



Bunbury City Council

Notice of Meeting and Agenda 21 March 2017



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, 21 March 2017 at 5.30pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 17 March 2017)

Agenda

21 March 2017

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 Brendan Kelly
Councillor Wendy Giles
Councillor James Hayward
Councillor Judy Jones
Councillor Jaysen Miguel
Councillor Michelle Steck
Councillor Karen Steele
Councillor Sam Morris
Councillor Betty McCleary
Councillor Monique Warnock
Councillor Joel McGuinness
Councillor Murray Cook

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*

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.”*

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 7 March 2017 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 7 March 2017 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1: Heritage Advisory Committee Minutes 08/02/2017 Appendix MTBN-2: Policy Review and Development Committee Minutes 16/02/2017 Appendix MTBN-3: Audit Committee Minutes 08/03/2017

Summary

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

1. Title: Heritage Advisory Committee Minutes 08/02/2017
Author: Lacey Brown, Strategic Planning Officer - Heritage
Appendix: MTBN-1
2. Title: Policy Review and Development Committee Minutes 16/02/2017
Author: Greg Golinski, Manager Governance
Appendix: MTBN-2
3. Title: Audit Committee Minutes 08/03/2017
Author: Greg Golinski, Manager Governance
Appendix: MTBN-3

Council Committee Recommendation

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

1. Heritage Advisory Committee Minutes 08/02/2017
2. Policy Review and Development Committee Minutes 16/02/2017
3. Audit Committee Minutes 08/03/2017

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 Review of Council Policy – Vandalism Graffiti Management

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Gavin Harris, Director Works and Services
Responsible Manager:	Gavin Harris, Director Works and Services
Executive:	Gavin Harris, Director Works and Services
Attachments:	Appendix RAC-1: Revised Council Policy – Vandalism Graffiti Management

Summary

The purpose of this report is for Council consideration to adopt a revised Policy relating to Council Policy – Vandalism Graffiti Management.

Policy Review and Development Committee Recommendation

That Council adopt the revised Council Policy – Vandalism Graffiti Management as **attached** at Appendix RAC-1.

Background

This policy was last reviewed in January 2015, and was presented to the Policy Review and Development Committee (PRDC) at its meeting held 16 February 2017 for discussion and review as part of Council's policy review schedule.

Council Policy Compliance

This report proposes the revision of an existing Council Policy.

Legislative Compliance

Not applicable

Officer Comments

The Policy Review and Development Committee (PRDC) have undertaken a subsequent review of this Policy, with some minor amendments proposed as **attached** at Appendix RAC-1.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

The revised policy is presented to Council for consideration by the Policy Review and Development Committee.

10.1.2 Review of Council Policy – Equal Opportunity

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Odetta Robertson, Manager Organisational Development and Human Resources
Responsible Manager:	Odetta Robertson, Manager Organisational Development and Human Resources
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-2: Revised Council Policy – Equal Opportunity

Summary

This report is presented for Council consideration to adopt a review of current Council Policy – Equal Opportunity.

Policy Review and Development Committee Recommendation

That Council adopt the revised Council Policy – Equal Opportunity as **attached** at Appendix RAC-2.

Background

Initially a work procedure, Council Policy – Equal Opportunity was adopted by Council on 22 June 1999 and last reviewed in May 2015. The purpose of the Policy is to ensure the fair and equitable treatment of persons accessing the City of Bunbury's services/facilities (members of the public) and/or in the course of employment with the City of Bunbury.

Council Policy Compliance

This report proposes the revision of an existing Council Policy.

Legislative Compliance

- * *Local Government Act 1995*
- * *Equal Opportunity Act 1984*
- * *Fair Work Act 2009 (Cth)*
- * *Age Discrimination Act 2004 (Cth)*
- * *Workplace Gender Equality Act 2012 (Cth)*
- * *Disability Discrimination Act 1992 (Cth)*
- * *Sex Discrimination Act 1984 (Cth)*
- * *Racial Discrimination Act 1975 (Cth)*

Officer Comments

The Policy Review and Development Committee (PRDC) have undertaken a review of this Policy, with only a small referencing amendment being proposed as shown at Appendix 6.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

The revised policy was presented to the PRDC for consideration and discussion at its meeting held 16 February 2017.

10.1.3 Review of Council Policy – Closed Circuit Television Systems

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Neil Dyer, Acting Manager Community Law and Safety
Responsible Manager:	Neil Dyer, Acting Manager Community Law and Safety
Executive:	Mal Osborne, Director Planning and Development Services
Attachments:	Appendix RAC-3: Revised Council Policy CCTV

Summary

This report is presented for Council consideration to adopt a review of current Council Policy – Closed Circuit Television Systems.

Policy Review and Development Committee Recommendation

That Council adopt the revised Council Policy – Closed Circuit Television Systems as presented as **attached** at Appendix RAC-3.

Background

This policy was last reviewed in May 2015, and was presented to the PRDC at its meeting held 16 February 2017 for discussion and review as part of Council’s policy review schedule.

Council Policy Compliance

This report proposes the revision of an existing Council Policy.

Legislative Compliance

- * *Local Government Act 1995*
- * *WA Criminal Code Act Compilation Act 1913*
- * *Criminal Procedures Act 2004*
- * Memorandum of Understanding – Western Australia Policy and City of Bunbury – 30/10/2014

Officer Comments

Officers have undertaken a subsequent review of this Policy, with some minor amendments proposed as **attached** at Appendix RAC-3.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

The revised policy was presented to the Policy Review and Development Committee (PRDC) for consideration and discussion at its meeting held 16 February 2017.

10.1.4 Proposed New Council Policy Public Art

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Julian Bowron, Manager Arts and Culture
Responsible Manager:	Julian Bowron, Manager Arts and Culture
Executive:	David Ransom, Acting Director Corporate and Community Services
Attachments:	Appendix RAC-4: Proposed Public Art Policy Appendix RAC-5: Proposed Public Art Corporate Guideline

Summary

The purpose of this report is for Council consider a new policy relating to the City of Bunbury Public Art Collection. The Policy and associated Corporate Guideline are **attached** at Appendices RAC-4 and RAC-5 respectively.

Policy Review and Development Committee Recommendation

That Council adopt new Council Policy Public Art Collection as **attached** at Appendix RAC-4.

Strategic Relevance

Key Priority Area 1 Community and Culture
Objective 1.5 Celebrate and recognise the richness of our arts, culture and heritage

Background

The *City of Bunbury Public Art Strategy 2009 – 2012* was prepared by consultant Pip Sawyer and adopted by Council in 8 June 2010 (refer 96/110). The strategy no longer aligns with Council structures, policies and processes.

Council Policy Compliance

This report proposes the adoption of a new Council policy.

Legislative Compliance

- * *Local Government Act 1995*
- * *WA Local Government Act Functions and General Regulations 1996*
- * *Income Tax Assessment Act 1997 Division 376 – Gifts or Contributions*
- * *Cultural Bequests Program Guidelines (no 1) 1997*
- * *Cultural Bequests Program(Maximum Approval Amounts) Determination (No 1) 1997*
- * *Australian Government’s Cultural Gifts Program*
- * *Copyright Act 1968*
- * *Copyright Amendment (Moral Rights) Act 2000*

Officer Comments

This policy and accompanying guideline have been prepared to align with current Council structures, legislative requirements, policies and processes as well as current best practice for delivering and managing public art projects and a Public Art Collection.

Analysis of Financial and Budget Implications

This policy includes the following principles which have budget implications:

- * Adequate funding will be provided for the commissioning of new public art (2016/2017 budget allocation \$0).
- * Adequate funding will be provided for maintaining the City of Bunbury's existing public art collection according to a prioritised schedule of works (2016/2017 budget allocation \$25,625).

Community Consultation

Consultation has taken place with Lloyd Horn who has had considerable involvement in the commissioning of public art in Bunbury, as well as with Andrew Frazer, artist and Artistic Director of the Re.Discover Bunbury Street Art Project.

Councillor/Officer Consultation

The following officers have been consulted during the preparation of this policy:

- * The Director Works and Services
- * The Director Planning and Development Services
- * The Manager Assets and Projects
- * The Manager Sustainability, Planning and Development
- * The Manager Landscape and Open Space
- * The Manager Governance
- * The Senior Contracts and Procurement Officer
- * The Strategic Planning Officer (Heritage)

The proposed policy is presented to Council by the Policy Review and Development Committee (PRDC).

10.1.5 Review of Council Policy – Elected Member Requests

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-6: Revised Council Policy – Elected Member Requests

Summary

This report is presented to Council to adopt a review of current Council Policy – Elected Member Requests.

Policy Review and Development Committee Recommendation

That Council adopt the revised Council Policy – Elected Member Requests as **attached** at Appendix RAC-6.

Background

During the Elected Member/Executive roundtable held in January 2017, the Chief Executive Officer presented a methodology to simplify the process currently used for Elected Member request, which are governed by the Council Policy – Elected Member Requests.

It was suggested that channelling all requests (with the exception of confidential ones) through the Mayor’s Executive Assistant was the most efficient way to have this process managed.

Council Policy Compliance

This report proposes the revision of an existing Council Policy.

Legislative Compliance

Not applicable

Officer Comments

The revised policy as **attached** at Appendix RAC-6 reflects the amended methodology as discussed at the January 2017 Elected Member/Executive roundtable.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

The revised policy was presented to the Policy Review and Development Committee (PRDC) for consideration and discussion at its meeting held 16 February 2017.

10.1.6 Review of Council Policy – Infringement Withdrawal

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-7: Revised Council Policy – Infringement Withdrawal

Summary

This report is presented to Council to adopt a review of current Council Policy – Infringement Withdrawal.

Policy Review and Development Committee Recommendation

That Council:

1. Revoke Council Policy – Infringement Withdrawal as **attached** at RAC-7.
2. Request the Chief Executive Officer notify Elected Members on each occasion where an infringement issued under one of the City’s local laws is revoked, where the infringement was issued to a City of Bunbury designated senior employee or an Elected Member.

Background

Council Policy – Infringement Withdrawal **attached** at RAC-7 was last reviewed by Council in May 2016, and was presented to the Policy Review and Development Committee (PRDC) for review ahead of schedule at its meeting held 16 February 2017 by request of the Chair.

Council Policy

This report proposes the rescission of an existing Council Policy.

Legislative Compliance

Not applicable

Officer Comments

The premise of the current policy is that Council is notified of each instance where an infringement under one of the City’s local laws is successfully appealed, where the infringement was to a City Officer or an Elected Member.

It is suggested that such notifications could be provided operationally through communication channels other than a formal Council report (i.e. through the Executive Update). Accordingly, it is recommended that this policy be revoked.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This policy was presented to the Policy Review and Development Committee (PRDC) for discussion at its meeting held 16 February 2017.

10.1.7 Proposed New Council Policy – Bunbury Regional Art Gallery Trust

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Julian Bowron, Manager Arts and Culture
Responsible Manager:	Julian Bowron, Manager Arts and Culture
Executive:	David Ransom, Acting Director Corporate and Community Services
Attachments:	Appendix RAC-8: BRAG Trust Policy Appendix RAC-9: BRAG Trust Corporate Guideline

Summary

This report is presented for Council to consider the adoption of a new Council Policy – Bunbury Regional Art Gallery Trust.

Executive Recommendation

That Council adopt new Council Policy – Bunbury Regional Art Gallery Trust as presented.

Strategic Relevance

Key Priority Area 1 Community and Culture
Objective 1.5 Celebrate and recognise the richness of our arts, culture and heritage

Background

At the Council meeting held on 29 September 2015 (item 10.3 Bunbury Regional Art Galleries Governance Review 2015 Council Decision 336/15) it was resolved as follows:

“That Council supports the establishment of an independent trust or foundation for the Bunbury Regional Art Galleries with the aim of seeking and maintaining funds for acquisition of art works for the City collection and support of the gallery.”

The Bunbury Regional Art Galleries Trust was established in 2014 to receive the portable assets of Bunbury Regional Art Galleries from the Bunbury Regional Arts Management Board following Council taking over management of Bunbury Regional Art Galleries.

Legal advice obtained by the CEO in 2016 has identified that the Bunbury Regional Art Galleries Trust can be also be used to receive gifts, bequests and donations specifically for the purposes of the City of Bunbury Art Collection and the programs and facilities of Bunbury Regional Art Galleries.

The Policy Review and Development Committee (PRDC) considered this proposed policy at its meeting held 16 February 2017, where the Committee requested that the CEO provide some further information regarding the trustees and beneficiaries of the trust, following which the policy could be presented directly to council for consideration.

Council Policy Compliance

- * City of Bunbury Art Collection Policy
- * City of Bunbury Asset Management Policy

Legislative Compliance

- * *Local Government Act 1995*
- * *Local Government Act Functions and General Regulations 1996*
- * *Income Tax Assessment Act 1997 Division 376 – Gifts or Contributions*
- * *Cultural Bequests Program Guidelines (no 1) 1997*
- * *Cultural Bequests Program (Maximum Approval Amounts) Determination (No 1) 1997*
- * *Australian Government’s Cultural Gifts Program*
- * *Copyright Act 1968*
- * *Copyright Amendment (Moral Rights) Act 2000*

Officer Comments

Ultimately, the beneficiaries of the trust will be any and all benefactors providing a gift, bequest or donation to the BRAG under the terms of the trust deed. The trustee will be the City of Bunbury, with the CEO and Mayor being signatories to the trust deed.

The proposed policy will also serve as a:

“gift fund used and maintained only for the principle purpose of the fund, authority or institution”

This is a requirement for obtaining Deductible Gift Recipient (DGR) status for Bunbury Regional Art Galleries from the Australian Tax Office.

Legal advice obtained from McLeod’s in 2016 indicated that the Trust Deed set up after the dissolution of the BRAMB, as drafted, is sufficient to meet the future needs for Gift Deductibility status for gifts, bequests and donations specifically for the purposes of the City of Bunbury Art Collection and the programs and facilities of Bunbury Regional Art Galleries.

Analysis of Financial and Budget Implications

The establishment and promotion of the Bunbury Regional Art Galleries Trust is likely to encourage gifts, bequests and donations for the purposes of Bunbury Regional Art Galleries Trust which will augment funding provided by Council.

Community Consultation

Not applicable

Councillor/Officer Consultation

The proposed policy was presented to the Policy Review and Development Committee for consideration at its meeting held 16 February 2017.

10.1.8 Leases and Licences Policy Amendment

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Felicity Anderson, Manager Major Projects and Property
Responsible Manager:	Felicity Anderson, Manager Major Projects and Property
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-10: Revised Leases and Licences Policy Appendix RAC-11: Example Deed of Lease

Summary

This item facilitates a review of the City's Leases and Licences policy.

Policy Review and Development Committee Recommendation

That Council adopt the revised Leases and Licences policy as presented and amended.

Strategic Relevance

Key Priority Area 5 Corporate
Objective 5.2 Maintain a high standard of corporate governance and improve access to information

Background

The City has for many years practiced the application of two clauses within all newly negotiated leases to protect the City's interests. This process has been in place for at least 5 years.

The redevelopment clause was to ensure that the City was not left in a situation whereby any future development opportunities and community benefits were not affected by inflexible Lease arrangements.

In addition the remediation clause was considered to ensure buildings and assets that were built on City or Crown land were the responsibility of the particular Lessee who built them. That is at the end of a Lease arrangement there would be two options:

1. The City would consider if the asset was one the City was willing to take possession of and responsibility for, i.e. does it align with future plans, consideration of ongoing asset management/whole of life costs?
2. If the City did not consider the asset appropriate to take possession of and responsibility for the remediation of the land is to be undertaken to the satisfaction of the City by the Lessee at the Lessee's expense.

It is suggested that these two clauses be embedded into the City's Leases and Licences policy to emphasise that they are non-negotiable during any future lease negotiations (**attached** at Appendix RAC-10).

A copy of the City's standard lease conditions are also **attached** at Appendix RAC-11 for reference. It is important to note that should the Committee like to see any changes to conditions contained

within the city's standard lease template document, then it would be prudent to obtain legal advice in this regard as the lease template was prepared by the City's lawyers and is a legal instrument.

Council Policy Compliance

This report facilitates the revision of an existing Council Policy.

Legislative Compliance

Section 3.58 of the *Local Government Act 1995* deals with disposal of property.

Officer Comments

The amended Policy **attached** at Appendix RAC-10 seeks to emphasise the application of the two identified non-negotiable clauses currently in practice to protect the City's interests.

Analysis of Financial and Budget Implications

Application of these clauses does not have any immediate or direct financial impact.

However they may provide financial benefits in that they support the City to ensure they are not left with unwanted and unviable assets when Lessees have "finished" with them.

In addition the redevelopment clause may provide financial opportunity and potential savings should this need to be applied to address any future opportunities that are presented to Council.

Community Consultation

There has been no community consultation in respect to this item. All Leases are dealt with through public advertising in accordance with Section 3.58 of the *Local Government Act 1995*

Councillor/Officer Consultation

This item was presented to the Policy Review and Development Committee for consideration at its meeting held 16 February 2017.

10.1.9 Review of Council Policy – Recreation Facilities

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	John Kowal, Manager Sport and Recreation
Responsible Manager:	John Kowal, Manager Sport and Recreation
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Appendix RAC-12: Council Policy – Recreation Facilities

Summary

This report is presented to Council to note a review of current Council Policy – Recreation Facilities.

Policy Review and Development Committee Recommendation

That Council note the review of Council Policy – Recreation Facilities as presented, with no changes recommended.

Background

This policy was last reviewed by Council in January 2015, and is presented to the Policy Review and Development Committee (PRDC) for discussion and review as part of Council's policy review schedule on 16 February 2017.

Council Policy and Legislative Compliance

This report facilitates the review of an existing Council Policy.

Officer Comments

The PRDC have reviewed the current Council Policy – Recreation Facilities (attached at Appendix RAC-12) and consider that the policy is still appropriate in its current form.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This policy was presented to the PRDC for consideration and discussion at its meeting held 16 February 2017.

10.1.10 Review of Council Policy – Asset Monitoring

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Odetta Robertson, Manager Organisational Development and HR
Responsible Manager:	Odetta Robertson, Manager Organisational Development and HR
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-13: Council Policy – Asset Monitoring

Summary

This report is presented to Council to note a review of current Council Policy - Asset Monitoring.

Policy Review and Development Committee Recommendation

That Council note the review of Council Policy – Asset Monitoring as presented, with no changes recommended.

Background

This policy facilitates the protection of the City’s assets and equipment, as well as assisting with the management of the City’s mobile assets.

The City of Bunbury is committed to providing a safe work environment for its employees and the community in which unlawful, antisocial and inappropriate activity is kept to a minimum while respecting the individual rights of privacy.

The policy ensures that the possible use of workplace surveillance will be compliant with the requirements of relevant legislation, including the *Surveillance Device Act 1998*.

Council Policy and Legislative Compliance

This report facilitates the review of an existing Council Policy.

The *Surveillance Device Act 1998* requires organisations to have in place policies prior to any surveillance activities being implemented, to ensure all affected persons (employees) are fully aware of the City’s intentions in this regard.

Officer Comments

The Policy Review and Development Committee (PRDC) have reviewed the current Council Policy – Asset Monitoring (attached at Appendix RAC-13), and consider that the policy is still appropriate in its current form.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This PRDC for consideration and discussion at its meeting held 16 February 2017.

10.1.11 Review of Council Policy – Commercial Leases

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Felicity Anderson, Manager Major Projects and Property
Responsible Manager:	Felicity Anderson, Manager Major Projects and Property
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-14: Council Policy – Commercial Leases Appendix RAC-15: Corporate Guideline – Commercial Leases

Summary

This report is presented to Council to note a review of current Council Policy – Commercial Leases.

Policy Review and Development Committee Recommendation

That Council note the review of Council Policy – Commercial Leases as presented, with no changes recommended.

Background

This policy was last reviewed in January 2015, and was presented to the Policy Review and Development Committee (PRDC) for discussion and review as part of Council’s policy review schedule on 16 February 2017.

Council Policy and Legislative Compliance

This report facilitates the review of an existing Council Policy.

Officer Comments

The Policy Review and Development Committee (PRDC) have reviewed the current Council Policy – Commercial Leases (attached at Appendix RAC-14), and consider that other than some minor changes to position titles, the policy is still appropriate in its current form.

A copy of the associated corporate guideline is also presented at Appendix RAC-15 for reference.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This policy was presented to the PRDC for consideration and discussion at its meeting held 16 February 2017.

10.1.12 Review of Council Policy – Food Regulation Compliance and Enforcement

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Sarah Upton, Manager Environmental Health
Responsible Manager:	Sarah Upton, Manager Environmental Health
Executive:	Mal Osborne, Director Planning and Development Services
Attachments:	Appendix 16: Council Policy – Food Regulation Compliance and Enforcement Appendix 17: Corporate Guidelines – Food Regulation Compliance and Enforcement

Summary

This report is presented to Council to note a review of current Council Policy – Food Regulation Compliance and Enforcement.

Policy Review and Development Committee Recommendation

That Council note the review of Council Policy – Food Regulation Compliance and Enforcement as presented, with no changes recommended.

Background

This policy was last reviewed in March 2015, and was presented to the Policy Review and Development Committee (PRDC) for discussion and review as part of Council’s policy review schedule.

Council Policy and Legislative Compliance

This report proposes the revision of an existing Council Policy.

Officer Comments

The PRDC have reviewed the current Council Policy – Food Regulation Compliance and Enforcement (attached at Appendix 15), and consider that other than one referencing change in the legislative area (from Health Act 1911 to Public Health Act 2016), the policy is still appropriate in its current form.

A copy of the associated corporate guideline is also presented at Appendix 17 for reference.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This policy was presented to the PRDC for consideration and discussion at its meeting 16 February 2017.

10.1.13 Review of Council Policy – Community Use of Banner Masts in Victoria Street

Applicant/Proponent:	Policy Review and Development Committee
Responsible Officer:	Gavin Harris, Director Works and Services
Responsible Manager:	Gavin Harris, Director Works and Services
Executive:	Gavin Harris, Director Works and Services
Attachments:	Appendix RAC-18: Community Use of Banner Masts Policy Appendix RAC-19: Community Use of Banner Masts Corporate Guideline

Summary

This report is presented to Council to note the review of current Council Policy – Community Use of Banner Masts in Victoria Street.

Policy Review and Development Committee Recommendation

That Council note the review of Council Policy – Community Use of Banner Masts in Victoria Street as presented, with no changes recommended.

Background

This policy was last reviewed by Council in May 2015, and was presented to the Policy Review and Development Committee (PRDC) for discussion and review as part of Council’s policy review schedule.

Council Policy and Legislative Compliance

This report facilitates the review of an existing Council Policy.

Officer Comments

The PRDC have reviewed the current Council Policy – Community Use of Banner Masts in Victoria Street (attached at Appendix 17), and consider that the policy is still appropriate in its current form.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

This policy was presented to the Policy Review and Development Committee (PRDC) for consideration and discussion at its meeting 16 February 2017.

10.1.14 2016 Compliance Audit Return

Applicant/Proponent:	Audit Committee
Responsible Officer:	Leanne French, Senior Governance and Risk Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-20: 2016 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 2016.

Audit Committee Recommendation

That Council adopt the Statutory Compliance Audit Return for the City of Bunbury for the period 1 January to 31 December 2016.

Strategic Relevance

Key Priority Area 5 Corporate
Objective 5.2 Maintain a high standard of corporate governance and improve access to information.

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 2016 Return is to be provided to the Department by 31 March 2017.

Eighty seven (87) questions are contained within the 2016 return. A copy of the reviewed Return is **attached** at Appendix RAC-20.

The Audit Committee reviewed the City's 2016 Return at its meeting held on 8 March 2017.

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 regulations 13 and 14 of the *Local Government (Audit) Regulations 1996*.

Officer Comments

Completion of the relevant sections of the Return by Officers 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.

These audits have revealed the City to be compliant on all aspects of the Return except one, being Question 12 from the Delegation of Power/Duty section.

Question 12 asks if all delegations made under Division 4 of Part 5 of the *Local Government Act* were reviewed by the delegator at least once during the 2015/2016 financial year. Council did not formally adopt a full review of all delegations until 13 December 2016, being the 2016/17 calendar year. It is noted that Council previously reviewed all delegations on 23 June 2015, ensuring a review each calendar year. Officers will ensure the next review is conducted in the 2017/18 financial year, thus complying with legislative requirements.

Analysis of Financial and Budget Implications

Nil

Community Consultation

There is no requirement for community consultation on this matter.

Councillor/Officer Consultation

The City's 2016 Return is commended to Council by the Audit Committee.

10.2 Chief Executive Officer Reports

10.2.1 2017 National General Assembly of Local Government Conference

Applicant/Proponent:	Internal
Responsible Officer:	Leanne French, Senior Governance and Risk Officer
Responsible Manager:	Greg Governance, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The Australian Local Government Association (ALGA) Annual National General Assembly of Local Government Conference is held in Canberra annually.

The National General Assembly (NGA) brings together hundreds of delegates from councils across Australia to debate issues of national significance to local government. It provides an opportunity for local councils to develop and express a united voice on core issues affecting their communities with access to influential decision-makers of the federal government, at both the political and departmental levels.

In addition the opportunity is taken to meet with Ministers and key Ministerial staff to progress projects and initiatives relevant to the City of Bunbury.

The 2017 National General Assembly will be held from Sunday 18 June to Wednesday 21 June 2017 inclusive.

Executive Recommendation

That Council:

1. Identify any issues/motions that it wishes to see included on the agenda for the NGA to enable background reports and draft motions to be prepared and considered by Council.
2. Subject to endorsement of any relevant motions as per Point 1 above, Council approve the attendance of the Mayor (or delegate), an elected member and the Chief Executive Officer at the Australian Local Government Association National General Assembly of Local Government Conference to be held in Canberra from Sunday 18 June to Wednesday 21 June 2017 inclusive.
3. Subject to Point 2 above, request the CEO arrange meetings with relevant Government Ministers to seek support for major projects and initiatives that require federal government support.

Strategic Relevance

Key Priority Area 5 Corporate
Objective 5.6 Improve local, regional, state and national perceptions of Bunbury

Background

All Mayors, Shire Presidents and Chief Executive Officers from Australian Local Governments are invited to the Annual Australian Local Government Association National General Assembly to be held in Canberra from Sunday 18 June to Wednesday 21 June 2017.

Previous conference programs have explored issues relevant to the City of Bunbury including Financing Local Government, Financial Assistance Grants, Expenditure Priorities and Constitutional Recognition of Local Government.

The NGA attracts in excess of 900 Mayors and Councillors from across Australia and has been running almost 20 years.

Council Policy Compliance

Attendance at this conference will be facilitated through the provisions and conditions of Council Policy “Conference, Seminars, Training and Induction Courses - Attendance by Elected Members”.

Legislative Compliance

The endorsement of this proposal will ensure that compliance has been met with all legislative matters including policy.

Officer Comments

It is expected that Council’s continued attendance at this national conference will serve to benefit the determining of future long-term strategic economic, social, environmental and sustainability issues including infrastructure. It will contribute to the potential development of policy and future planning processes to assist the City’s strategic capacity to provide good governance, service and facilities for its greater community.

The conference coincides with sitting dates for the federal parliament and this provides an opportunity to meet with Federal Government Ministers whilst in Canberra. This is an opportunity that should not be missed and preliminary arrangements may be made to meet with relevant Ministers to put Bunbury’s position on the Federal stage in relation to major projects and funding requirements.

Analysis of Financial and Budget Implications

Council’s 2016/2017 Budget contains sufficient funding allocations to accommodate attendance at this conference.

Community Consultation

There is no requirement for community consultation on this proposal.

Councillor/Officer Consultation

The Chief Executive Officer is aware of this proposal. This report serves to bring the matter to the attention of all elected members.

10.2.2 Corporate Marketing and Communications Strategy

Applicant/Proponent:	Internal
Responsible Officer:	Jamie Tatham, Media & Communications Officer Lee-Maree Gallo, Corporate Marketing Officer
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1: Corporate Marketing and Communications Strategy

Summary

The purpose of this report is for Council to consider a review of the City's Corporate Marketing and Communications Strategy.

Executive Recommendation 1A

That debate recommence in relation to this matter, following adjournment at the Ordinary Council Meeting held on 7 March 2017.

Executive Recommendation 1B

That Council endorse the revised 2017 Corporate Marketing and Communications Strategy as presented at Appendix CEO-1.

Strategic Relevance

Key Priority Area 5 Corporate
Objective 5.1 Facilitate community and stakeholder participation in decision-making

Background

This item was presented to the Ordinary Council Meeting held 7 March 2017 where it was deferred for one (1) round of meetings to allow councillors further time to review and suggest amendments.

Whilst Officers consistently seek to apply emerging technologies in undertaking the City's media, communications and marketing activities, the City's Corporate Marketing and Communications Strategy has not been formally reviewed since 2013. Officers have now reviewed the Strategy and a revised version is **attached** at Appendix CEO-1 for consideration

Council Policy Compliance

Nil

Legislative Compliance

Not applicable

Officer Comments

Embracing emerging technologies and capitalising on the popularity of social media are seen as key drivers when it comes to communicating and engaging with the community and the City's many other stakeholders. The updated Corporate Marketing and Communications Strategy reflects this approach while also taking into consideration more traditional forms of communication and also enhanced community engagement.

Analysis of Financial and Budget Implications

Nil

Community Consultation

The City's Corporate Marketing and Communications Strategy outlines how the City will consult and engage with the community and stakeholders

Councillor/Officer Consultation

This matter is presented for Council for consideration.

10.3 Director Corporate and Community Services Reports

10.3.1 Department of Sport and Recreation CSRFF Application March 2017

Applicant/Proponent:	Internal Report
Responsible Officer:	Gary Thompson, Sport and Recreation Liaison Officer
Responsible Manager:	John Kowal, Manager Sports and Recreation
Executive:	David Ransom, Acting Director Corporate and Community Services
Attachments:	Appendix DCCS-1: CSRFF Application from Koombana Bay Sailing Club

Summary

Council has received one (1) external Community Sport and Recreation Facility Funding (CSRFF) small grant application for the March 2017 round of funding grants from the Koombana Bay Sailing Club (the Club).

The application from the Club seeks a financial contribution of \$50,000 (ex GST) from Council for the Club to refurbish the male toilets and change room facilities within the Koombana Sailing Club building.

The Department of Sport and Recreation (DSR) requires the provision of a Council decision supporting the CSRFF application for funding before it can be considered by DSR. The application must be submitted to DSR by 31 March 2017.

The table below identifies the cost (GST Ex) of the proposed project including detail of the request for funding from Council:

Funding Source	Koombana Bay Sailing Club
Council Contribution	\$50,000
Applicants Cash	\$30,000
Voluntary Labour	\$14,900
Donated Materials	\$5,580
Loans and Sponsorship	NIL
Other State or Federal Funding	NIL
CSRFF Grant Requested	\$50,000
Development Bonus Requested	NIL
Total Cost of Project	\$150,480

Executive Recommendation

That Council:

1. Support the Koombana Bay Sailing Club CSRFF application;
2. Endorse the allocation of \$50,000 from the 2016/2017 budget in support of the Club's CSRFF application.

Strategic Relevance

Key Priority Area 1 Community and Culture
Objective 1.1 Establish Bunbury as the most accessible regional city in Australia by 2020

Key Priority Area 1 Community and Culture
Objective 1.4 Increase participation in sport and leisure activities

Background

The DSR administers the CSRFF program for small, annual and forward planning grants. Applications for the current round (March 2017) are to be submitted to DSR's South West Regional Office no later than 31 March 2017. Successful applicants are expected to be advised in June 2017.

The CSRFF program operates on a reimbursement system with grants paid to the grantee only. The maximum CSRFF grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash or in-kind contribution. Furthermore the balance of the final one-third of requisite funds required is to be sourced by the applicant.

It is a requirement that applicants first discuss their proposal with the DSR Regional Manager to be able to receive the formal CSRFF application form. The DSR will also identify any shortcomings and offer assistance to bring an application up to an acceptable standard.

The DSR requires the Council to provide its support (or otherwise) for projects.

A copy of the Koombana Bay Sailing Club CSRFF application is **attached** at Appendix DCCS-1.

Council Policy Compliance

There are no Council policies applicable to CSRFF applications.

Legislative Compliance

Not applicable

Officer Comments

The Club is seeking funding to refurbish and upgrade their male toilets and changing room facilities (the facilities) as they do not meet current standards. The facilities at the Club currently have significant plumbing problems which will be rectified by the refurbishment, upgrade development work.

The current doorways into the male toilets and shower area are too narrow for a wheelchair to access and there is insufficient space for someone in a wheelchair to access these areas comfortably. The Club, through the Rotary Sail Into Life Project, have a number of people with disabilities regularly accessing their facilities and as part of the upgrade and refurbishment to the male toilets and changing rooms, the Club would look to provide an adequate standard for people with disabilities to access their facilities.

The Club were successful in 2013 in receiving CSRFF funding to upgrade their female toilets and changing rooms and the Club see this proposed project of upgrading the male facilities as complementing the female toilets and changing rooms.

The Club submitted a CSRFF application in 2014 and 2016 to upgrade the male toilets and changing room facilities but they were unsuccessful, with Council deciding to support the project in 2014 but not provide financial assistance. Council decided in 2016 to support the project and Council allocated \$50,000 at the October 2016 budget review for the purpose of the Club's future CSRFF application.

Analysis of Financial and Budget Implications

The funding of \$50,000 to support the Club's CSRFF application is included in the Council 2016/2017 budget.

Community Consultation

Consultation has been undertaken with all sport and recreation clubs in Bunbury in the past to advise clubs to notify the City well in advance about future CSRFF applications, in order for the City to consider required financial contributions into future budget deliberations.

Councillor/Officer Consultation

Consultation has been undertaken with the City of Bunbury Manager Sport and Recreation, Sport and Recreation Liaison Officer, Building Department, Planning Department, Engineering Department, Health Department and Community Law and Safety Department.

10.4 Director Planning and Development Services Reports

Nil

10.5 Director Works and Services Reports

Nil

11. Applications for Leave of Absence

No requests for Leave of Absence had been received at the time of printing.

12. Motions on Notice

No Motions on Notice had been received at the time of printing.

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

15.2 Public Reading of Resolutions that may be made Public

16. Closure