



City of Bunbury Council

Minutes

13 June 2017



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
Post Office Box 21
Bunbury WA 6231

Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	5
2.	Disclaimer	5
3.	Announcements from the Presiding Member.....	5
4.	Attendance	6
4.1	Apologies	6
4.2	Approved Leave of Absence	6
5.	Declaration of Interest.....	7
6.	Public Question Time.....	7
6.1	Public Question Time	7
6.2	Responses to Public Questions Taken ‘On Notice’	7
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	8
7.1	Minutes.....	8
7.1.1	Minutes – Ordinary Council Meeting.....	8
7.1.2	Minutes – Council Advisory Committees and Working/Project Groups	8
8.	Petitions, Presentations, Deputations and Delegations.....	9
8.1	Petitions.....	9
8.2	Presentations.....	9
8.3	Deputations	9
8.4	Council Delegates’ Reports.....	9
8.5	Conference Delegates’ Reports	9
9.	Method of Dealing with Agenda Business.....	9
10.	Reports.....	10
10.1	Write-Off of Accounts Receivable Balances 2016/17 (was listed as item 10.2.1 on the Council Agenda).....	10
10.2	Write-Off of Outstanding Community Law and Safety Infringements (was listed as item 10.2.2 on the Council Agenda).....	12
10.3	Review of the Strategic Community Plan (was listed as item 10.2.3 on the Council Agenda).....	14
11.	Applications for Leave of Absence.....	18
11.1	Application for Leave of Absence – Councillor Cook	18
12.	Motions on Notice	18
13.	Questions on Notice	18
13.1	Response to Previous Questions from Members taken on Notice.....	18
13.2	Questions from Members.....	19
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting	19

Table of Contents

Item No	Subject	Page
15.	Meeting Closed to Public.....	19
15.1	Matters for which the Meeting may be Closed	19
15.2	Public Reading of Resolutions that may be made Public.....	19
16.	Closure	19

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.

City of Bunbury Council Minutes

Minutes of the Ordinary Meeting of the City of Bunbury Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 13 June 2017 at 5.30pm.

Minutes

13 June 2017

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

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 thanked the Member for Bunbury for arranging visits from the Premier and four State Ministers in the past four weeks.

The Mayor congratulated Phyllis Barnes and Eileen Wenn on their Order of Australia Medal Awards.

The Mayor congratulated the Stirling Street Arts Centre for hosting a fantastic WA Day event last week.

The Mayor noted he met with the US Consul General for WA, Rachel Cook today.

4. Attendance

Present:

Council Members:	
Presiding Member:	Mayor G Brennan
Deputy Presiding Member:	Deputy Mayor Councillor B Kelly
	Councillor S Morris
	Councillor J Jones
	Councillor J Hayward
	Councillor M Cook
	Councillor K Steck
	Councillor K Steele
	Councillor M Warnock
	Councillor J Miguel
Executive Leadership Team (Non-Voting)	
Acting Chief Executive Officer	Mr M Osborne
Director Works and Services	Mr G Harris
Director Corporate and Community Services	Ms S Addison-Brown
Acting Director Planning and Development Services	Mrs S Upton
City of Bunbury Officers (Non-Voting)	
Manager Information Communications and Technology	Mr M Roberts
Manager Finance	Mr D Ransom
Manager Governance	Mr G Golinski
Council Meeting Support Officer	Ms J Earl
Others (Non-Voting)	
Members of the Public	1
Members of the Press	2

4.1 Apologies

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.

Cr McGuinness is on approved leave of absence from all Council-related business from 6 June 2017 to 27 June 2017 inclusive.

Cr McCleary is on approved leave of absence from all Council-related business from 7 June 2017 to 16 June 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 30 May 2017 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 30 May 2017 be confirmed as a true and accurate record.

Outcome – Council Meeting 13 June 2017

The recommendation (as printed) was moved Cr Cook, 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 213/17

The minutes of the Ordinary meeting of the Bunbury City Council held 30 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

Nil.

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

All items were dealt with in the order they appeared on the Agenda.

10. Reports

10.1 *Write-Off of Accounts Receivable Balances 2016/17 (was listed as item 10.2.1 on the Council Agenda)*

Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Mal Osborne, Acting Chief Executive Officer
Attachments:	Appendix CEO-1: 2016-17 Accounts Receivable Debtor Write-Offs

Summary

All endeavours to facilitate collection of the outstanding Accounts Receivable Balances have been exhausted. This list of accounts receivable invoices (as **attached** at Appendix CEO-1) totalling \$853.13 is proposed to be written off as at 30 June 2017.

Executive Recommendation

That Council approves the write off of accounts receivable invoices totalling \$853.13 as at 30 June 2017.

Note: Absolute majority required

Strategic Relevance

Key Priority Area 5: Corporate
Objective 5.3: Ensure financial sustainability

Background

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

In all instances:

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

Council Policy Compliance

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

Legislative Compliance

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

Analysis of Financial and Budget Implications

The write off of accounts receivable balances will reduce the net current asset position as at 30 June 2017 by \$853.13.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

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

Outcome – Council Meeting 13 June 2017

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

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

Council Decision 214/17

That Council approves the write off of accounts receivable invoices totalling \$853.13 as at 30 June 2017.

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

10.2 Write-Off of Outstanding Community Law and Safety Infringements (was listed as item 10.2.2 on the Council Agenda)

Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Responsible Manager:	David Ransom, Manager Finance
Executive:	Mal Osborne, Acting Chief Executive Officer

Summary

The following is a summary of outstanding infringements from 2014/2015. The amounts presented to Council last year for 2013/14 are also shown as a comparison:

Infringement:	Amount Raised 2014/2015	Outstanding Balance 2014/2015	Amount Raised 2013/2014	Outstanding Balance 2013/2014
Parking	\$513,203.39	\$72,636.94	\$417,550.37	\$26,820.64
Dog Act	\$172,394.52	\$72,566.99	\$69,807.40	\$22,336.45
Cat Act	\$6,269.85	\$2,124.65	-	-
Litter	\$4,253.45	\$1,647.45	\$5,466.00	\$1,340.00
Bushfire	\$8,317.70	\$3,746.65	\$50,874.05	\$3,985.50
Local Laws	\$15,978.50	\$4,230.90	\$12,115.65	\$2,512.20
Off Road Vehicles	\$412.05	\$247.40	-	-
Total	\$720,829.46	\$157,200.98	\$555,813.47	\$56,994.79

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

Executive Recommendation

That Council approves the write off of 2014/2015 outstanding Community Law and Safety Infringements totalling \$157,200.98 as at 30 June 2017.

Note: Absolute majority required

Strategic Relevance

Key Priority Area 5: Corporate
Objective 5.3: Ensure financial sustainability

Background

The City aims to collect 90% of infringement notices issued for the Parking, Dog Act, Cat Act, Litter, Bushfire, Off Road Vehicles and Local Laws infringements issued each year. Debt collections actions include internal efforts by staff and lodging infringements with the FER.

During 2014/2015 Community Law and Safety infringements issued 10,689 infringements, totalling \$720,829.46 (original penalty and additional costs) with 9,674 or 90.5% collected to date. The amount that has not been recovered to date is \$157,200.98. This represents approximately 21.8% of the infringement penalties issued during the 2014/2015 financial year.

This is an increase from 2013/2014 where \$56,994.79 (10.25%) remained outstanding. The increase in 2014/2015 is mainly due to the greater number of infringements raised during 2015/2015 (i.e. \$165,016 or 29.7%).

Council Policy Compliance

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

Legislative Compliance

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

Analysis of Financial and Budget Implications

The write off of outstanding Community Law and Safety infringements will reduce the net current asset position as at 30 June 2017 by \$157,200.98.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

This item has been referred to Council after consultation with the Acting Director Planning and Development Services who will continue efforts to recover outstanding infringements through the FER.

Outcome – Council Meeting 13 June 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 215/17

That Council approves the write off of 2014/2015 outstanding Community Law and Safety Infringements totalling \$157,200.98 as at 30 June 2017.

CARRIED

9 votes “for” / 1 vote “against”

10.3 Review of the Strategic Community Plan (was listed as item 10.2.3 on the Council Agenda)

Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Acting Chief Executive Officer
Attachments:	Appendix CEO-2: Proposed Project Plan and Community Engagement Information Sheet

Summary

The purpose of this report is to seek Council endorsement of the draft Project Plan and Engagement Schedule, as well as the corresponding Community Engagement Information Sheet which are proposed to facilitate a review of the City's Strategic Community Plan.

Executive Recommendation

That Council:

1. Commences a major review of the City of Bunbury Strategic Community Plan to be finalised by 31 March 2018.
2. Endorses the Project Plan and Community Engagement Information Sheet (as presented) as the guiding schedule and strategy for the major review of the City of Bunbury Strategic Community Plan.

Strategic Relevance

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

Background

A Strategic Community Plan (SCP) outlines a community's long term (10+ years) vision, values, aspirations and priorities for a local government and drives the development of local plans, resourcing strategies and service levels required to achieve the community vision.

In accordance with the *Local Government Act 1995*, all local governments are required to plan for the future of their district. The SCP is Council's principal strategy and planning document that links community aspirations with the Council's vision and long term strategy. The SCP forms the basis of the Integrated Planning and Reporting Framework and provides the foundation to develop other strategic documents.

The City's current SCP received a desktop review in March 2015, with the regulations requiring a review every 4 years. A full review is suggested in 2017/18 to bring future iterations of the SCP into line with the local government election cycle.

Council Policy Compliance

N/A

Legislative Compliance

The requirements for preparation, consideration, consultation and advertising of a Strategic Community Plan are detailed in section 5.56 of the *Local Government Act 1995* and regulation 19C of the *Local Government (Administration) Regulations 1996*.

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

19C. Strategic community plans, requirements for

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to—*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources;*
 - and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

Officer Comments

To facilitate the review process, a draft Project Plan and Community Engagement Information Sheet have been produced (Appendix CEO-2).

The SCP will provide the long term vision, values, aspirations and priorities for the City of Bunbury and, as the foundational Integrated Planning and Reporting strategic document, drive the development of the City's complementing strategic documents and plans, targeted strategies, resourcing requirements and the levels of service required to achieve the long term vision.

The proposed Project Plan that is recommended for endorsement provides a variety of mechanisms to facilitate engagement with the community during the review process, and seeks to provide an increasing level of public participation throughout the review, providing members of the community with multiple opportunities to have their say.

The Project Plan seeks to create a shared ownership of the review process, and ultimately of the SCP, by asking the community to partner with the City of Bunbury. This partnership with the community will ensure that the advice, suggestions, solutions and strategies that are offered during consultation will assist the Council in achieving the overall community vision.

Analysis of Financial and Budget Implications

Council has previously approved PR-4288 *Undertake a community satisfaction and perception survey* to the value of \$20,000.

PR-4308 *Comprehensive review and development of a new City of Bunbury Strategic Plan* is contained in the current Integrated Financial Plan for consideration during 17/18 budget deliberations (\$25,000).

Community Consultation

Community engagement is central to the major strategic review process. The purpose of a major strategic review is to reengage with the community to determine the vision, outcomes and priorities for the following period.

To ensure the community vision and aspirations are effectively captured, a comprehensive community engagement program is proposed. The **attached** Project Plan and Engagement Information Sheet (Appendix CEO-2) details a variety of mechanisms, with increasing levels of participation and influence, which are proposed to be undertaken during the review period, and include:

- Surveys;
- Workshops;
- Stakeholder focus groups; and
- Submission periods.

In addition to the above two-way engagement strategies, a number of informing strategies are proposed to ensure community members are aware of the options they have throughout the review process to have their say, and provide input at the level of engagement that they wish. These strategies include:

- Media releases at various stages of the review process;
- Advertising in City Focus;
- Updates provided via the City's social media sites;

- Information displays/stalls at various locations throughout Bunbury for the duration of the proposed survey periods; and
- Letters to targeted community and stakeholder groups/organisations.

In order to conduct a successful review and produce a community driven plan for the future, genuine input from as many community members as possible is required. The proposed review process seeks to not only understand the aspirations of the community, but to also receive advice, suggestions, solutions and strategies on how the Community, Council and Administration can work towards achieving the vision.

Councillor/Officer Consultation

This matter is presented to Council for consideration.

Outcome – Council Meeting 13 June 2017

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

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

Council Decision 216/17

That Council:

- 1. Commences a major review of the City of Bunbury Strategic Community Plan to be finalised by 31 March 2018.***
- 2. Endorses the Project Plan and Community Engagement Information Sheet (as presented) as the guiding schedule and strategy for the major review of the City of Bunbury Strategic Community Plan.***

CARRIED

9 votes "for" / 1 vote "against"

11. Applications for Leave of Absence

11.1 Application for Leave of Absence – Councillor Cook

Applicant/Proponent:	Cr Murray Cook
Author:	Mal Osborne, Acting Chief Executive Officer
Executive:	Mal Osborne, Acting Chief Executive Officer
Attachments:	Nil

Cr Cook requests leave of absence from all Council related business for the period 28 June 2017 to 11 July 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 Cook is granted leave of absence from all Council related business for the period 28 June 2017 to 11 July 2017 inclusive.

Outcome – Council Meeting 13 June 2017

The recommendation (as printed) was moved Cr Steele, seconded Cr Steck.

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

Council Decision 217/17

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Cook is granted leave of absence from all Council related business for the period 28 June 2017 to 11 July 2017 inclusive.

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

12. Motions on Notice

Nil.

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil.

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

Nil.

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

Nil.

15.2 Public Reading of Resolutions that may be made Public

Nil.

16. Closure

The Mayor declared the meeting closed at 5.37pm.