this report is for Council to consider the adoption of a revised Strategic Community Plan.

Executive Recommendation

That Council:

1. Note the submissions received in relation to the revision of the Strategic Community Plan.
2. Adopt the revised Strategic Community Plan as **attached** at Appendix CEO-1.

Absolute Majority Required

Background

As a result of amendments to the *Local Government (Administration) Regulations 1996* (the Regulations) in 2011 (commonly known as the integrated planning and reporting framework), local government authorities have been required to have in place from 1 July 2013 an adopted Strategic Community Plan (SCP) that covers a period of at least 10 financial years. In addition, local governments are to review the SCP at least once every 4 years (regulation 19C(4) of the Regulations).

Council's current SCP was adopted on 9 April 2013, and a desktop review of the document was commenced in late 2014, following the 2013 local government elections.

Council Policy Compliance

N/A

Legislative Compliance

Section 5.56 of the *Local Government Act 1995* and regulation 19C of the *Local Government (Administration) Regulations 1996* apply.

Officer Comments

The SCP is the City's highest level policy document. It provides an overarching framework which forms the basis for the City's Corporate Business Plan, which details planned outcomes and projects for the next four years.

In developing the current SCP that was adopted in April 2013, extensive community consultation was undertaken, including the use of a consultant whom prepared a Bunbury 2030 Community Consultation Report.

The results of the Bunbury 2030 community consultation have again been utilised, and continue to form the basis for the development of the framework for the revised SCP. The ten key themes arising from that consultation were: *Support Local Business; Sustainability; Heritage; Transport; Education; Community; Beautification; Tourism; Council Leadership; and Health.*

Additionally, Council resolved in December 2013 to adopt seven key organisational priority areas as follows: *Community Focus; Customer Service; Partnerships; Capital Works; Project Delivery; Financial Management; and Administration Operations.* The ten themes and seven priorities have been taken into account in the development of the revised framework, which forms the basis of the revised SCP.

In undertaking a desktop review of the current SCP, further community feedback was sought between December 2014 and February 2015 in relation to a revised framework for the SCP. Three written submissions were received and 20 online surveys completed. The results have previously been discussed with Councillors at a workshop held on 10 February 2015, and are **attached** at Appendix CEO-2 for information.

A revised draft SCP has now been finalised, incorporating (as appropriate) feedback from Councillors and the community, and is now presented to Council for consideration (**attached** at Appendix CEO-2).

Analysis of Financial and Budget Implications

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

Community Consultation

Regulation 19C(9) of the *Local Government (Administration) Regulations 1996* requires a local government to consult the electors and ratepayers of its district when considering modifications to the SCP.

Furthermore, Regulation 19C(10) of the *Local Government (Administration) Regulations 1996* stipulates that a SCP is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

The City of Bunbury SCP meets both these criteria.

10.2.2 2015 Local Government Elections

Applicant/Proponent:	Internal
Author:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The City of Bunbury has conducted its ordinary elections via postal vote since 1997. The purpose of this report is for Council to consider appointing the Western Australian Electoral Commissioner to be responsible for the conduct of the 2015 City of Bunbury election.

Executive Recommendation

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Absolute Majority required

Background

Correspondence has been received from the WA Electoral Commission (WAEC) seeking a Council decision as to whether the City of Bunbury wishes to conduct its 2015 ordinary elections as a postal election. The *Local Government Act 1995* does not make provision for postal elections to be carried out by anyone other than the Western Australian Electoral Commissioner.

The City first engaged the WAEC to conduct a postal election in 1997, and has used postal voting for every ordinary election thereafter.

Council Policy Compliance

N/A

Legislative Compliance

Sections 4.20(4) and 4.61(2) of the *Local Government Act 1995* apply.

Officer Comments

Since being introduced as part of the proclamation of the “new” *Local Government Act* in 1995, postal elections have become increasingly popular with local governments throughout the State, largely due to increased voter turnout and participation figures.

As an example, the voter participation rate for the 2013, 2011 and 2009 City of Bunbury ordinary elections was 35.5%, 31.1%, and 35.05% respectively. The last two in-person ordinary elections held prior to 1997 attracted participation rates of approximately 11% for each. Further, in 2006 and 2008 Extraordinary Elections were held that were conducted as in person elections, where the voter turnout was 1.8% and 2.3% respectively.

Postal voting has been used in Bunbury for ordinary elections since 1997, with little evidence of complaint from members of the public, as well as a significantly higher voter participation rates.

Postal voting is more user-friendly than in-person elections, where electors receive their ballot papers well in advance of Election Day, and can return them via post, which is of great benefit to those who work on Saturdays and those who are otherwise unable to attend in person.

Analysis of Financial and Budget Implications

The WAEC has estimated the cost to hold the 2015 City of Bunbury elections via postal vote to be \$74,000.

Council has previously resolved (refer decision 439/14) to conduct a referendum in conjunction with the 2015 election to ascertain community views in relation to reduced Councillor numbers. The WAEC has estimated this to cost an additional \$7,000, when held in conjunction with the ordinary election. A stand-alone referendum would cost in the vicinity of \$42,500. As part of coordinating the referendum, it is suggested that the question itself, as well as the 'for' and 'against' arguments be drafted independently, to remove any perceptions of bias on the part of the City/Council. It is estimated that this would cost an additional \$1,000, resulting in a total cost for the election and referendum of approximately \$82,000, plus staff costs for election-night vote counting.

Accordingly, project PR-2428 has been created and will be considered by Council for approval as part of 15/16 budget deliberations. The project is already included in Council's current Corporate Business Plan and Long Term Financial Plan.

Councillor/Officer Consultation

Not applicable.

10.2.3 Proposed Deed of Licence – Bunbury Men’s Shed Inc. – Over portion of Adam Road, Road Reserve (between Parade Road and Bussell Highway), South Bunbury

File Ref:	Internal
Applicant/Proponent:	Bunbury Men’s Shed Inc.
Author:	Jane Dawson, Senior Property Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-3: Men’s Shed Plan

Summary

The City of Bunbury was approached by the Bunbury Men’s Shed Inc. (the “Applicant”) who hold a Deed of License with the City over portion of Reserve 23829, Lot 502 Parade Road, South Bunbury to install fencing over portion of Adam Road road reserve (between Parade Road and Bussell Highway). A location plan is **attached** at Appendix CEO-3.

Executive Recommendation

Council agrees to grant a Deed of Licence to the Applicant over portion of Adam Road, Road Reserve (between Parade Road and Bussell Highway) for a term of nine years (9) and further term of five (5) years, expiring on 1st January 2029, subject to the terms and conditions as specified in the report, and the following:

1. All costs associated with the installation and ongoing maintenance of the fencing is to be at the Applicant’s expense.
2. The Applicant to be aware that service providers will require entry to the Licensed area for maintenance and emergency repairs which may cause minor disruption and some damage to the gardens.

Background

The Applicant entered into a peppercorn Deed of Lease with the City on 2 January 2014 for a period of ten (10) years with a further option of five (5) years.

In order for a fence to be erected outside of the current Lease Area, a new Deed of License is required for the additional land.

Legislative Compliance

Not Applicable.

Officer Comments

The Adam Road Reserve is outside the current Lease area and to ensure security of the Men’s Shed it is recommended the City approve a Licence for the fence.

The Applicant has advised:

“In the short time since completion (of the Men’s Shed) we have been inundated with vehicle traffic transgressing over the grass area causing damage to electrical pits, grass areas, plants and kerbing. Now roads and pathways are clearly defined people are needlessly walking through the complex during the day, night and at weekends. The Bunbury Men’s Shed is located in a very exposed area and we fear being broken into, graffiti or simply pointless damage”.

There are service providers assets located in the proposed area to be fenced, the service providers have been contacted and have advised as follows:

Western Power

Western Power does not have any specific comments at this time to the proposal, however would appreciate being kept informed of developments. As there are overhead power lines and/or underground cables, adjacent to or traversing the property the following is to be considered, prior to any works commencing at the site/development/property or if any alignments, easements or clearances are encroached or breached:

- _ All work must comply with Worksafe Regulation 3.64 – Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Power lines form must be submitted.

Optus Telecommunications

No response has been received from Optus Telecommunications.

Water Corporation

There are no objections. The fencing is an exempt structure, the fence will be clear from the sewer main and building plans have been approved by the Water Corporation for building development on this site.

Analysis of Financial and Budget Implications

The lease rental is peppercorn.

There are no financial implications either gain or loss to the City of Bunbury.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The Development Coordination Unit, Acting Manager Engineering, Chief Executive Officer and service providers have been consulted in relation to this matter.

10.2.4 Major Projects Update Report for the period 1 July 2014 to 28 February 2015

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-4: Major Projects Report 1 July to 28 February 2015

Summary

As an outcome of the Council Decision to disband the Major Projects Committee, the report **attached** at Appendix CEO-4 provides an overview of Councils endorsed major projects for the 2014/15 financial year, being the period 1 July 2014 to 28 February 2015.

As a result of Elected Member requests, the report now contains additional minor expenditure projects which when added together, act as major commitments (including various Withers projects).

Executive Recommendation

That Council receives and notes the circulated Major Projects update report for the period ending 28 February 2015.

Background

The Major Projects report is a positive tool to help effectively manage and report on current year Major Projects being undertaken by the City of Bunbury, and will be submitted to Council on a six weekly interval and to allow time for works to be actioned.

It should be noted that in the list of projects identified in this report that not every project will have an update due to project delivery and consultation at different stages.

Council Policy Compliance

Not Applicable.

Legislative Compliance

Not Applicable

Officer Comments

This report will be circulated to Council for noting and receiving on a 6 weekly basis. It should be noted that if any Elected Member wishes to receive an update on any major project outside of this timeframe, this option is still available.

Analysis of Financial and Budget Implications

Not Applicable.

Community Consultation

There is no requirement for community consultation.

Councillor/Officer Consultation

Not Applicable.

10.3 Director Corporate and Community Services

10.3.1 Action Sports Games 2016-2018 Proposal

Applicant/Proponent:	Action Sports Games/Bunbury Event Coordination Group
Author:	Juaini Taylor, Senior Events Officer
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Nil

Summary

To consider endorsement of a three year funding agreement for the Action Sports Games to hold their event in Bunbury. This contract would cost Council \$100,000 per annum for three years with funds being allocated from the annual Event Funding pool.

Executive Recommendation

That:

1. Council support in principle the proposal for a three year contract with Action Sport Games.
2. Council endorse negotiation being entered into by the Chief Executive Officer for a three-year contract with Action Sports Game.
3. Subject to the development and approval of a satisfactory business case and due diligence report, Council endorse utilising an allocation of \$100,000 per year for three years with funds being allocated from the annual Event Funding Round.

Background

The City of Bunbury's Event Funding Program was established in 2014 to support, enhance and enable a range of quality events to take place in Bunbury. The Bunbury Event Coordination Group was established simultaneously and has worked to support and plan for a range of minor, major and iconic events for Bunbury.

Action Sports Games (ASG) is the biggest action sports event in Australia and 2016 will be the event's fifth year. Originally held on the Western Foreshore of Manjar Bay in the City of Mandurah, the ASG is growing from strength to strength and now Bunbury has the opportunity to capitalise on the momentum of this event.

The ASG is held mid-March each year to capture international athletes competing at the Moomba Games in Melbourne Victoria. With an international wakeboard and water-ski big jump tournament plus Freestyle Moto X demonstrations, a BMX and skateboard competition, the ASG is an ideal event for Bunbury to attract visitation and to showcase the waterside location.

Key event information:

- **2016 Event dates:** 12 and 13 March 2016 which follows on from the Bunbury Race Round which will encourage an increased length of stay for visitors.

- **Location:** It is proposed to hold the ASG in the pristine waters of Koombana Bay within the existing ski area. The Freestyle Moto X demonstrations, and purpose built vert skate and BMX ramp would be located at Bicentennial Square. The proposed locations are subject to approval upon consultations with relevant stakeholders.
- **Estimated number of spectators:** 10,000 plus (year one) – this would be a free community event.

Council Policy Compliance

The ASG fits within the City of Bunbury's Event Funding Program criteria as an 'iconic' event which is defined as an event that:

- Is an annual, internationally recognised event that is unique to the region and attracts over 10,000 people.
- Generates significant national media coverage, immediate and long term economic benefit and tourism promotional opportunities.
- Draws interstate and international visitors.

The request for this funding has fallen outside the event funding program round, which is scheduled to open in May this year. However, the corporate guidelines for 'iconic' events are currently under review by the Bunbury Event Coordination Group to reflect actual negotiations regarding commitments with event companies and the City of Bunbury, of which "iconic" events require at least one year's approval ahead of the event taking place.

If procurement for the event involving ASG is less than \$100, 000 excluding gst then under the Council Purchasing Policy (excluding tenders) the CEO may approve the engagement of a contractor "Where the number of suppliers is limited for specialised purchases etc. (sole supplier, or fewer suppliers than the number of quotations required." This is used in instances where supply of goods/services is limited.

If procurement for the event for ASG is over \$100, 000 excluding gst then the Local Government (Functions and General) Regulations 1996 apply. Section 11 deals with the requirements of when the Council call for tender. Division 2, Section 11 (f) exempts Council from going to tender as follows;

"The local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason; it is unlikely that there is more than one potential supplier"

Under normal procurement circumstances, obtaining best value for money in a competitive market is preferred. The exemptions listed above from the Purchasing Policy and the Local Government (Function and General) Regulations are only recommended in special circumstances and not an avoidance of compliance.

Legislative Compliance

Not applicable

Analysis of Financial and Budget Implications

Should Council decide to support this event for the next three years, \$100,000 will be allocated from the City's annual Event Funding Program for this purpose.

As a reference, in the 2014/15 financial year, the Event Funding Program was provided with a total allocation of \$450,000 of which \$175,957 remains unspent (with no further applications to be received).

Officer Comments

The ASG is WA's second biggest international regional event next to the Margaret River Pro World Tour surfing tournament, an event the ASG currently coordinate. Should Council agree to secure this event, Bunbury will hold the exclusive international wakeboard and water-ski big jump tournament sanctioned by the international Water-ski and Wakeboard Federation (IWWF). It is anticipated Bunbury will be one of the premier events on the international IWWF World Cup Tour with over 40 competitors attending from 24 different nations.

The event organisers are experienced operators which already run the Margaret River Surf Pro and will stay in local accommodation and use local contractors and suppliers to deliver the event.

Due to the construction of a traffic bridge at the location of the event in Mandurah, ASG is proposing to return to Bunbury (originally known as the Cactus Games in Bunbury several years ago) and has approached the City direct in this regard. As the major regional city for the South West of Western Australia, Bunbury will be able to capitalise on this event opportunity and promote its beautiful waterways and Bunbury Dolphin Discovery Centre, 2 iconic experiences that are considered market ready and appropriate to leverage visitation and to enhance the visitor experience.

The applicant has confirmed financial support from Tourism WA, and is currently seeking further sponsorships to contribute to the overall total event budget of \$700,000.

Community Consultation

The Bunbury Event Coordination Group (BECG) met on 14 January 2015 and recommended that this event would meet the requirements for an "iconic" event and that the City should pursue it for Bunbury for 2016. A further meeting was held with event organiser Tim Thursk on 29 January 2015 to discuss the details relating to the event and his proposal for a three year commitment to host this event in Bunbury.

Telephone conversations have been held with the Bunbury BMX Club and Bunbury Motocross Club, informing them of the potential event. Both clubs have strong membership numbers equating to 670 riders. Furthermore, the clubs perceive this potential event to be well supported by their members, and would be willing to help promote the event to their networks, in particular their Facebook page and websites.

Councillor/Officer Consultation

The proposal has been discussed amongst the following staff members who are supportive of its move to Bunbury:

- Andrew Brien, Chief Executive Officer
- Stephanie Addison-Brown, Director of Corporate and Community Services
- Kristina Knight, Manager Tourism, Events and Wildlife Park
- Juaini Taylor, Senior Events Officer

The above mentioned staff members and the BECG have had several discussions over the past year with significant and major event promoters to discuss possible 'iconic' events to be hosted in Bunbury.

The Bunbury Events Coordination Group has recommended to Council that it supports a three year contract with Action Sports Games of \$100,000 per year over three years. Staff and BECG members agree this event will be well received by the community due to it being free, accessible to all and appealing to a wide range of audience members and interests.

Strategic Relevance

The event aligns with 'Goal 4: Social Enhancement' as part of the City of Bunbury's 2030 Strategic Community Plan.

Goal 4: Social Enhancement:

To enhance community well-being and the quality of life for the people who live and work in Bunbury.

The objectives are to:

- 4.1 *Promote Bunbury as a place that supports a range of housing and transport options*
- 4.2 *Increase participation in sport and leisure activities*
- 4.3 *Celebrate and conserve our culture and heritage*

The ASG event supports 3 of the 7 social enhancement strategies which are:

- Enhance our reserves to provide a place where people can come together and participate in a range of social and recreational activities.
- Explore ways to enhance social connections and the inclusion of all persons in the community.
- Host and facilitate events and programs that bring the community together.

Economic, Social, Environmental and Heritage Issues

Economic

Financial projections for the Action Sports Games event if held in Bunbury:

**Projections are conservative and based on average visitor numbers when the ASG was held in Mandurah 2014.*

Source:

- *Tourism Research Australia. Total visitors to/within Western Australia Market Overview
- Evaluating Action Sports Games In-scope Expenditure, Metrix Consulting

Social

It is anticipated the event will attract over 10,000 people within its first year, with numbers to steadily increase, once the event has established.

Bunbury has a strong BMX and MotoX community, and this event will be free enabling strong attendance from a wide cross section of the Bunbury community.

Environmental

Should the event take place at Koombana Beach as proposed, the applicant will liaise directly with the Dolphin Discovery Centre to ensure a dolphin monitoring program is put in place.

Delegation of Authority

The CEO has delegated authority to authorise expenditure from the Event Funding Program, however, given the cost and timeframe relating to this proposal, it has been referred to Council.

Income generated from event year one	Officials & Athletes	Bunbury Community	Intrastate Visitors	Interstate Visitors	International Visitors
Event Patrons	364	8800	500	400	300
Average daily spend*	\$141	\$98	\$124	\$141	\$141
Average length of stay	4 nights	N/A	1 night	2 nights	2 nights
Local Event Staff Wages (estimated to be 198 people)		\$85,000			
Event Infrastructure sourced locally		\$46,800			
Catering for officials and athletes		\$50,000			
TOTAL	\$205,296	\$1,044,200	\$62,000	\$112,800	\$84,600
Estimated Total Economic Impact \$1,508,896					

Relevant Precedents

The City of Bunbury currently has a five year agreement with the ‘Groovin’ the Moo’ (GTM) music festival (with only in-kind support to be provided by the City). The GTM contract has been established to secure the iconic GTM event for Bunbury for the next five years, expiring in 2019, and offers the promoters up to \$35,000 worth of in-kind support each year although far less was required for GTM in the last two years.

10.4 Director Planning and Development Services Reports

Nil.

10.5 Director Works and Services Reports

10.5.1 Withers Advisory Committee Composition

Applicant/Proponent:	Withers Advisory Committee
Author:	Phil Harris, Director Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil.

Summary

The purpose of this report is to review the makeup of the Withers Advisory Committee to ensure appropriate community representation and to facilitate the replacement of members who have resigned.

Executive Recommendation

That Council

- a. Approves changes to the composition of the Withers Advisory Committee to include
 - i) Three (3) Councillors members
 - ii) Five (5) community members
- b. Notes that this supersedes the requirements of Council Decision 350/13.
- c. Advises the existing committee members of the decision and thank them for their participation.
- d. Commences the process of calling for nominations for five (5) community members to be appointed to the Withers Advisory Committee

Background

At the Withers Advisory Committee (WAC) Meeting of 13 February 2015 the Committee decided (7/15):

1. *City of Bunbury officers to review the makeup of the Withers Advisory Committee to ensure good community representation and to facilitate the replacement of its members who have resigned.*
2. *That report to be put to the full council at the earliest opportunity to ensure the representation of Withers Community is in place for future meetings of the WAC.*
3. *Inform Community and Stakeholders of that process.*

The Withers Advisory Committee was formed in 2013 comprising:

- Three (3) elected members
- Two (2) members of the Withers Advisory Group

- Two (2) members of the Withers Community
- The Convenor of the Withers Action Group

The WAC is the only Committee of Council which has delegated authority under sections 5.16 and 5.17(1)(c)(i) of the Local Government Act 195 (Council Decision 31/14 of February 2014).

The Withers Advisory Committee has overseen the delivery of over \$1,000,000 in projects in the Withers area and is on track to complete the allocated \$1,500,000 ahead of the initial term of five years.

Since August 2014 the number of committee members available to attend the meetings has been reduced from eight (8) to four (4) following the resignation of one (1) Community representative and the suspension of the three (3) Withers Action Group representatives, two (2) of whom have since resigned as members of the Withers Action Group. The Withers Advisory Committee members who can actively participate in meetings in accordance with Standing Orders are:

- Cr Hayward (Presiding member)
- Cr Steck
- Cr Miguel
- Ms Joanna Hugues-Dit-Ciles

While Council Decision 326/14 results in the Withers Action Group (WAG) representatives being removed from the Withers Advisory Committee (WAC) until their Governance issues are resolved the representatives technically remain committee members with no rights to participate in the meeting as voting members.

The governance issues relate to Council Decision (326/14) of 19 August 2014 (in part):

1. The Withers Action Group be removed from the Withers Advisory Committee pending demonstration of full compliance with their constitution, good governance practices for an incorporated association and the items detailed in Point 2.
2. That the Bunbury City Council requires the Withers Action Group to immediately bring its group into compliance including but not limited to the following:
 - a. Provision of an audited statement of accounts, with full explanation of any anomalies identified;
 - b. An outline of how the group intends to maintain and continue their financial record keeping obligations as an incorporated group;
 - c. Provision of details on how it will meet its obligations for the recording of their membership, including those who have voting rights as identified in their constitution;
 - d. Bring into line their meeting practice to ensure meetings are run in accordance with good governance principles and practices and in accordance with their constitution;
 - e. Ensuring their office bearers are able to run the group without undue interference from non-members and in a manner that seeks to achieve the groups stated objectives of furthering the Withers Community;
 - f. Adoption of a Code of Conduct for their members and visitors to ensure appropriate behaviour and respect is maintained at Withers Action Group meeting;
 - g. Provide details of the status of any investigations currently being undertaken by an external agency and how the group intends to satisfy their concerns.

Council Policy Compliance

Not Applicable

Legislative Compliance

Subdivision 2 of Division 2 of Part 5 of the Local Government Act 1995 deals with the establishment of committees and any associated decisions will require an absolute majority vote. In relation to a Council or a Committee, disclosure of interest extends to members of a committee. Section 5.59 of the Local Government Act 1995 defines the terms “member” as a Council member or a member of a committee.

In accordance with Council Decision 31/14, Section 5.16 of the Local Government Act 1995 allows delegation to committees and section 5.17 (1)(c)(i) allows delegation to committees comprising of elected members and other persons (Community Members) for the proper management of Local Government property.

Officer Comments

The Presiding Member of the WAC, Cr James Hayward signed a letter addressed to the Convenor of the Withers Action Group (WAG) on 13 February 2015 requesting an update on the status of the WAG on achieving compliance and reinstatement onto the WAC. At the time of this agenda item being prepared no correspondence had been received from the WAG.

The two WAG members who were originally appointed to WAC have now resigned from the WAG and are therefore no longer legible to represent the group.

The WAC members and many of the attendees at the February WAC meeting were of the opinion that there is sufficient interest from across the community of Withers that the special interest groups such as the WAG and Withers Progress Association (WPA) no longer require unique representation and that the composition of the Withers Advisory Committee in the future could be best represented by a cross section of the community including local educational institutions.

The WAC meetings have consistently attracted between 10 and 23 members of the public since inception in December 2013. In addition the level of confidence in Council and preparedness to listen to the community is evident by the rapid pace at which priority projects are being addressed. There has also been an increase in people from Withers making direct contact with Council staff about Withers related matters and appropriate follow up action/responses initiated.

It is proposed to advertise for community members in City Focus, do a letter drop to all residents of Withers, Facebook and internet coverage. Prospective members would be required to reside in Withers and complete a nomination form outlining what they can contribute to the committee. The City of Bunbury councillors on the WAC and the Committee Executive Officer would shortlist nominees and provide a recommendation to Council.

Analysis of Financial and Budget Implications

Not Applicable

Community Consultation

The matter was discussed at the February Withers Advisory Committee meeting.

Councillor/Officer Consultation

The members of the Withers Advisory Committee are aware of the proposal to restructure the committee and raised the matter at the February Withers Advisory Committee meeting. As a result Committee Decision (7/15) necessitated that this report being prepared.

11. Applications for Leave of Absence

11.1 Request for Leave of Absence – Councillor Cook

Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary/Background

Councillor Cook requests leave of absence from all Council-related business from 18 April 2015 to 22 April 2015 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*, Councillor Cook is granted leave of absence from all Council-related business from 18 April 2015 to 22 April 2015 inclusive.

12. Motions on Notice

12.1 Motion on Notice – Cr Kelly– PhD Scholarship Proposal - Access

Applicant/Proponent:	Cr Kelly
Author:	Cr Kelly
Executive:	<i>If adopted refer to the Director Corporate and Community Services</i>
Attachments:	Nil.

The below Motion from Cr Kelly is submitted for consideration at the Council Meeting on 17 March 2015.

That Council:

1. *Provides in principle support to becoming the external partner with Edith Cowan University (South West) in an application for an Industry Engagement PhD Scholarship.*
2. *Allocates \$13,000 per annum in the 2015/16, 2016/17 and 2017/18 budgets.*
3. *Advise Edith Cowan University that the funding will be subject to development of specific key performance indicators and a funding agreement which is to be negotiated between the City of Bunbury and Edith Cowan University.*

Comments – Cr Kelly

The purpose of this report is for Council to consider providing in-principle support to making a joint application for a scholarship to enable an Edith Cowan University (South West) PhD student to undertake detailed research in regard to access as part of the City of Bunbury's aspiration to achieve 'Most Accessible Regional City in Australia' (MARCIA) status.

Becoming an external partner in an Industry Engagement PhD project would enable the City of Bunbury to participate in the formulation of the research project, directing the student towards gathering the information that will assist in achieving the City's MARCIA aims. A nominated City of Bunbury officer would be written into the project as an "advisor" and although not involved in academic supervision, they would be able to monitor the progress and direction of the project.

This opportunity will allow high quality data to be gathered and potential directions to be identified to enable the City of Bunbury to have a considerable advantage in gaining MARCIA status and addressing access and inclusion needs. Involvement in the Industry Engagement PhD project would enable the City of Bunbury to provide leadership in this field in the South West.

Should the PhD go ahead in Bunbury, it would reinforce the City's commitment to achieving the MARCIA title. It would assist to address access and inclusion needs for Bunbury and the region while also providing a platform for other communities to benefit from such research.

Analysis of Financial and Budget Implications

An Industry Engagement PhD Scholarship provides a base stipend of \$27,000 per year from the Federal Government however to attract applications by the best quality applicants the capacity to offer a higher amount is recommended. A \$40,000 project would be considerably more attractive than \$27,000.

When considering applications for an Industry Engagement PhD Scholarship the contribution of the external partner is a consideration. Organisations that are financially invested are considered to have a greater level of commitment to the project.

External partners can contribute both in-kind and in cash. In-kind support might include provision of an office and related services. The level of support offered will need to be identified in the application for the scholarship.

There is currently no funding allocated for this purpose in the 2015/16 financial year or beyond so a new project would need to be created with a specific budget allocation should a cash allocation be supported and this funding will need to be reallocated from the existing access budget. This funding would need to be found either through the reduction of an existing service or reduction of a staffing position from the relevant program area.

Executive Comments

In July 2014, Council decided (263/14):

- “1. That Council sets a goal to become the Most Accessible Regional City in Australia by 2020.
2. That Council include this as an objective in the revised Community Strategic Plan.”

When Council adopts the new Strategic Community Plan, it will include objective 1.1 – “Establish Bunbury as the most accessible regional city in Australia by 2020”.

Dr Kathy Boxall, Professor of Social Work and Disability Studies at Edith Cowan University’s South West campus, recently learned that Bunbury aims to achieve Most Accessible Regional City in Australia (MARCIA) status by 2020. As a result she contacted the Deputy Mayor (and Chair of the Community Access Committee) to propose that the City of Bunbury work with her to make a joint application for an Industry Engagement PhD Scholarship for a PhD student to undertake a research project, which will assist the City with working towards MARCIA status.

Industry Engagement projects link PhD scholarships with research in industry, community and government, and they aim to build on ECU’s research strengths. Professor Boxall has a particular interest in the disability services sector.

It must be noted that as this research project would offer data to inform policy development and access-related initiatives, the benefits would be state-wide. Bunbury would play host to the research which would have knock on effects for the City as well as the State.

There is no funding currently allocated for this purpose and the brief has yet to be defined, however, Council will need to commit to submitting an application in time for the deadline of 31 March 2015 to be able to grasp this opportunity. An in-kind commitment from Council is something

that can be absorbed; however, any cash component will require Council to make an ongoing commitment for three years in the 2015/16, 2016/17 and 2018/19 budgets and these funds will need to be found from the existing access budget. This funding would need to be found either through the reduction of an existing service or reduction of a staffing position from the relevant program area.

Community Consultation

This opportunity has been discussed informally with members of the Community Access Committee who are very enthusiastic about the benefits and profile this project would bring for Bunbury.

Councillor/Officer Consultation

This opportunity has been discussed with the Director Community and Corporate Services, the Manager Community Arts and Culture and also considered by the Executive Leadership Team.

Strategic Relevance

Draft Strategic Community Plan Objective 1.1: Establish Bunbury as the most accessible regional city in Australia by 2020.

13. Questions on Notice

13.1 *Response to Previous Questions from Members taken on Notice*

Nil.

13.2 *Questions from Members*

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

15. Meeting Closed to Public

15.1 *Matters for which the Meeting may be Closed*

There are three reports for consideration which are confidential in accordance with sections 5.23(2)(a) and (e) of the Local Government Act 1995.

Recommendation

In accordance with sections 5.23(2)(a) and (e) of the *Local Government Act* 1995 and clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, Council resolves to close the meeting to members of the public to consider the items titled:

- a) 15.1.1 Offer of "First Right of Refusal" – Sale of Longshore Investments Pty Ltd As Trustee for the Pollyanna Poole Family Trust "NooVoh Backbeach Restaurant", over portion of Lot 757 Ocean Drive, Bunbury.
- b) 15.1.2 Proposed Deed of Lease – Wheilcliff Pty Ltd over Reserve 42940, Lot 755 Wittenoom Street, Bunbury.
- c) 15.1.3 Chief Executive Officer Performance Review.

15.1.1 Offer of "First Right of Refusal" – Sale of Longshore Investments Pty Ltd As Trustee for the Pollyanna Poole Family Trust "NooVoh Backbeach Restaurant", over portion of Lot 757 Ocean Drive, Bunbury

Applicant/Proponent:	Longshore Investments Pty Ltd As Trustee for the Pollyanna Poole Family Trust trading as NooVoh
Author:	Jane Dawson, Senior Property Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CRUSC-1-1: Location Plan - Longshore Investments

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

- (e) *a matter that if disclosed, would reveal –*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,**where the trade secret or information is held by, or is about, a person other than the local government; and*

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

15.1.2 Proposed Deed of Lease – Wheilcliff Pty Ltd over Reserve 42940, Lot 755 Wittenoom Street, Bunbury

Applicant/Proponent:	Wheilcliff Pty Ltd
Author:	Jane Dawson, Senior Property Officer Neil Dyer, Team Leader Parking
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CRUSC-2-1: Location Plan – Wheilcliff Pty Ltd

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

- (e) *a matter that if disclosed, would reveal –*
- (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and

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

15.1.3 Chief Executive Officer Performance Review

Applicant/Proponent:	Internal Report
Author:	Councillor Brendan Kelly
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-3

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

- (a) *a matter affecting an employee or employees;*

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

15.2 Public Reading of Resolutions that may be made Public

16. Closure