



## Bunbury City Council

### Minutes 30 May 2017



**CITY OF BUNBURY**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia  
*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

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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 Minutes**

Minutes of the 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, 30 May 2017 at 5.30pm.

### **Minutes**

30 May 2017

#### **1. Declaration of Opening / Announcements of Visitors**

The meeting was declared open by the Mayor Gary Brennan at 5.30pm.

#### **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**

The Mayor advised that the Public Forum regarding the results of the CBD Experience Survey held last week was well attended. Council representatives will meet with key stakeholders this Friday to further discuss options for parking.

The Mayor advised he attended a Schools of the Future meeting and agreed to meet with representatives to further discuss the opportunity for a City of Bunbury Early Childhood Strategy.

The Mayor noted the Chef's Long Table Lunch Committee presented a Certificate of Appreciation to the City.

The Mayor advised the Rugby League World Cup was showcased in Bunbury last week and the City was presented with a replica Rugby League ball.

## 4. Attendance

*Present:*

<b>Council Members:</b>	
Presiding Member:	Mayor G Brennan
Deputy Presiding Member:	Deputy Mayor Councillor B Kelly
	Councillor S Morris
	Councillor J Jones
	Councillor J Hayward
	Councillor B McCleary
	Councillor M Cook
	Councillor K Steck
	Councillor K Steele
	Councillor M Warnock
<b>Executive Leadership Team (Non-Voting)</b>	
Acting Chief Executive Officer	Mr M Osborne
Director Works and Services	Mr G Harris
Acting Director Planning and Development Services	Mrs S Upton
<b>Council Officers (Non-Voting)</b>	
Media and Communications Officer	Mr J Tatham
Manager Information Communications and Technology	Mr M Roberts
Manager Finance	Mr D Ransom
Manager Community, Arts and Culture	Mr J Bowron
Manager Governance	Mr G Golinski
Council Meeting Support Officer	Ms J Earl
<b>Others (Non-Voting)</b>	
Members of the Public	3
Members of the Press	1

### 4.1 Apologies

Cr Miguel was an apology to the meeting.

### 4.2 Approved Leave of Absence

Cr Giles is on approved leave of absence from all Council-related business from 30 May 2017 to 17 July 2017 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.”*

Nil.

## 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

Nil.

### 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 16 May 2017 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 16 May 2017 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 30 May 2017**

The recommendation (as printed) was moved Cr Cook, seconded Cr Jones.

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

#### **Council Decision 200/17**

*The minutes of the Ordinary meeting of the Bunbury City Council held 16 May 2017 be confirmed as a true and accurate record.*

CARRIED  
10 votes "for" / Nil votes "against"

#### **7.1.2 Minutes – Council Advisory Committees and Working/Project Groups**

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1: Youth Advisory Council Minutes – 3 May 2017

#### **Summary**

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

1. Title: Youth Advisory Council Minutes – 3 May 2017  
Author: Liz Allan, Executive Research and Project Officer  
Appendix: MTBN-1



**Council Committee Recommendation**

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

1. Youth Advisory Council Minutes – 3 May 2017

**Outcome – Council Meeting 30 May 2017**

The recommendation (as printed) was moved Cr Jones, seconded Cr McCleary.

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

**Council Decision 201/17**

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

1. *Youth Advisory Council Minutes – 3 May 2017*

CARRIED

10 votes “for” / Nil votes “against”

## **8. Petitions, Presentations, Deputations and Delegations**

### **8.1 *Petitions***

Nil.

### **8.2 *Presentations***

Nil.

### **8.3 *Deputations***

Nil.

### **8.4 *Council Delegates' Reports***

Nil.

### **8.5 *Conference Delegates' Reports***

Nil.

## **9. Method of Dealing with Agenda Business**

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.1, 10.2.1, 10.2.3, 10.4.1 and 10.4.2.

Items 10.2.2, 10.2.4 and 10.2.5 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

The items “*adopted by exception*” were moved Cr Hayward, seconded Cr Cook.

## 10. Reports

### 10.1 *Resignation of Youth Advisory Council Members (was listed as item 10.1.1 on the Council Agenda)*

<b>Applicant/Proponent:</b>	Youth Advisory Council
<b>Responsible Officer:</b>	Silvana Garwood, Community Development Officer
<b>Responsible Manager:</b>	Sharon Chapman, Manager Community and Library Services
<b>Executive:</b>	Stephanie Addison-Brown, Director Corporate and Community Services
<b>Attachments:</b>	Nil

#### Summary

This report was presented to the Youth Advisory Council (YAC) at its meeting held 3 May 2017 to advise of three (3) resignations received from Jake Elson, Kaila Hartman and Karl Sullivan (Deputy Youth Mayor).

#### Committee Recommendation

That Council:

1. Accept the resignation of Jake Elson, Kaila Hartman and Karl Sullivan from the Youth Advisory Council; and
2. Request the Chief Executive Officer thank Jake Elson, Kaila Hartman and Karl Sullivan in writing for their contributions.
3. Not advertise for the three (3) vacant positions as the Youth Advisory Council spill is scheduled to occur in October 2017.

#### Background

Jake Elson, Kaila Hartman and Karl Sullivan were re-elected at the October 2015 Elections. Since this time, the YAC members and Deputy Youth Mayor have played an important role on this committee, providing guidance to the Bunbury City Council on issues affecting the youth of the Bunbury Region.

#### Council Policy Compliance

Not applicable

#### Legislative Compliance

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

#### Budget Implications

Nil

### **Officer Comments**

Due to other commitments YAC members Jake Elson, Kaila Hartman, and Karl Sullivan (Deputy Youth Mayor) will be unable to continue as active members for this committee. It is therefore recommended that Council accept their resignation letters.

The YAC have only one meeting before the October 2017 elections and as a Committee they feel that the effort and costs associated with advertising for new members to be on the Committee for one meeting did not seem a prudent option. It was therefore proposed that YAC continue to operate without new members until the election.

### **Councillor/Officer Consultation**

This report is presented to Council for consideration.

The current elected members that are nominated to the Youth Advisory Council Committee are Councillor Betty McCleary, Councillor Joel McGuinness and Councillor Sam Morris.

### **Outcome – Council Meeting 30 May 2017**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council's decision on the matter.

#### **Council Decision 202/17**

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

- 1. Accept the resignation of Jake Elson, Kaila Hartman and Karl Sullivan from the Youth Advisory Council; and***
- 2. Request the Chief Executive Officer thank Jake Elson, Kaila Hartman and Karl Sullivan in writing for their contributions.***
- 3. Not advertise for the three (3) vacant positions as the Youth Advisory Council spill is scheduled to occur in October 2017.***

CARRIED

10 votes "for" / Nil votes "against"

**10.2 Schedule of Accounts Paid for the Period 1 April 2017 to 30 April 2017 (was listed as item 10.2.1 on the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Responsible Manager:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1: Schedule of Accounts Paid April 2017

**Summary**

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 April 2017 to 30 April 2017 is **attached** at Appendix CEO-1. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$10,917,134.32
2. Advance Account – payments totalling \$8,957,932.58
3. Trust Account – payments totalling \$12,806.01
4. Visitor Information Centre Trust Account – payments totalling \$31,007.57
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$657,018.79
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$677,500.21

**Executive Recommendation**

The Schedule of Accounts Paid for the Period 1 April 2017 to 30 April 2017 be received.

**Outcome – Council Meeting 30 May 2017**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council's decision on the matter.

**Council Decision 203/17**

***The Schedule of Accounts Paid for the Period 1 April 2017 to 30 April 2017 be received.***

CARRIED

10 votes "for" / Nil votes "against"

**10.3 Financial Management Report for the Period Ending 30 April 2017 (was listed as item 10.2.3 on the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Responsible Manager:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-3: Statement of Comprehensive Income Appendix CEO-4: Statement of Financial Activity Appendix CEO-5: Statement of Net Current Assets Appendix CEO-6: Statement of Financial Position Appendix CEO-7: Capital Works Expenditure Summary Appendix CEO-8: Operating Project Expenditure Summary

**Summary**

The following comments are provided on the key elements of the City’s financial performance.

1. Statement of Comprehensive Income (**attached** at Appendix CEO-3)  
 Actual Financial Performance to 30 April 2017 (refer explanations within the report)
  - Actual income of \$53.41M is \$887K greater than the year-to-date budgeted income of \$52.53M.
  - Actual expenditure of \$33.07M is \$3.49M less than the year-to-date budgeted expenditure of \$36.56M.
  - Actual operating surplus of \$20.35M is \$4.39M more than the year-to-date budgeted operating surplus of \$15.96M.
2. Statement of Financial Activity (**attached** at Appendix CEO-4)  
 Closing Funding Surplus to 30 June 2017 is forecast at \$599,165, which is \$199,464 more than the Current Budget Closing Funding Surplus of \$399,701.

3. Statement of Financial Position (**attached** at Appendix CEO-6)

The City’s year-to-date and forecast balances are as follows:

	Year-to-date	Forecast
* Current Assets of \$51.48M includes:		
- Cash and Investments	\$48.38M	\$27.58M
- Rates	\$1.11M	\$0.81M
- Other Current Assets	\$1.99M	\$1.93M
* Current Liabilities of \$7.73M includes:		
- Trade and Other Payables	\$2.04M	\$4.63M
- Annual Leave and LSL Provisions	\$3.45M	\$3.91M
* Working Capital (Current Assets less Current Liabilities)	\$43.76M	\$19.48M
* Equity (Total Assets less Total Liabilities)	\$597.73M	\$580.75M

4. Capital Works (**attached** at Appendix CEO-7)
  - Actual capital works of \$10.97M is \$5.67M less than the year-to-date budgeted capital works of \$16.64M, (refer explanation within report).
5. Operating Project Expenditure (**attached** at Appendix CEO-8)
  - Actual operating project expenditure of \$2.05M is \$703K less than the year-to-date budgeted operating project expenditure of \$2.75M, (refer explanation within report).

### **Executive Recommendation**

The Financial Management Report for the period ending 30 April 2017 be received.

### **Strategic Relevance**

Key Priority Area 5      Corporate  
Objective 5.3    Ensure financial sustainability

### **Background**

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-3)
- Statement of Financial Activity (**attached** at Appendix CEO-4)
- Statement of Net Current Assets (**attached** at Appendix CEO-5)
- Statement of Financial Position (**attached** at Appendix CEO-6)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-7)
- Operating Projects Summary (**attached** at Appendix CEO-8)

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

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

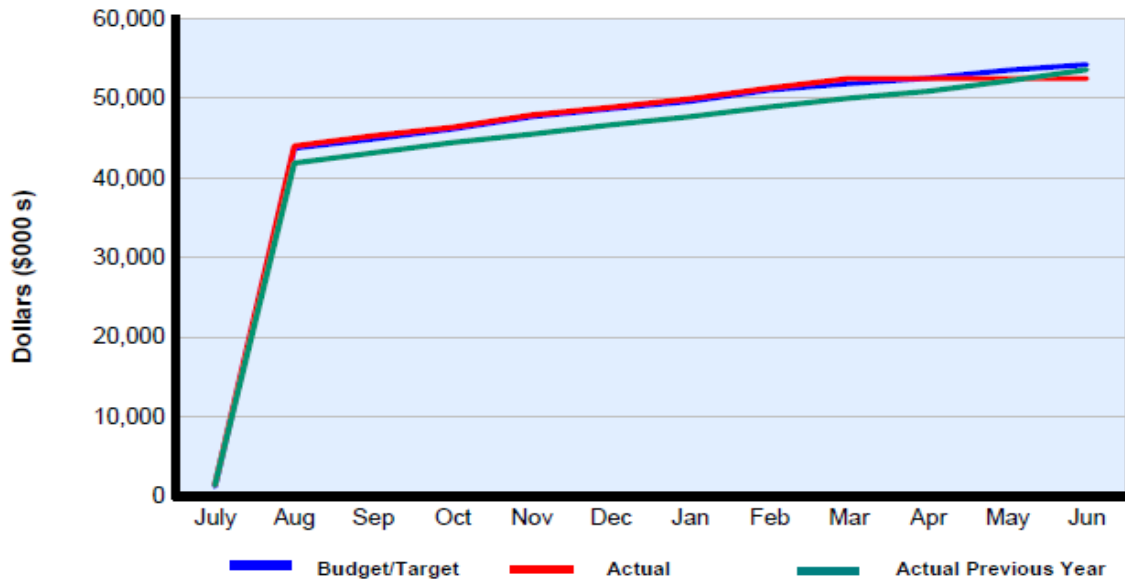
In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix CEO-5) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

At the Special Council Meeting 27 July 2016, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2016/17.

**Officer Comments**

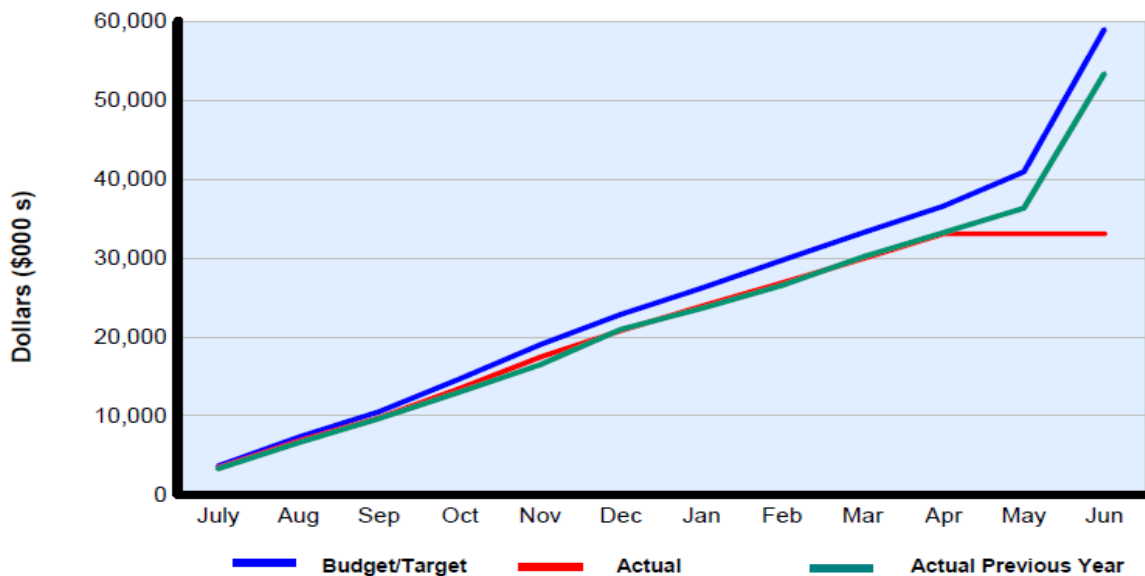
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.

**Operating income (\$000's)**



**Note:** Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.  
 Actual income of \$53.41M is \$887K greater than the year-to-date budget income of \$52.53M.  
 Explanations for this variance are included in this report.

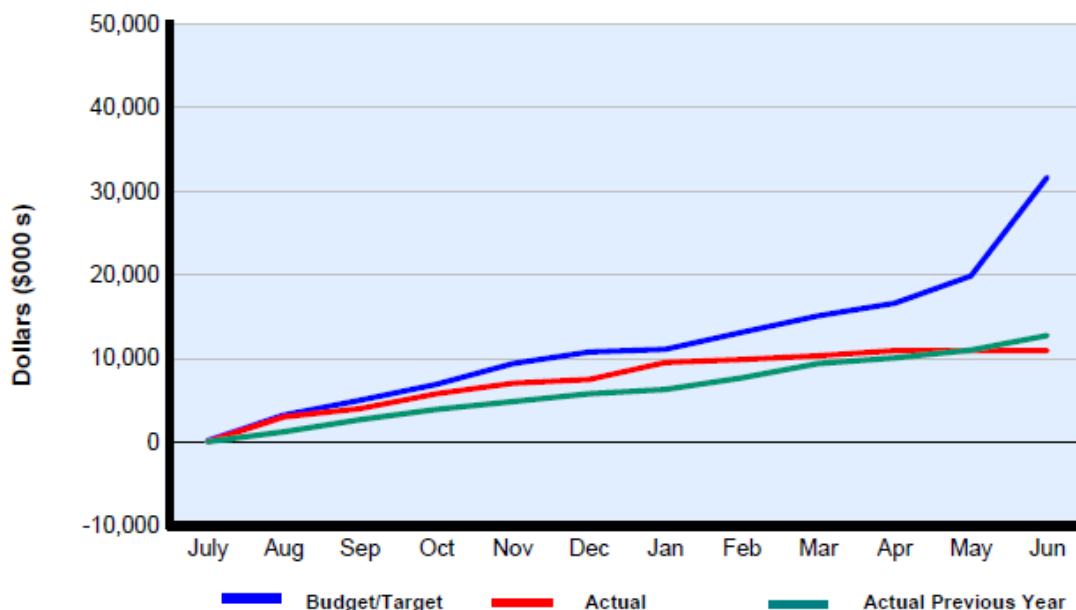
**Operating expenditure (\$000's)**



**Note:** Actual operating expenditure for both base and operating projects is \$3.50M under the year-to-date budget due to timing of works commencing.  
 Explanations for this variance are included in this report.



### Capital Expenditure (\$ 000's)



**Note:** The capital expenditure variance to the end of April 2017 of \$5.67M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council.

The following is an explanation of significant Operating and Capital variances identified in the Statement of Comprehensive Income and Statement of Financial Activity:

Statement of Comprehensive Income	YTD Actual to Budget Variance
<b>Operating Income</b>	
<b>Rates Income</b> <i>Interim Rates Income</i> – Higher than anticipated interim rates of \$37K have been raised on property improvements. An end of year forecast adjustment has been made.	\$37,989 0.10%
<b>Contribution, Reimbursements and Donations</b> <i>Reimbursement Income</i> – Favourable year-to-date variance of \$245K mainly due to the reimbursement of \$100K from the South West Development Commission for PR-3877 Management of funds for the Bunbury Marine Facilities as the City will now be administering the contractual payments, \$61K of recoupable property utilities, \$26K of legal fees reimbursed and \$42K of workers compensation reimbursements. An end of year forecast adjustment has been made.	\$240,998 26%
<b>Interest Received</b> <i>Cash and Investment Interest Income</i> – Favourable year-to-date variance of \$191K mainly due to an increase in funds held in term deposits. An end of year forecast adjustment has been made.  <i>Rates Debtor Interest Income</i> – Favourable year-to-date variance of \$33K mainly due to additional rate payers taking advantage of paying by instalments. An end of year forecast adjustment has been made.	\$224,137 25%

<b>Operating Expenditure</b>	
<p><b>Materials and Contracts</b></p> <p><i>Material Expenditure</i> - Favourable year-to-date variance of \$621K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p> <p><i>Contract Employment Expense</i> – Favourable year-to-date variance of \$63K, this expenditure has not been required to date. This will be monitored on a monthly basis.</p> <p><i>Consultants Expenses</i> - Favourable year-to-date variance of \$500K, mainly due to the timing of expenditure on the following accounts:</p> <ul style="list-style-type: none"> <li>PR-4167 Prepare a Local Area Plan - \$150K</li> <li>PR-3196 Conduct detailed contaminated site investigation for Nuytsia Ave - \$84K</li> <li>PR-4166 Conduct site investigation Ecclestone Street - \$80K</li> <li>PR-4176 Implement Withers Youth Strategy - \$47K</li> <li>PR-4265 Pelican Point Grand Canals maintenance - \$27K</li> <li>Investigate and design traffic scenario modelling - \$23K</li> <li>PR-4156 Revalue building assets and freehold land - \$20K</li> <li>PR-1578 Develop and implement a Public Health Plan - \$15K</li> <li>PR-3882 Upgrade Trim Electronic Document System - \$14K</li> <li>PR-4006 Revaluation of City Art Collection 2016/17 - \$12K</li> </ul> <p>This will be monitored on a monthly basis.</p> <p><i>Contractors Expenses</i> - Favourable year-to-date variance of \$1.01M, mainly due to the timing of operating expenditure on the following accounts:</p> <ul style="list-style-type: none"> <li>Collect domestic recyclable materials - \$137K</li> <li>Maintain sport grounds and infrastructure - \$110K</li> <li>PR-3996 Upgrade Adam Road Primary School carpark - \$86K</li> <li>PR-4327 Regional Tourism Strategy implementation - \$70K</li> <li>Maintain trees - \$67K</li> <li>Maintain corporate vehicles - \$58K</li> <li>Collect household organic waste - \$58K</li> <li>Conduct Christmas carnival event - \$45K</li> <li>Conduct destination marketing activities - \$35K</li> <li>Maintain drainage pump stations - \$35K</li> <li>PR-3888 Closure of laneways in Withers - \$30K</li> <li>Clean and maintain drainage pipes - \$21K</li> <li>Maintain paths and cycleways - \$20K</li> <li>Conduct corporate marketing activities - \$20K</li> <li>Maintain South West Sports Centre - \$19K</li> <li>Maintain depot buildings - \$19K</li> </ul> <p>This will be monitored on a monthly basis.</p> <p><i>Software License or Maintenance Expenditure</i> - Favourable year-to-date variance of \$117K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p>	<p>\$2,351,271 21%</p>

<b>Non-Operating Income and Expenditure</b>	
<p><b>Proceeds from the Disposal of Assets</b>  <i>Proceeds from the Disposal of Land</i> – Favourable year-to-date variance of \$167K due to the sale of two Latrielle properties during March 2017. An end of year forecast adjustment has been made.</p>	<p>\$172,005 44%</p>
<p><b>Value of Assets Disposed</b>  <i>Value of Plant and Vehicles Disposed</i> – Unfavourable year-to-date variance of \$74K due to the disposal value of vehicles. This is a non-cash expenditure item that records the profit and loss on the disposed assets.</p> <p><i>Value of Equipment Disposed</i> – Disposal of old car parking machines (\$140K) due to the replacement of new machines as budgeted. This is a non-cash expenditure item that records the profit and loss on the disposed assets. An end of year forecast adjustment has made.</p>	<p>\$213,802 (123%)</p>

<b>Statement of Financial Activity</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Revenues</b>	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	<p>\$849,043 5%</p>
<b>Operating Expenses</b>	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	<p>\$3,498,490 9.6%</p>
<b>Capital Expenses</b>	
<p><b>Acquisition of Assets</b> – The favourable year-to-date variance is mainly due to the timing of expenditure for the following projects:</p> <p>PR-4145 – Expand and upgrade Koombana Bay Foreshore - \$863K  PR-3390 – Capital works at BREC, including replacing hardi-flat sheeting with colourbond metal sheeting to fly tower - \$665K  PR-1912 – Replace waste vehicles and plant 2016/17 - \$599K  PR-2288 - Replace corporate heavy plant 2016/17 - \$520K  PR-4165 - Develop a detailed design for a Cultural Precinct - \$364K  PR-2481 - Reconstruct and improve drainage in Spencer St - \$307K  PR-3997 – Install additional family and accessible change facilities at the SWSC - \$296K  PR-1197 – Upgrade intersection of Parade Rd and Crampton Ave - \$225K  PR-4015 – Improve City’s landscaping, parks and entry statements - \$172K  PR-3647 - Renew drainage line Ecclestone St to Kelly St - \$147K  PR-3445 – Refurbish existing toilet at Queens Gardens - \$145K  PR-4149 - Implement State CCTV Strategy Infrastructure - \$136K  PR-3900 - Upgrade Koombana Drive and Austral Parade Intersection - \$129K</p>	<p>\$5,670,924 34%</p>

<p>PR-3222 – Renew drainage Picton Road - \$106K PR-3694 – Renew Parade Road - \$103K PR-1248 – Construct new depot building to replace existing depot - \$100K PR-4012 - Upgrade and segmentation of network structure - \$95K PR-1536 – Renew landscaping and irrigation systems at Queens Gardens - \$78K</p> <p>Refer to Capital Expenditure report for project details.</p>	
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### **Analysis of Financial and Budget Implications**

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2016/17 financial year.

### **Community Consultation**

There is no requirement for community consultation on this report.

### **Councillor/Officer Consultation**

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

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

### **Outcome – Council Meeting 30 May 2017**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council’s decision on the matter.

### **Council Decision 204/17**

***The Financial Management Report for the period ending 30 April 2017 be received.***

CARRIED  
10 votes “for” / Nil votes “against”

**10.4 Proposed Deed of Lease – Bunbury Agricultural Society over portion of Lot 100 Herbert Road “Payne Park”, East Bunbury (was listed as item 10.4.1 on the Council Agenda)**

<b>File Ref:</b>	L271
<b>Applicant/Proponent:</b>	Bunbury Agricultural Society
<b>Responsible Officer:</b>	Jane Dawson, Senior Property Officer
<b>Responsible Manager:</b>	Felicity Anderson, Manager Major Projects and Property
<b>Executive:</b>	Sarah Upton, Acting Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-1: Bunbury Agricultural Society Location Plan

**Summary**

The Bunbury Agricultural Society (the “Applicant”) built storage sheds at Payne Park in 1982 and have operated at the premises to now with no Lease in place, the Applicant now seeks a Deed of Lease. A location plan is attached at Appendix DPDS-1.

**Executive Recommendation**

Council agrees to the proposed Deed of Lease to the Bunbury Agricultural Society over portion of Lot 100 Herbert Road “Payne Park”, East Bunbury for a term of three (3) years with a further option of five (5) years for use as storage sheds subject to the terms and conditions as specified in the report, and the following:

1. The lease being prepared including the standard terms and conditions.
2. Advertising for the disposal being undertaken in accordance with the provisions of Section 3.58 of the Local Government Act 1995.
3. The Applicant agreeing to pay all costs associated with the lease application including document preparation.

**Strategic Relevance**

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

**Background**

The Applicant built storage sheds at Payne Park in 1982 and have operated at the premises until now. The Applicant has advised the storage sheds were approved by the City however upon investigation no approvals could be located by the City or the Applicant.

Past Council minutes relating to the sheds are listed below:

1. Council Minutes from 12 December 1985 identified that a temporary building was approved by Council with a grant of \$5,000.00 being obtained.
2. Council Minutes from 1986 were found relating to a temporary shed. This noted three quotes were received and the City accepted a quote for \$12,000.00. It also identified the City required an architect at a cost of \$350.00.

3. Council Minutes 10 April 1986 noted there was still \$400.00 to be paid out on the building for a structural engineer and council approval.

The Applicant has requested the City's support for the sheds to remain and wish to enter into a Lease agreement with the City.

The City is now negotiating a new lease for a period of three (3) years with a further option of five (5) years.

Proposed New Lease

Commencement:	1/6/2017
Term:	Three (3) years with a further option of five (5) years
Expiry Date:	31/5/2020
Lease Area:	545m <sup>2</sup>
Rental:	\$327.00 per annum plus GST, CPI annually and Market Rent Review every three years
Outgoings:	Lessee responsible for all outgoings
Insurance:	Public Liability \$10M and General Insurance fixtures and fittings
Preparation of Lease:	Lessee to pay all costs associated with document preparation

**Council Policy Compliance**

Leasing and Licensing Policy.

**Legislative Compliance**

The notice of intention to grant the applicants a Deed of Lease will be published in the City Focus column of the Bunbury Mail Newspaper, displayed at the City's Libraries, the Administration centre and on the City's website in accordance with Section 3.58 of *the Local Government Act 1995*.

**Officer Comments**

The Applicant was notified on 16 January 2017 that the City would be drafting a lease for the Applicants consideration and this would be forwarded within 21 days of the date of this notification.

The Draft Lease was forwarded to the Applicant on 24 February 2017 for review and comment. The Lessee has advised they are happy with the Lease being over the land only and satisfied with the proposal the City has put forward with the rent being \$327.00 per annum plus GST.

The Bunbury Football Club operate at Payne Park and currently have a remaining lease term of three (3) years with a further option of five (5) years.

The Bunbury Agricultural Society proposed Lease term will be in line with the existing Lessee's at Payne Park ensuring all Leases will expire at the same time.

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

The applicants will be responsible for all costs associated with the preparation of documentation associated with the new lease.

### **Community Consultation**

Advertising in accordance with the provisions of Section 3.58 of *the Local Government Act 1995*.

### **Councillor/Officer Consultation**

Development Coordination Unit have advised on 9 February 2017 there are no objections to the proposed lease.

### **Outcome – Council Meeting 30 May 2017**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council's decision on the matter.

#### **Council Decision 205/17**

***Council agrees to the proposed Deed of Lease to the Bunbury Agricultural Society over portion of Lot 100 Herbert Road "Payne Park", East Bunbury for a term of three (3) years with a further option of five (5) years for use as storage sheds subject to the terms and conditions as specified in the report, and the following:***

- 1. The lease being prepared including the standard terms and conditions.***
- 2. Advertising for the disposal being undertaken in accordance with the provisions of Section 3.58 of the Local Government Act 1995.***
- 3. The Applicant agreeing to pay all costs associated with the lease application including document preparation.***

CARRIED

10 votes "for" / Nil votes "against"

**10.5 Heritage List Entry – Lady Mitchell Memorial Child Health Centre, #2 Prosser Street, South Bunbury (was listed as item 10.4.2 on the Council Agenda)**

<b>File Ref:</b>	A00538
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Lacey Brown, Strategic Planning Officer (Heritage)
<b>Responsible Manager:</b>	Thor Farnworth, Manager Sustainability, Planning and Development
<b>Executive:</b>	Sarah Upton, Acting Director, Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-2: B133 Place Record Appendix DPDS-3: Submission for Proposed Entry on Heritage List

**Summary**

The purpose of this report is to recommend the inclusion of an additional entry on the City of Bunbury Heritage List being the Lady Mitchell Memorial Child Health Centre at #2 Prosser Street, South Bunbury.

**Executive Recommendation**

That Council:

1. Resolve that the Lady Mitchell Memorial Child Health Centre be entered in the Heritage List; and
2. Forward notice of entry to the Heritage Council of Western Australia, the owners and the occupier of the place.

**Strategic Relevance**

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

Key Priority Area 3      Natural and Built Environment  
Objective 3.4            Facilitate urban design, diversity of land uses and enabling infrastructure.

**Background**

Section 45 of the *Heritage of Western Australia Act 1990* requires that local governments ‘compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance’. Under the provisions of the Act, the Municipal Inventory is to be updated annually and reviewed regularly. The deemed provisions under Schedule 2, Part 3, clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, sets out the requirements for a Heritage List.

As a consequence of a Municipal Inventory review the recognised significance of places may change, and where appropriate places may be afforded protection by inclusion on the City of Bunbury’s Heritage List, which establishes a requirement for proposed works and development to be considered subject to provisions contained within the deemed provisions for local planning schemes.



### **Council Policy Compliance**

The proposed inclusion of the Lady Mitchell Memorial Child Health Centre on the City of Bunbury's Heritage List is consistent with the aims and goals of Council's Strategic Plan Bunbury 2030, specifically objectives 1.5 and 3.4 dealing with heritage and the built environment.

### **Legislative Compliance**

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are applicable to the consideration of this proposal:

- *Heritage of Western Australia Act 1990;*
- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Bunbury Town Planning Scheme No. 7 (TPS7);
- Local Planning Policy: Assessment of Cultural Heritage Significance;
- Local Planning Policy: Heritage Conservation and Development Policy for Heritage Places;  
and
- Local Planning Policy: Development Application Process for Heritage Places.

### **Officer Comments**

As part of the review of the City of Bunbury 2001 Municipal Inventory/Heritage List, an appraisal was undertaken to verify that the places that are included exhibit a cultural heritage value that accords with Local Planning Policy; Assessment of Cultural Heritage Significance. Since this review, a Conservation Management Plan (CMP) for the Lady Mitchell Memorial Child Health Centre was completed and referred to the State Heritage Office.

The Lady Mitchell Memorial Child Health Centre was subsequently recognised as a State registered place in 2016, and as a result it is appropriate to elevate the status of the place to the City of Bunbury Heritage List. The current place record is **attached** at Appendix DPDS-2.

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

There are no known financial and budget implications resulting from the inclusion of the Lady Mitchell Memorial Child Health Centre on the Heritage list. However, there remains an ongoing obligation on the City of Bunbury regarding the ongoing maintenance of the premises in accordance with the CMP.

### **Community Consultation**

The Lady Mitchell Memorial Child Health Centre is owned by the City of Bunbury. The occupier (Community Health) was advised in writing of the proposal to add the place to the Heritage List. A submission (**attached** at Appendix DPDS-3) from the occupier has been received that strongly supports the addition to the Heritage List, detailing that:

- (a) The purpose built building has had a major role and contribution to the community for the past 67 years;
- (b) Child health is a valued service to the community;
- (c) The integrity of the building has remained intact and still provides the original function; and

- (d) The building is in excellent condition and no structural changes are required.

**Councillor/Officer Consultation**

The City of Bunbury Heritage Advisory Committee and Councillors are aware of the significance of this place as reflected in its State listing and Conservation Management Plan.

**Outcome – Council Meeting 30 May 2017**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Hayward seconded Cr Cook and adopted ('en bloc') to become the Council's decision on the matter.

**Council Decision 206/17**

***That Council:***

- 1. Resolve that the Lady Mitchell Memorial Child Health Centre be entered in the Heritage List; and***
- 2. Forward notice of entry to the Heritage Council of Western Australia, the owners and the occupier of the place.***

CARRIED

10 votes "for" / Nil votes "against"

## **10.6 2017/18 Fees and Charges (was listed as item 10.2.2 on the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Responsible Manager</b>	David Ransom, Manager Finance
<b>Executive:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-2: 2017/18 Fees and Charges

### **Summary**

The fees and charges imposed by Council form part of the annual budget which is expected to be adopted by Council in late July 2017. However, subject to providing public notice of the new fees and charges, these are able to implemented earlier.

The new fees and charges (**attached** at Appendix CEO-2) will be advertised in the Bunbury Herald on 6 June 2017, and after giving 25 days public notice will be effective from 1 July 2017.

### **Executive Recommendation**

1. The Schedule of Fees and Charges (which forms part of the 2017/18 Budget) are adopted effective from 1 July 2017.
2. The 2017/18 Fees and Charges are advertised in accordance with Section 6.19 of the Local Government Act 1995.

**Note: Absolute majority required**

### **Strategic Relevance**

Key Priority Area 5      Corporate  
Objective 5.3            Ensure financial sustainability

### **Background**

The draft 2017/18 Fees and Charges which form part of the 2017/18 Budget were discussed at the Councillor Budget Workshop on 9 May 2017.

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

Section 6.19 of the Local Government Act 1995 requires that Council gives public notice of its intention to impose any new fees and charges if this is not considered at the time of adopting the annual budget. Council is also required to advise the date which the proposed fees and charges will be imposed.

### **Officer Comments**

By adopting the 2017/18 Fees and Charges now it will allow the fees and charges to be effective earlier (i.e. 1 July 2017) instead of waiting to the end of July 2017 when the annual budget is proposed to be adopted.

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

Adopting the 2017/18 Fees and Charges separate to the annual budget will allow the earlier introduction of the new fees and charges. Revenue from fees and charges is forecast to increase by 1.3% in 2017/18 to \$6,528,667.

### **Community Consultation**

Community consultation will take place with advertising in the local newspaper and copies of the proposed fees and charges available from the City's website, libraries and Customer Service Centre.

### **Councillor/Officer Consultation**

The draft 2017/18 Fees and Charges have been reviewed by officers and discussed at the Councillor Budget Workshop on 9 May 2017.

### **Outcome – Council Meeting 30 May 2017**

The recommendation (as printed) was moved Cr Kelly, seconded Cr Cook.

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

#### **Council Decision 207/17**

- 1. *The Schedule of Fees and Charges (which forms part of the 2017/18 Budget) are adopted effective from 1 July 2017.***
- 2. *The 2017/18 Fees and Charges are advertised in accordance with Section 6.19 of the Local Government Act 1995.***

CARRIED

9 votes "for" / 1 votes "against"

Cr Steck requested her vote 'against' be recorded. All other Councillors and the Mayor voted 'for' the motion.

### **10.7 Council Committees (was listed as item 10.2.4 on the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

#### **Summary**

The purpose of this report is to facilitate a review of Council Committees constituted under Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995*.

The intent is to have Council review these Committees in advance of the 2017 local government elections, such that any community vacancies can be advertised prior to October 2017, with all committee appointments (both Elected Member and community) to be made at the first Ordinary Council meeting following the election.

#### **Executive Recommendation**

That Council:

1. Endorses the continuation of the following Council Committees post 21 October 2017, with membership composition and terms of reference as currently adopted (and as may be amended from time to time):
  - a. Audit Committee
  - b. Bunbury Roadwise Committee
  - c. CEO Performance Review Panel
  - d. Community Access Committee
  - e. Heritage Advisory Committee
  - f. International Relations Committee
  - g. Policy Review and Development Committee
  - h. Youth Advisory Council
2. Endorses the continuation of the following informal Working/Reference Groups:
  - a. Bunbury Event Advisory Group
  - b. Community Environmental Reference Group
  - c. Community Grant Funding Panel
  - d. Stakeholder Engagement and Marketing Strategy Working Group
3. Requests the Acting Chief Executive Officer provide a report to Council to fill vacancies on all continuing Council Committees and Working/Reference Groups as soon as practicable following the 2017 local government elections.

### **Strategic Relevance**

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

### **Background**

Council currently operates with the assistance of eight Committees, which have been established in accordance with section 5.8 of the *Local Government Act 1995* (the Act). These are as follows:

1. Audit Committee
2. Bunbury Roadwise Committee
3. CEO Performance Review Panel
4. Community Access Committee
5. Heritage Advisory Committee
6. International Relations Committee
7. Policy Review and Development Committee
8. Youth Advisory Council

Over the past 6 months, Committees have reviewed their respective membership compositions and terms of reference. Council direction is now sought as to the continuation of each Committee post 21 October 2017 (at which point all positions on Committees will become vacant pursuant to section 5.11(1)(d) of the Act).

Council's determination in relation to this matter will also enable Officers to seek community nominations for committees (where applicable), in advance of the October election. A subsequent report will be presented to Council to facilitate appointments to each continuing committee following the October election.

### **Council Policy Compliance**

N/A

### **Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* deals with Committees.

### **Officer Comments**

#### ***Formal Council Committees***

##### Audit Committee

The Audit Committee is a statutory Committee of Council, required pursuant to the provisions of section 7.1A of the Act. The Audit Committee meets quarterly.

The Audit Committee uses the model terms of reference produced by the Department of Local Government to guide its operations. The membership composition of the Audit Committee currently comprises 3 Councillors and 2 community members as voting members.

The Audit Committee reviewed its terms of reference and membership composition at its meeting held on 8 March 2017, where it recommended that Council retain the status quo.

As this is a statutory Committee, the Committee is required to remain in place post 21 October 2017.

#### Bunbury Roadwise Committee

Council last reviewed the terms of reference and membership composition for the Bunbury Roadwise Committee on 7 March 2017. As a result of that review, the terms of reference were modified to reduce the quorum for a meeting from 5 to 4.

The membership composition was also modified, to move away from naming community members of the Committee by name, and instead referencing representatives from certain agencies. The current membership composition comprises 2 Elected Members, with up to 12 community representatives as follows:

1. Representative Bunbury Police;
2. Representative St John Ambulance;
3. Representative RAC SDERA;
4. Representative RAC;
5. Representative Department of Fire and Emergency Services;
6. Representative Main Roads WA;
7. Representative Department of Transport;
8. Road Safety Advisor; and
9. Community positions x four (4).

It is recommended that this Committee continue post 21 October 2017 in its current format.

#### CEO Performance Review Panel

The CEO Performance Review Panel meets as required to undertake the annual performance and salary review of the City's Chief Executive Officer. Council has currently tasked the Committee with preparing a selection criteria and CEO Duty Statement to facilitate the recruitment process for a new Chief Executive Officer.

The Committee comprises four Elected Members. Previous contracts between the City and Chief Executive Officer have also enabled an additional Elected Member of the incumbent's choosing to also be a member of the Committee.

Given the nature of this Committee, it is recommended that this committee continue post 21 October 2017 in its current format.

#### Community Access Committee

The Community Access Committee last had its structure and terms of reference reviewed by Council on 16 May 2017. The current formation, meetings and general procedures were adopted at that time.

The membership composition of the Committee was last amended by Council on 16 May 2017, where Council noted some resignations from the Committee. The current membership composition comprises two Elected Members with up to 11 community members as voting members.

The City's Strategic Community Plan contains a key Objective to *establish Bunbury as the most accessible regional City in Australia by 2020*. It is considered that the Community Access Committee will play an integral role in realising this Objective, and it is therefore recommended that this committee continue post 21 October 2017 in its current format.

#### Heritage Advisory Committee

The Heritage Advisory Committee was formalised as a committee of Council on 31 March 2016, and last had its membership composition reviewed on 6 September 2016. The Committee provides information exchange between Council and the broader community on all matters relating to heritage, and has 2 Elected Members and 7 community representatives comprising its membership.

It is recommended that the Heritage Advisory Committee continue post 21 October 2017 in its current format.

#### International Relations Committee

The International Relations Committee provides advice and support in the ongoing development of relationships and strategic opportunities with Setagaya, Jiaying and Nha Trang.

The membership composition of this Committee was last amended on 24 January 2017, and now comprises 2 Elected Members and 5 community representatives as voting members. The current terms of reference reflects the purpose of the committee, which was formed as an amalgamation of the previous Setagaya and Jiaying Sister City committees.

It is recommended that the International Relations Committee continue post 21 October 2017 in its current format.

#### Policy Review and Development Committee

The Policy Review and Development Committee continues to undertake a recurring review of all Council policies, as well as giving consideration to any new policies in areas that fall under Council's jurisdiction.

The Committee meets every two months, and reviewed its terms of reference on 16 February 2017. The composition of the committee was also considered as part of the review, which currently comprises 5 Councillors as voting members of the Committee. There were no changes suggested to membership composition or terms of reference.

It is recommended that this Committee continue post 21 October 2017 in its current format.

#### Youth Advisory Council

The Youth Advisory Council (YAC) last had its terms of reference and meeting procedures reviewed by Council on 7 March 2017. The current formation, meetings and general procedures were adopted at that time.

The membership composition of the YAC was also considered on 7 March 2017, with Elected Members no longer being voting members on the YAC, which comprises up to 14 representatives of the Bunbury Youth.

It is recommended that the YAC continue post 21 October 2017 in its current format.



### ***Working/Reference Groups***

#### Bunbury Event Advisory Group

The Bunbury Events Advisory Group attracts, supports and promotes events that deliver community and economic benefit and add vibrancy to Greater Bunbury, as well as assessing and making recommendations in regard to applications received through the Grant Funding Program – Events category.

The Group currently comprises 3 Elected Members positions, and its continuation beyond 21 October 2017 is recommended.

#### Bunbury Marketing Coordination Group

This group was established by the Bunbury Geographe Chamber of Commerce and Industry (BGCCI) in July 2014, with Cr McCleary appointed to its membership. This Group has not met for some time and officers have contacted the BGCCI to ascertain whether this group is still in operation.

#### Community Environmental Reference Group

The Community Environmental Reference Group seeks to support the exchange of information between Council and the general community on environmental issues. The Group's membership is entirely community-based, comprising of community members ("Local Environmental Ambassadors") and representatives from key community-based environmental organisations in the local area. There is currently no Elected Member representation on this Group.

#### Community Grant Funding Panel

This Panel assesses applications received under the Council's Grant Funding Program policy. Its membership currently comprises 2 Elected Members, and its continuation beyond 21 October 2017 is recommended.

#### Stakeholder Engagement and Marketing Strategy Working Group

This Group was established on 21 March 2017 to draft a terms of reference and consultants brief to develop a stakeholder engagement and marketing strategy for the City. Its membership comprises 3 Elected Members. Continuation of this Group is recommended until such time as its brief has been met.

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

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

### **Councillor/Officer Consultation**

Each relevant Committee Executive Officer has been consulted in the preparation of this report, which is now presented to Council for consideration.

### **Outcome – Council Meeting 30 May 2017**

The recommendation (as printed) was moved Cr Kelly, seconded Cr McCleary

The Mayor proposed an amendment to the recommendation to include an additional point as follows:

4. *Request the Acting Chief Executive Officer provide a report to Council by the end of July 2017 with proposed terms of reference and membership composition for the following proposed working groups:*
  - a. *Innovation and Technology Advisory Group*

The Mayor moved, Cr Hayward seconded the amendment. The Mayor put the amendment to the vote and it was *CARRIED* 9 votes ‘for’, 1 vote ‘against’.

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

**Council Decision 208/17**

***That Council:***

1. ***Endorses the continuation of the following Council Committees post 21 October 2017, with membership composition and terms of reference as currently adopted (and as may be amended from time to time):***
  - a. ***Audit Committee***
  - b. ***Bunbury Roadwise Committee***
  - c. ***CEO Performance Review Panel***
  - d. ***Community Access Committee***
  - e. ***Heritage Advisory Committee***
  - f. ***International Relations Committee***
  - g. ***Policy Review and Development Committee***
  - h. ***Youth Advisory Council***
2. ***Endorses the continuation of the following informal Working/Reference Groups:***
  - a. ***Bunbury Event Advisory Group***
  - b. ***Community Environmental Reference Group***
  - c. ***Community Grant Funding Panel***
  - d. ***Stakeholder Engagement and Marketing Strategy Working Group***
3. ***Requests the Acting Chief Executive Officer provide a report to Council to fill vacancies on all continuing Council Committees and Working/Reference Groups as soon as practicable following the 2017 local government elections.***
4. ***Request the Acting Chief Executive Officer provide a report to Council by the end of July 2017 with proposed terms of reference and membership composition for the following proposed working groups:***
  - a. ***Innovation and Technology Advisory Group***

CARRIED  
10 votes “for” / Nil votes “against”

**10.8 Recruitment of a New Chief Executive Officer (was listed as item 10.2.5 on the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Odetta Robertson, Manager Organisation Development and Human Resources
<b>Executive:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-9: Expanded CEO Essential Criteria

**Summary**

At the Council meeting held 18 April 2017 Council accepted the resignation of Mr Andrew Brien as Chief Executive Officer.

At the same meeting, Council delegated authority to the CEO Performance Review panel to prepare selection criteria and CEO Duty Statement for submission to Council for endorsement by no later than June 2017.

The CEO Performance Review Panel has met twice to prepare the selection criteria and now seek Council endorsement to progress with the process to enable approaching of suitably qualified recruitment firms.

**Executive Recommendation**

1. Council endorse the Selection Criteria as outlined within this report.
2. Council authorises the CEO Performance Review panel to seek quotes from suitably qualified firms contained within the report to assist the City in advertising, selection and appointment of a replacement CEO and subject to a successful quote within the approved budget, delegate authority for the review panel to appoint the consultant.
3. Council approve a maximum remuneration package up to \$290,000 which is within the approved range for a Band 1 Local Government.

**Background**

At the Ordinary Meeting held 18 April, the following Council Decision (147/17) was resolved:

1. *That Council accepts the resignation of Mr Andrew Brien as Chief Executive Officer with his last day of employment being 28 June 2017.*
2. *That Council allocate \$50,000 in the 2017/18 financial year for the recruitment of a replacement Chief Executive Officer*
3. *That Council authorise the CEO Performance Review panel to prepare selection criteria and CEO Duty Statement for submission to Council for endorsement by no later than June 2017.*
4. *Upon the endorsement of Point 3 above, Council authorise the CEO Performance Review Panel to recommend to Council a preferred recruitment firm to assist in the recruitment of a new Chief Executive Officer*

5. *Upon appointment of the firm, Council authorises the advertising for the position of Chief Executive Officer, with the recruitment firm applicant shortlist to be bought back to Council following the 2017 October Elections.*
6. *That Council appoint Mr Mal Osborne to the position of Acting Chief Executive Officer for the duration of the time between Mr Brien's departure and a permanent replacement commencing the duties of Chief Executive Officer.*

At the Council Meeting held 2 May 2017, a further decision was then resolved amending last day of employment for Andrew Brien to 19 May 2017.

Following the Council Meeting of 18 April 2017, the CEO Performance Review Panel met on Wednesday 26 April and Tuesday 9 May 2017 to progress item 3 of Council Decision 147/17. Following these meetings, it is proposed that the selection Criteria to be provided to suitably qualified recruitment agencies will consist of essential criteria at a general level being:

- Proven leadership at CEO or senior management level
- Knowledge of statutory, legal and contractual obligations of local government
- Highly developed knowledge of public policy issues as they impact on local government
- Extensive experience in financial management
- Demonstrated experience in contemporary community engagement
- Excellent interpersonal and communication skills
- Strategic focus
- Innovative outlook

Further detailed information **attached** at Appendix CEO-9, provides addition details in relation to each of the above points.

Point 2 of the Executive Recommendation, would see the following recruitment firms approached to provide submissions and quotations to assist with the advertising, selection and appointment of a replacement CEO:

- Lester Blades
- BEILBY
- Gerald Daniels
- Hays Specialist Recruitment (Australia) Pty Ltd
- Michael Page International (Australia) Pty Ltd

An initial assessment has identified the above as suitable consultants to undertake the task.

### **Officer Comments**

Following that endorsement of the selection criteria, EOI will then be invited from the suitably qualified and experienced recruitment firms to assist Council in the recruitment process including assisting with selection of a short list for interview by Council following the October 2017 elections.

Based on the timeframes to seek quotes and assess them, the appointment of a recommended firm should be made by Council in July. A representative from the successful recruitment agency would then meet with the Review Panel to finalise the recruitment process to enable a decision by Council as soon as possible after the 2017 Local Government elections.

## Legislative Compliance

There are three sections of the Local Government Act 1995 that have direct application to the appointment of a CEO.

Section 5.36 of the Act requires a local government to employ a “Suitably qualified” person to fill the position of CEO and states:

- 5.36 Local government employees
- (1) *A local government is to employ —*
    - (a) *a person to be the CEO of the local government; and*
    - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
  - (2) *A person is not to be employed in the position of CEO unless the council —*
    - (a) *believes that the person is suitably qualified for the position; and*
    - (b) *is satisfied\* with the provisions of the proposed employment contract.*

*\* Absolute majority required.*
  - (3) *A person is not to be employed by a local government in any other position unless the CEO —*
    - (a) *believes that the person is suitably qualified for the position; and*
    - (b) *is satisfied with the proposed arrangements relating to the person’s employment.*
  - (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
  - (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
  - (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

Section 5.39 contains the provision for the contracts of CEO’s and employees and states:

- 5.39. *Contracts for CEO and senior employees*
- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
    - (1a) *Despite subsection (1) —*
      - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
      - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
  - (2) *A contract under this section —*

- (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
- (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
  - (a) *the expiry date is specified in the contract; and*
  - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person’s performance; and*
  - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity and states:

*5.40. Principles affecting employment by local governments*

*The following principles apply to a local government in respect of its employees —*

- (a) *employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) *no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) *employees are to be treated fairly and consistently; and*
- (d) *there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) *employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) *such other principles, not inconsistent with this Division, as may be prescribed.*

**Analysis of Financial and Budget Implications**

The remuneration package for local government CEO’s is set by the Salary and Allowances Tribunal and is reviewed on an annual basis.

At present the City of Bunbury is a Band 1 local government with the total remuneration being the range of \$247,896 - \$375,774. At present the budget has been developed based on a total remuneration package of \$ \$289,809.62. Should Council resolve to set a higher level of remuneration, this will need to be reflected in the upcoming budget deliberations.

The consultant briefs will usually be based on a % of the Total Remuneration package, therefore, to enable accurate assessments, the Total Remuneration package should be set in advance.

Council has previously resolved to include \$50,000 in the 2017/18 financial budget of \$50,000. This would assist with the recruitment firm fees and charges. Any surplus funding from this \$50,000 may be utilised for additional expenses such as re-location allowance etc for the successful candidate.

### **Community Consultation**

Not Applicable.

### **Councillor/Officer Consultation**

Councillors are aware of the resignation of Mr Andrew Brien from his position of Chief Executive Officer.

### **Outcome – Council Meeting 30 May 2017**

The recommendation (as printed) was moved Cr Jones, seconded Cr Hayward.

Cr Steck moved, Cr McCleary seconded the selection criteria be amended to include a requirement to be a practising solicitor or have the equivalent qualifications. The Mayor put the amendment to the vote and it was *LOST* 3 votes 'for', 7 votes 'against'.

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

#### **Council Decision 209/17**

- 1. Council endorse the Selection Criteria as outlined within this report.**
- 2. Council authorises the CEO Performance Review panel to seek quotes from suitably qualified firms contained within the report to assist the City in advertising, selection and appointment of a replacement CEO and subject to a successful quote within the approved budget, delegate authority for the review panel to appoint the consultant.**
- 3. Council approve a maximum remuneration package up to \$290,000 which is within the approved range for a Band 1 Local Government.**

CARRIED  
10 votes "for" / Nil votes "against"

## 11. Applications for Leave of Absence

### 11.1 Application for Leave of Absence – Councillor McCleary

<b>Applicant/Proponent:</b>	Cr Betty McCleary
<b>Author:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Executive:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

Cr McCleary requests leave of absence from all Council related business for the period 7 June 2017 to 16 June 2017 inclusive.

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

#### Executive Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Cr McCleary is granted leave of absence from all Council related business for the period 7 June 2017 to 16 June 2017 inclusive.

#### Outcome – Council Meeting 30 May 2017

The recommendation (as printed) was moved Cr Jones, seconded Cr Hayward.

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

#### Council Decision 210/17

*Pursuant to Section 2.25 of the Local Government Act 1995, Cr McCleary is granted leave of absence from all Council related business for the period 7 June 2017 to 16 June 2017 inclusive.*

CARRIED

10 votes "for" / Nil votes "against"

## 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

#### Outcome – Council Meeting 30 May 2017

The recommendation (as printed) was moved Cr Jones, seconded Cr Cook.

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

#### Council Decision 211/17

*In accordance with section 5.23(2)(c) 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 item titled:*

*“15.1.1 Market Testing Insurance Services”*

CARRIED

10 votes “for” / Nil votes “against”

The meeting was closed to all members of the public and press at 5.44pm.

#### 15.1.1 Market Testing Insurance Services

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Mal Osborne, Acting Chief Executive Officer

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

c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

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

#### Outcome – Council Meeting 30 May 2017

The recommendation (as printed) was moved Cr Kelly, seconded Cr Cook.

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

**Council Decision 212/17**

***That Council note the decision to remain with Local Government Insurance Service as the City's provider of insurance services in accordance with the proposal provided on 3 May 2017, consistent with the provisions of Regulation 11(2) of the Local Government (Functions & General) Regulations 1996 (the Regulations).***

CARRIED  
10 votes "for" / Nil votes "against"

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

Cr Cook moved Cr Jones seconded that the meeting be reopened to the public and press.

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

**Council Decision 213/17**

***Council resolves that the meeting be reopened to Members of the public and the press.***

CARRIED  
10 votes "for" / Nil votes "against"

The meeting was reopened to the public and press at 5.45pm.

The Mayor read aloud Council Decision 212/17 for Item 15.1.1 "Market Testing Insurance Services".

*That Council note the decision to remain with Local Government Insurance Service as the City's provider of insurance services in accordance with the proposal provided on 3 May 2017, consistent with the provisions of Regulation 11(2) of the Local Government (Functions & General) Regulations 1996 (the Regulations).*

## **16. Closure**

The meeting was declared closed at 5.46pm.