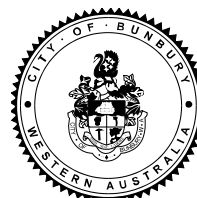




City of Bunbury Council

Notice of Meeting and Agenda 31 March 2020



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

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Acknowledgement of Country

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

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

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

WE ARE OPEN

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

WE ARE BRAVE

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

Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, 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 Notice of Meeting

The next Ordinary Meeting of the City of Bunbury Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury, on Tuesday, 31 March 2020 at 5.30pm.



MJ (Mal) Osborne
Chief Executive Officer
(Date of Issue: 26 March 2020)

Agenda

31 March 2020

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

Council Members:

Mayor Gary Brennan
Deputy Mayor Jaysen Miguel
Councillor James Hayward
Councillor Michelle Steck
Councillor Karen Steele
Councillor Todd Brown
Councillor Tresslyn Smith
Councillor Betty McCleary
Councillor Kris Plumb
Councillor Amanda Yip
Councillor Cheryl Kozisek
Councillor Wendy Giles
Councillor Karen Turner

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

The City of Bunbury accepts no responsibility for any act, omission, statement or intimation that occurs during Council Briefings or Council Meetings. The City refuses liability for any loss caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council Briefings or Council Meetings. Any person or legal entity acting or failing to act in reliance upon any statement, act or omission made during a Council Briefing or Council Meeting does so at their own risk.

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

Any statement or intimation of approval regarding any planning or development application made during a Council Briefing or Council Meeting is not to be taken as notice of approval from the City. The City advises that anyone who has an application lodged with the City must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attached to the decision made by Council regarding the application.

Copyright

Any plans or documents contained within this Agenda and any associated Appendices are Copyright of the City of Bunbury. The content is protected by Australian and International copyright trademark. Content must not be modified or reproduced without written authorisation of the City of Bunbury.

Recording and Webstreaming of Meetings

- All Ordinary and Special Council Meetings are electronically recorded except when Council resolves to go behind closed doors
- All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office
- The live stream can be accessed at <http://www.bunbury.wa.gov.au/Pages/Live-Stream.aspx>
- Recordings can be accessed at <http://www.bunbury.wa.gov.au/Pages/Council-Meeting-Videos-2019.aspx>
- Images of the public gallery are not included in the streaming, however the voices of people in attendance may be captured and streamed.
- If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance Officer on 9792 7273.

3. Announcements from the Presiding Member

4. Attendance

4.1 *Apologies*

4.2 *Approved Leave of Absence*

Deputy Mayor Miguel is an approved leave of absence from 30 March to 30 April 2020 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.”*

6. Public Question Time

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

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

6.1 Public Question Time

6.2 Responses to Public Questions Taken ‘On Notice’

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the City of Bunbury Council held on 17 March 2020 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the City of Bunbury Council held 17 March 2020 be confirmed as a true and accurate record.

Voting Requirement: Simple Majority Required

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

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

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

8.2 Presentations

8.3 Deputations

8.4 Council Delegates' Reports

8.5 Conference Delegates' Reports

9. Method of Dealing with Agenda Business

10. Reports

10.1 *Recommendations from Advisory Committees*

Nil

10.2 Chief Executive Officer Reports

Nil

10.3 Director Strategy and Organisational Performance

10.3.1 Schedule of Accounts Paid for the 1 February 2020 to 29 February 2020

File Ref:	COB/1127	
Applicant/Proponent:	Internal Report	
Responsible Officer:	David Ransom, Manager Finance	
Responsible Manager:	David Ransom, Manager Finance	
Executive:	David Chandler, Director Strategy & Organisational Performance	
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Information Purposes
Attachments:	Appendix DSOP-1: Schedule of Accounts Paid	

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 February 2020 to 29 February 2020 is attached at Appendix DSOP-1. The schedule contains details of the following transactions;

1. Municipal Account – payments totalling \$4,934,464.34
2. Advance Account – payments totalling \$2,835,007.82
3. Trust Account – payments totalling \$2,595.65
4. Visitor Information Centre Trust Account – payments totalling \$6,349.00
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$207,119.40
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$142,292.16

Executive Recommendation

The Schedule of Accounts Paid for the period 1 February 2020 to 29 February 2020 be received.

- | | | |
|--|-----------|-----------|
| * Working Capital
(Current Assets less Current Liabilities) | \$47.89M | \$18.95M |
| * Equity
(Total Assets less Total Liabilities) | \$587.03M | \$570.25M |
4. Capital Works (**attached** at Appendix DSOP-6)
- Actual capital works of \$8.44M is \$8.33M less than the year-to-date budgeted capital works of \$16.77M, (refer explanation within report).
 - The progress of capital works has been addressed as part of the February 2020 Budget Review to confirm that these will be completed within this current financial year. This will be monitored on a monthly basis and any projects identified as a proposed carried forward will be noted in future financial reports.
 - Capital works include a combination of funding sources including municipal, reserve and grant funds.
5. Operating Project Expenditure (**attached** at Appendix DSOP-7)
- Actual operating project expenditure of \$3.45M is \$748K less than the year-to-date budgeted operating project expenditure of \$4.20M.
 - Operating projects include a combination of funding sources including municipal, reserve and grant funds.

Executive Recommendation

The Financial Management Report for the period ending 29 February 2020 be received.

Strategic Relevance

- Theme 4: Our City.
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective No.4.4: A skilled organisation, which exercises responsible asset stewardship, sound financial management, and exemplary customer service.

Background

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

- Statement of Comprehensive Income (**attached** at Appendix DSOP-2)
- Statement of Financial Activity (**attached** at Appendix DSOP-3)
- Statement of Net Current Assets (**attached** at Appendix DSOP-4)
- Statement of Financial Position (**attached** at Appendix DSOP-5)
- Capital Projects Expenditure Summary (**attached** at Appendix DSOP-6)
- Operating Projects Summary (**attached** at Appendix DSOP-7)
- Monthly Community Financial Report (**attached** at Appendix DSOP-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.

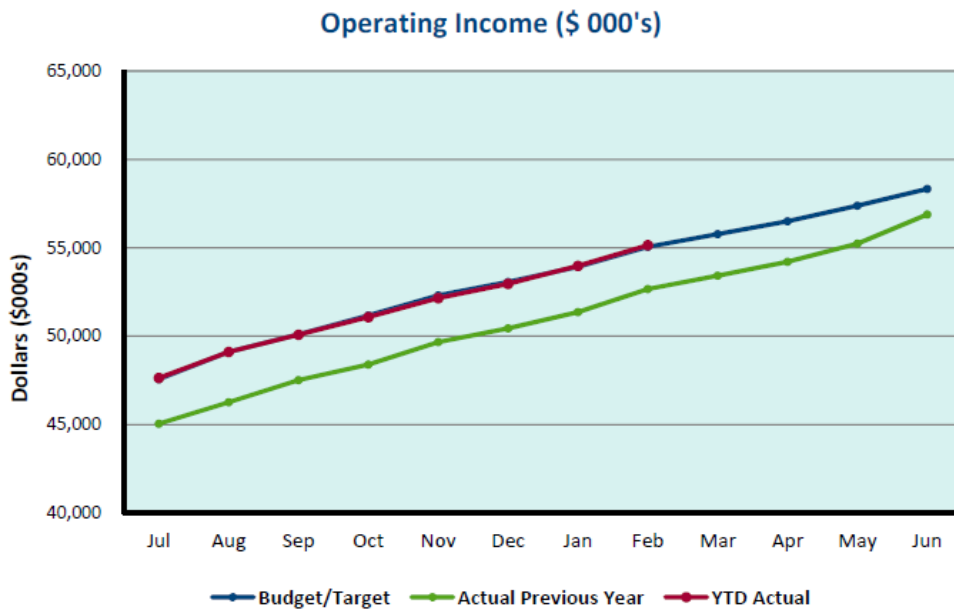
Legislative Compliance

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 DSOP-3) 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 25 June 2019, 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 2019/20.

Officer Comments

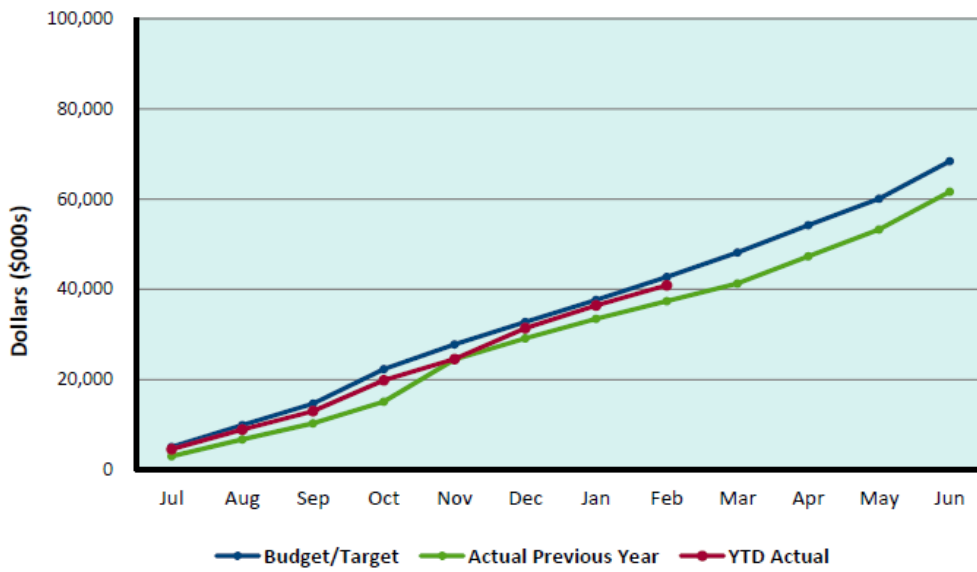
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.



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

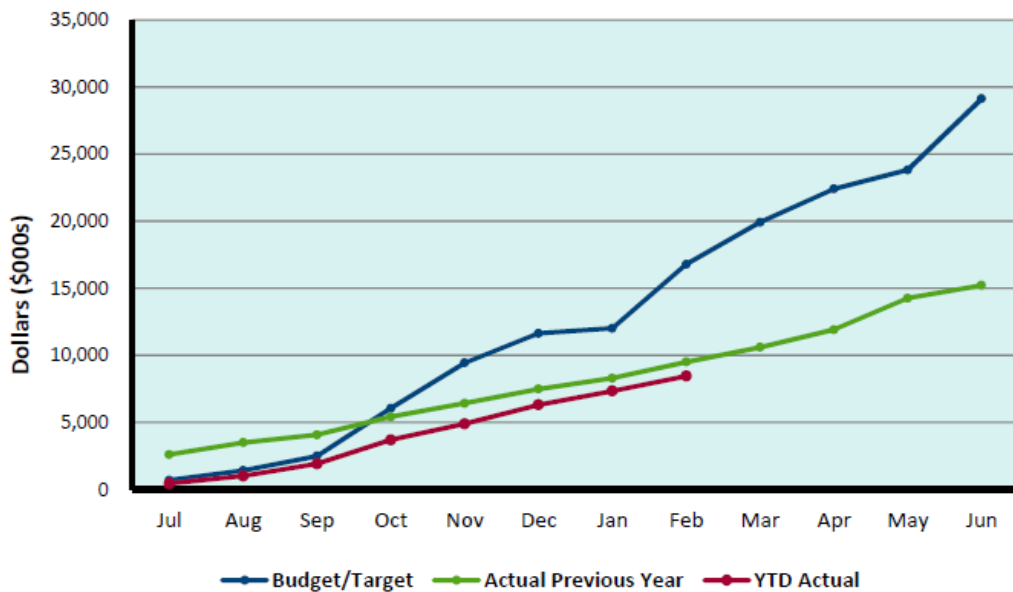
Actual income of \$55.15M is \$96K more than the year-to-date budgeted income of \$55.06M.

Operating Expenditure (\$ 000's)



Note: Actual operating expenditure for both base and operating projects is \$1.85M under the year-to-date budget.

Capital Expenditure (\$ 000's)



Note: The capital expenditure variance to the end of February 2020 of \$8.33M is due to the delay in the progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council.

Explanations for this variance are included in this report.

The following is an explanation of significant Operating and Capital variances identified in the Statement of Financial Activity. Please refer to appendix DSOP-6 and DSOP-7 for more detailed information regarding projects:

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Income	
<p>Contributions, Reimbursements and Donations – Favourable year-to-date variance mainly due to the following variances:</p> <p><i>Contribution Income</i>- Favourable variance of \$52K mainly due to higher than anticipated contributions from insurance claims (\$39K), Christmas carnival support (\$15K), and fuel rebates from Fuel Tax Credits (\$5K). End of year forecasts have been updated and have been included in the February Budget Review.</p> <p><i>Donation Income</i> – Favourable variance of \$2K due to higher than anticipate donations to the Bunbury Regional Art Gallery. The end of year forecast has been updated and has been included in the February Budget Review.</p> <p><i>Reimbursement Income</i> – Favourable variance of \$51K mainly due to higher than anticipated reimbursements for workers compensation and other insurance claims (\$113K). End of year forecasts have been updated and have been included in the February Budget Review.</p>	<p>\$104,639 15%</p>
Operating Expenditure	
<p>Materials and Contracts – Favourable year-to-date variance mainly due to the following variances:</p> <p><i>Contractors</i> – Variance of \$601K due to the timing of multiple projects including the following: PR-4588 - Dredging of Pelican Point Grand Canals - \$276K PR-4249 - Implement Economic Development Strategy - \$61K PR-4268 - Renewable energy efficient projects - \$60K Maintain turf surfaces (non-sporting) - \$56K Maintain horticulture areas - \$47K Maintain open drainage channels - \$34K PR-4794 - Design shared path, Dodson Road - \$28K Collect household organic waste - \$28K Maintain sporting pavilions - \$26K PR-4327 - Regional Tourism Strategy Implementation - \$25K</p> <p><i>Consultants</i> –Variance of \$343K due to the timing of multiple projects including the following: PR-4599 - Detailed design plans for Hay Park - \$120K PR-4290 - Develop new website for City of Bunbury - \$50K PR-4629 - Implement LandCorp MOU for Punchbowl Caravan Park - \$43K Lead Directorate Infrastructure - \$30K PR-1578 - Develop and implement a public health plan - \$30K PR-4241 - Provide funding to secure events through Sports Marketing Australia - \$24K PR-4631 - Develop business cases for future capital works - \$21K</p>	<p>\$897,659 9%</p>

<p>PR-4895 Develop a Public Open Space Strategy - \$15K</p> <p>These positive variances are slightly offset by negative variances in Fuel Expenses (\$31K) and Software Licences or Maintenance Expenses (\$95K).</p> <p>All budgets have been reviewed as part of the February Budget Review and confirmed by management they are required and expended by 30 June 2020, unless otherwise noted in the February Review document also included under separate agenda.</p>	
<p>Capital Expenses</p>	
<p>Acquisition of Assets – Unfavourable year-to-date variance due to the timing of capital expenditure. The majority of this variance is in:</p> <p>PR-1904 - Replace waste vehicles and plant - \$1.75M PR-4801 - Infrastructure development works at Lot 3002 Lyon Cove - \$942K PR-1188 - Reconstruct, widen and improve drainage on Estuary Dr - \$602K PR-2281 - Replace corporate vehicles - \$548K PR-4799 - Upgrade Halifax Business Park Infrastructure - \$495K PR-2290 - Replace corporate heavy plant 2018/19 - \$472K PR-4373 - Realign and Widen Koombana Drive East - \$279K PR-2385 - Renew foreshore marine walls - \$276K PR-1809 - Construct Hay Park Central Pavillion - \$267K PR-4800 - Renew Marlston Seawalls - \$251K PR-4724 - Construct South Western H/Way shared path - \$173K PR-1252 - Redevelop Stirling Street Arts Centre - \$161K PR-2291 - Corporate heavy plant 2018/20 - \$166K PR-4781 - Replace the SWSC fire system - \$143K PR-4802 - Installation of digital billboard, Forrest Highway - \$140K PR-4847 - Construct new UAT Public Facility at Des Ugle Park - \$122K PR-4792 - Reseal Sandridge Road - \$110K PR-1140 - Traffic calming and minor intersection treatments 2019/20 - \$100K PR-2642 - Renew, resleeve and improve drainage - \$91K PR-4378 - Upgrade Brittain Road/Bussell Highway/Parade Road roundabout - \$76K PR-4785 - Upgrades to Payne Park to supplement iSports reticulation and ground works - \$70K PR-4578 - Renew and upgrade Big Swamp shared path - \$62K PR-1185 - Reseal roads through Roads to Recovery program 2019/20 - \$61K PR-4732 - Replace Council Chambers air-conditioning APAC units and ducting - \$60K PR-3764 - Redevelopment of BRAG foyer - \$59K PR-3404 - Refurbish community buildings - \$50K</p>	<p>\$8,326,454 50%</p>

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2019/20 financial year. Any forecast changes have been included as part of the February 2020 Budget Review.

Community Consultation

There is no requirement for community consultation on this report. A Monthly Community Financial Report (attached at Appendix DSOP-8) has been prepared to give the community an easy to understand summary of the City's financial performance. Once received by Council, this report will be made available on the City's website for community information.

Councillor/Officer Consultation

The City's Executive 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 the City's current budget and financial position at all times.

Decrease/Increase due to Previous Resolutions of Council in 2019/20 <i>(Inclusive of Council Decisions and the October 2019 Budget Review)</i>	(\$471,821)
Current Budget Closing Surplus (prior to February 2020 Review)	\$165,480
February 2020 Budget Review Changes (summarised below)	*\$16,732
Revised Budget Surplus Closing Funds at 30 June 2020	<u>\$182,212</u>

February 2020 Budget Review Changes:

Operating Revenue:	
- Decrease Grants and Subsidies	(\$149,351)
- Increase Contributions and Reimbursements	\$147,734
- Decrease Fees and Charges	(\$148,170)
- Decrease Interest Received	(\$24,391)
- Increase Other Revenue	\$20,634
- Increase Rate Revenue	\$80,718
	(\$72,826)
Operating Expenses:	
- Decrease Employee Costs	\$1,600
- Increase Material and Contracts	(\$84,872)
- Decrease Insurance	\$18,277
- Decrease Other Expense	\$54,100
	(\$10,895)
Capital Revenue:	
- Decrease Grant/Contributions for Assets	(\$67,980)
- Decrease Proceeds from Disposal of Assets	(\$150,931)
- Increase Transfers from Reserves	\$86,432
	(\$132,479)
Capital Expenditure:	
- Decrease Materials and Contracts	\$232,932
Net Decrease in Closing Funding Surplus from Budget Review	*\$16,732

Voting Requirements: Absolute Majority Required.

Background

The Executive Leadership Team, Managers and Finance Staff have reviewed the 2019/20 Budget. Budget review items have been identified and supporting financial statements prepared incorporating budget forecasts to 30 June 2020.

The February 2020 Budget Review is presented to Council for consideration.

Council Policy Compliance

Not applicable.

Legislative Compliance

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must –*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

** Absolute majority required.*

Within 30 days after Council has adopted the Budget Review, a copy of the review and Council’s decision is to be provided to the Department of Local Government.

Officer Comments

Council's Executive Leadership Team together with Finance staff monitor the City’s monthly revenue and expenditure activities and (as required) refer any variances requiring remedial action to the Council.

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

Analysis of Financial and Budget Implications

The budget review results in a decrease of \$222K in the 2019/20 Expenditure Budget from \$85.29M to \$85.07M. The Operating Deficit will increase from \$10.08M to \$10.16M, an increase of \$84K, which is attributed to a decrease in revenue of \$73K and an increase in expenditure of \$11K. Capital Expenditure will decrease by \$233K from \$29.11M to \$28.88M with Capital Revenues also decreased by \$132K from \$20.98M to \$20.85M.

All of the proposed budget changes have been detailed individually with justifications in the Budget Review February 2020 (attached at Appendix DSOP-8).

As a result of the above changes the budgeted surplus funds as at 30 June 2020 will increase from a surplus of \$165K (original budgeted surplus of \$45K plus net impact of prior council resolutions of \$120K) to a surplus of \$182K; an increase of \$17K as shown below:

Surplus/(Deficit) from Budget Review Report (attached at Appendix DSOP-8)	(\$69,700)
Adjustments made to the following reserves:	

<i>Plus Decreases to Reserves:</i> <i>Refuse Collection and Waste Minimisation</i>	<i>\$134,198</i>
<i>Less Increase to Reserves:</i> <i>Airport</i>	<i>(\$471)</i>
<i>Canal Management</i>	<i>(\$197)</i>
<i>Employee Entitlements and Insurance</i>	<i>(\$42,410)</i>
<i>General Parking</i>	<i>(\$4,688)</i>
Total Reserve Adjustments	\$86,432
Total Increase in Closing Funds from February Budget Review	\$16,732

Details of the budget changes contained within this budget review are shown in the Budget Review February 2020 report **attached** at Appendix DSOP-9 and the Financial Statements **attached** at Appendices DSOP 2-5.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

The Executive Leadership Team have reviewed the February 2020 Budget Review.

10.4 Director Sustainable Communities

10.4.1 Proposed Revocation of Management Order Over Reserve 40897, Lot 856 Haley Street, Bunbury

File Ref:	DD007.2019.00000029.001
Applicant/Proponent:	Complex Land Solutions Pty Ltd on behalf of Crestway Nominees Pty Ltd
Responsible Officer:	Jane Dawson, Senior Lands Officer
Responsible Manager:	Felicity Anderson, Manager Economic Development & Lands
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix DSC-1: Location Plan Appendix DSC-2: Email and attachments

Summary

Complex Land Solutions Pty Ltd on behalf of Crestway Nominees Pty Ltd (the “Applicant”) are seeking Council’s approval for the Revocation (“surrender”) of the Management Order to the City of Bunbury over Reserve 40897, Lot 856 Haley Street, Bunbury which adjoins the Applicant’s Lot 74 Blair Street and Lot 20 Stephen Street, Bunbury. The Applicant is required to comply with the Department of Planning Development Assessment Panel conditions which require the Applicant amalgamates & acquires Lot 856 Haley Street for the integrated redevelopment of the Stirling Centre & Centrepoint Shopping Centre. A location plan is **attached** at Appendix DSC-1.

Executive Recommendation

That Council agrees to the Revocation of the Management Order over Reserve 40897, Lot 865 Haley Street, Bunbury for acquisition & amalgamation by Complex Land Solutions Pty Ltd on behalf of Crestway Nominees Pty Ltd into the adjoining Lot 74 Blair Street and Lot 20 Stephen Street, subject to:

1. The Applicant being responsible for all costs associated with the surrender.
2. Approval of the Minister for Lands.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 2	Our Economy
Goal	A thriving and dynamic economy, that plays to its strengths, and confidently presents to the world.
Objective 2.1	Bunbury builds on its competitive advantages, supports innovation and celebrates business success.

Regional Impact Statement

The transfer of land for future development will assist residents with parking when utilising the revitalised and redeveloped shopping centre in the CBD.

Background

The Applicant wrote to the City in January 2020 requesting the City surrender the Management Order over Reserve 40897, Lot 856 Haley Street, Bunbury so the site can be acquired by the Applicant and amalgamated with the adjoining Lot 74 Blair Street & Lot 20 Stephen Street, Bunbury to create more parking space for the future redeveloped shopping centre, see **attached** email at Appendix DSC-2.

The Applicant has advised the acquisition and amalgamation of Reserve 40897, Lot 856 is a requirement of the Department of Planning Development Assessment Panel conditions for the redevelopment of the Stirling Centre and Centrepoint Shopping Centre.

Council Policy Compliance

Not Applicable.

Legislative Compliance

Revocation of Management Order in accordance with Section 50 of the *Land Administration Act 1997* when a management body agrees that its management order should be revoked.

Officer Comments

The Applicant has provided a brief history of the land:

“Indicating that Reserve 40897, Lot 856 was originally part of Prinsep Street however, in July 1999 was a "Closed Road" and Reserve 40897 was created in its place for the purpose of Parking. At the same time, a Management Order to the City of Bunbury was granted with the power to lease for a term not exceeding 21 years effective from 6 July 1999. The said Lot formed part of the Centrepoint entry and carpark and this has been the case for the last 20 years.

There appears to be no formal lease agreement between the City and Crestway Nominees Pty Ltd during this period and we can only assume that use of Lot 856 was made available by the City to accommodate entry and additional parking bays.”

Acquisition and amalgamation of Reserve 40897, Lot 856 is required as part of the DAP approval for the Centrepoint redevelopment.

Engineering have confirmed there is stormwater drainage that runs under Lot 856 Haley Street however this is privately owned and forms part of the adjoining Lots drainage for the shopping centre carpark.

Analysis of Financial and Budget Implications

The Applicant will be responsible for all costs associated with the surrender of the Management Order.

Community Consultation

Not Applicable.

Councillor/Officer Consultation

The City's planning department has confirmed the proposal has been through the structure planning and development processes and the requirement to amalgamate and acquire Lot 856 is a condition of the development approval.

Engineering have advised they have no opposition to the surrender of the Management Order. Officers have confirmed with the Director Infrastructure as follows:

There is stormwater drainage that runs under Lot 856 Haley Street however this is privately owned and forms part of the adjoining Lots drainage for the shopping centre carpark.

Applicant Consultation

The Senior Planning Officer, Senior Lands Officer and the Applicant have been in discussions to negotiate a proposed surrender of management order over Reserve 40897, Lot 856 Haley Street, Bunbury as requested by the Applicant.

Timeline: Council Decision Implementation

The Applicant will be contacted immediately should Council agree to the surrender of management of Lot 856 Haley Street, Bunbury.

10.4.2 Proposed Closure of Public Access Way at Lot 55 Nenke Way, Glen Iris

File Ref:	COB/1047		
Applicant/Proponent:	Lot 55 Nenke Way, Glen Iris		
Responsible Officer:	Gemma Stewart, Lands Officer		
Responsible Manager:	Felicity Anderson, Manager Economic Development and Lands		
Executive:	Gary Barbour, Director Sustainable Communities		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Review	
	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Information Purposes	
Attachments:	Appendix DSC-3: Location Plan		

Summary

An application has been received from Tecon Australia (the “Applicant”) on behalf of the owner of 98 South Western Highway, Glen Iris and 4 Nenke Way, Glen Iris to purchase the public access way at Lot 55 Nenke Way, Glen Iris which is between the owner’s two properties. A location plan is **attached** at Appendix DSC-3.

Executive Recommendation

That Council agrees to the sale by the Crown of the public access way at Lot 55 Nenke Way, Glen Iris to the owner of 98 South Western Highway, Glen Iris and 4 Nenke Way, Glen Iris for the purpose of amalgamating all lots for future residential development, subject to the terms and conditions as specified in the report, and the following:

1. The applicant to pay all costs associated with the proposed purchase including application fee, processing fee, advertising and surveying.
2. Advertising in accordance with the provisions of Section 58 of the *Local Government Act 1995*.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 3	Our Places and Spaces
Goal	A natural and built environment that reflects Bunbury’s Core values
Objective 3.3	High-Quality urban design, well-planned neighbourhoods with housing choice, and appropriate provision for diverse land uses to meet the community’s needs.

Regional Impact Statement

The purchase of Lot 55 Nenke Way, Glen Iris by the Applicant will provide opportunity for amalgamation of land to enable future residential development for people to invest within the City of Bunbury.

Background

The Applicant wishes to purchase the public access way on behalf of the owner of 98 South Western Highway, Glen Iris and 4 Nenke Way, Glen Iris to amalgamate Lot 55 Nenke Way, Glen Iris into both adjoining properties.

Should the application be approved the Applicant is proposing to amalgamate all three lots for future development. The Applicant has completed and returned the application to close the public access way at Lot 55 Nenke Way, Glen Iris.

Council Policy Compliance

Not applicable.

Legislative Compliance

Advertising in accordance with Section 58 of the *Land Administration Act 1997* and the sale of crown land and amalgamation with adjoining land in accordance with Section 87 of the *Land Administration Act 1997*.

Officer Comments

The Lands Officer and the Applicant have been in discussions during the application process and any future development at this site will be in accordance with the residential zoning.

Lot 55 Nenke Way, Glen Iris is Crown land being an area of 517.385m², the City has no management over this Lot.

The City will facilitate the process in accordance with Section 87 of the *Land Administration Act 1997* however the City will not receive any funding for the sale of this land by the Crown.

City of Bunbury Development Coordination Unit and service providers have been consulted with no objections received.

Analysis of Financial and Budget Implications

The Applicant is responsible for all costs including the application fee, processing fee, advertising and surveying.

Community Consultation

Advertising in accordance with Section 58 of the *Land Administration Act 1997* for a period of 35 days.

Elected Member/Officer Consultation

The application was presented to the City's Development Coordination Unit on 14 November 2019 and there were no objections to the closure and purchase of Lot 55 Nenke Way, Glen Iris by the Applicant.

Applicant Consultation

The City's Lands Officer and the Applicant have been in negotiations and discussions during the application process.

The Applicant is agreeable to the closure of the public access way, Lot 55 Nenke Way, Glen Iris for amalgamation into 98 South Western Highway, Glen Iris and 4 Nenke Way, Glen Iris.

A copy of the recommendation has been supplied to the Applicant and they are supportive.

Timeline: Council Decision Implementation

The Applicant will be contacted immediately following the Council decision to implement the next stage of the process.

Geographe Motor Museum Management Group (unincorporated) in accordance with Council Policy and Section 3.58 of the *Local Government Act 1995*.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 1.	Our Community and Culture
Goal	A safe, healthy and cohesive community, with rich cultural life, and supportive social environment.
Objective 1.4.	Arts, culture, heritage and events that enrich our understanding and enjoyment of life, celebrate our identity and bring the community together.
Theme 2.	Our Economy
Goal	A thriving and dynamic economy, that plays to its strengths, and confidently presents to the world.
Objective 2.2.	Bunbury is known far and wide for its strengths as a place to live, visit and do business.

Regional Impact Statement

A Motor Museum in Bunbury's CBD has a strong potential to add another visitor experience and attraction to Bunbury. Location in the CBD is expected to encourage significant visitation and spend into the CBD and local business.

The Tourism Impact Scenario Report prepared by Regional Development Australia South West has been based on 18,000 domestic visitors to the museum per annum. The modelling summarised in the table below indicates the sizeable potential economic benefit to the Bunbury community:

Annual Visitation Tourism Impact Scenario

Direct Impact	Domestic Day	Domestic Overnight	Total
Number of Visitors	9,000	9,000	18,000
Number of Nights	n/a	1.00	
Estimated Expenditure per Visitor (\$)	\$129	\$119	
Total Estimated Expenditure (\$)	\$1,161,000	\$1,071,000	\$2,232,000

Aside from the economic benefits projected from the museum operation itself, modelling was undertaken to indicate the additional potential return through staged events and activities undertaken by the museum. For example, a Classic Car Meet for 1 day drawing 2,800 visitors has been modelled as outlined in the table below to potentially drive \$353,200 spend into Bunbury. Additional events would be expected to deliver further benefit.

Classic Car Meet Event (1 Day) Tourism Impact Scenario

Direct Impact	Domestic Day	Domestic Overnight	Total
Number of Visitors	2,000	800	2,8000
Number of Nights	n/a	1.00	
Estimated Expenditure per Visitor (\$)	\$129	\$119	
Total Estimated Expenditure (\$)	\$258,000	\$95,200	\$353,200

Economic report detail and projections provided over 5 years has been provided by the Management group. This Economic modelling can be reviewed in greater detail and is **attached** at Appendix DSC-5.

Background

The City's Agent for 21 Wellington Street, Bunbury first identified interest by the Bunbury Geographe Motor Museum Group in the property with Officers on 25th July 2019 and sought a meeting with the City for the group to make a presentation. Since then, there have been multiple meetings between the Bunbury Geographe Motor Museum Management Group and City Officers.

The Management Group then contacted the Mayor and City Officers in January 2020 to further discuss and advance a MOU. Negotiations relating to the MOU were undertaken on the 25th February between the CEO, Director Sustainable Communities, Manager Economic Development and Lands and the Bunbury Geographe Motor Museum Management Group.

Following these discussions an amended Draft MOU was forwarded to the group in order to get agreement to proceed to Council for consideration.

Further discussion occurred between the CEO, Officers and the Management Group in early March, with the Management Group advising they were seeking to have the original points from their draft MOU reinstated into the final MOU proposed by the City.

The Management Group initially presented and sought a 10-year lease from the City for the premises. During the various negotiations, City Staff considered whether a shorter term was beneficial to the City to enable future development options to be entertained. The Management group has however, remained clear that they require the longer-term lease in order to justify their investment and efforts in setting up the motor museum.

The City initially requested the standard lease redevelopment clause to be applied to the first five year term, should opportunities arise for the site but in order to support the proposal have since agreed to commit to the Management Groups request of an initial five years without a redevelopment clause.

Throughout negotiations, the City has indicated that the site is a strategic site earmarked for future investment and development.

The Management Group have also been offered the option of rolling or term reviews being available (e.g. at 2 or 3 years) to enable renegotiation of a new five-year term at any time during the term that would allow consideration of the current economic and environmental landscape. This is standard commercial practice whereby if both the lessor and lessee agree, the terms of the lease, including tenure, can be amended.

21 Wellington Street was purchased as a strategic site by the City of Bunbury and is a strategic asset which is intended to leverage and facilitate positive economic outcomes for the City and CBD. The primary intent has always been to see development of the site with appropriate land uses that will enhance and invigorate the CBD (this could include opportunities for the City to facilitate investment, new development, new business, employment and direct future financial return).

The City and the Management Group have agreed that the redevelopment clause be included in the further 5 year option (after the initial 5 year lease) and should the Redevelopment Clause be enacted by the City, that it "will use its best endeavours" to assist the Management Group in

finding a suitable and comparable alternative premises within the CBD to operate the Motor Museum. The acceptance of this specific clause is acknowledged as a considerable concession by the Management Group.

The Management Group, however, wish to make it very clear that they seek to retain a further element of this clause that they have always sought. That is, in addition to part one of the clause, the Management Group wishes to have included: ***“Should the City enact the Redevelopment clause the City agrees to provide the agreed premises ready to occupy by the MG. Relocation of the contents of the Premises will be the responsibility of the MG.”***

Staff have been concerned that the above clause leaves an unknown risk to a future Council and Administration and have not included it in the MOU. The Management Group believe that this is a standard clause associated with a commercial lease, whereby if the landlord wishes to remove the tenant from the premises prior to the lease terminating, the lessor would be liable to provide “fit for purpose” premises for the lessee to relocate to. Staff have taken the view that given there is no consideration of commercial rent being applied, that the redevelopment clause should not contain the Management Group’s preferred wording.

This point, therefore, remains in contention between the parties.

It is not proposed to enact the redevelopment clause until after the initial five-year lease period. Over that time, the City would have provided the Management Group and museum a contribution calculated conservatively at \$650,000 (over five years). Subject to the final decision of Council, this would include a significant capital contribution (approximately \$150,000) in order to make 21 Wellington Street comply and be fit for purpose.

Council Policy Compliance

Sporting and Community Leases and Licences

Legislative Compliance

Whilst this item is to address a MOU, disposal through any lease agreement thereafter will see Section 3.58 of the *Local Government Act 1995* apply.

Officer Comments

This item is for Councils consideration and agreement to enter into a MOU to allow negotiation of terms for a 5-year plus 5-year optioned lease over 21 Wellington Street Bunbury between the Bunbury Geographe Motor Museum Management Group and the City of Bunbury. As part of the MOU the City will require a business case and business plan as outlined in the MOU in order to fully inform the City about its potential investment and to provide clarity and transparency given the City’s proposed commitment of funds and premises. This information will also help ensure support and success of the proposed venture and any ongoing commitment and partnership with the City.

Should Council determine not to enter into the MOU with the Management Group, staff will continue to endeavour to seek a suitable tenant for the building. Since entering discussions with Bunbury Geographe Motor Museum Management Group, the City and its agent have been approached by two different parties with very different proposals seeking to enter into a MOU to negotiate a lease proposal or put forward a proposal for consideration.

The City has not and will not fully explore these options until such time that Council has considered the approach by Bunbury Geographe Motor Museum Management Group.

Analysis of Financial and Budget Implications

As extracted from the Draft MOU document, financial and budget considerations and contributions for the first year are noted in the table below.

City

Description of Works	Value	Funding Type
Contribute to upgrade of Premises to fit for purpose	\$150,000	Capital – Estimated value Subject to Council approval
Provide Premises rent free for term of future lease	\$100,000 - 150,000 ex GST per annum approximately	In Kind (based on estimated rent achievable through a full commercial lease arrangement and not including rent increases or CPI)
Provide Premises with minimum rates charged	\$17,767 GST N/A	In Kind (based on estimated rates previously charged against Premises). In alignment to Council Policy.
Total:	\$267,767 - \$317,767 ex GST – Year 1	

The City currently has allocated \$73,785 ex GST in budget for the upgrade of facilities and would seek Councils approval to provide a total capital contribution of up to \$150,000 to the Management Group to undertake building modifications to make the site fit for purpose with the Management Group to contribute any additional expenditure or in-kind value. The City estimated that works could amount to approximately \$150,000; however it was identified that the Management Group may achieve greater value for money through its own networks and volunteers. An additional \$76,215 of City funds are required to be approved in order to provide the recommended \$150,000 for works. These additional funds would be allocated from the estimated surplus for the 2019/20 Financial Year.

As this request is from a proposed Not for Profit entity, supporting the upgrades without a commercial lease fee payment to offset costs will mean the City is not in a position to replenish the maintenance reserve funds utilised.

Whilst there appears a significant request for support and investment from the City, Bunbury-Geographe Motor Museum Management Group have identified the potential economic returns and benefits to the City and the CBD as identified in attached Appendix DSC-5. It is expected the return on investment will be further substantiated as part of the full business case and business plan that the City has requested and outlined in the MOU.

Community Consultation

There has been no community consultation to date as this item is to enter into a MOU with Bunbury-Geographe Motor Museum Group to allow appropriate time to prepare a full business case and proposal to be presented to the City for consideration prior to lease negotiations. Any agreement to establish a disposal of the land will require public advertising under the *Local Government Act*.

Councillor/Officer Consultation

The CEO, Executive, Manager Economic Development and Lands and Senior Economic Development Officer have been involved with discussions with the Management Group.

Councillors have met with and received a briefing from the Management Group on Tuesday 19th November 2019.

Applicant Consultation

As identified in “Background”, the City, the applicants being the “Management Group” and their Consultant have been in ongoing discussion and negotiation since August 2019, with the most recent discussions being held in March 2020 prior to this matter being brought forward to Council.

The Management group and their consultant were made aware of the City’s position and the intention to bring the matter forward to Council for decision.

Timeline: Council Decision Implementation

A decision may be implemented the first working day after by signing of the Draft MOU document.

10.5 Director Infrastructure

Nil

11. Applications for Leave of Absence

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

12. Motions on Notice

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

13.2 Questions from Members

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

In accordance with Standing Order 5.4, the following matter will need to be decided upon by Council members as to whether the matter is considered to be of an urgent nature. The report is considered urgent as a response to the COVID-19 pandemic.

The following motion will need to be passed in order for any discussion and debate to be undertaken:

“That Council, pursuant to Standing Order 5.4 of the City of Bunbury Standing Orders, considers report titled “COVID-19 – A City of Bunbury Response” as being urgent.”

Executive Recommendation

“That Council, pursuant to Standing Order 5.4 of the City of Bunbury Standing Orders, considers report titled “COVID-19 – A City of Bunbury Response” as being urgent.”

14.1 COVID-19 – A City of Bunbury Response

File Ref:	COC/371
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance Vicki Gregg, A/Manager Finance
Responsible Manager:	Greg Golinski, Manager Governance Vicki Gregg, A/Manager Finance
Executive:	Dave Chandler, Director Strategy and Organisational Performance Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Nil

Summary

The purpose of this report is:

1. For Council to provide a message of acknowledgement to our community of the impacts both socially and economically, that COVID-19 is having on Bunbury;
2. To consider a Relief and Recovery plan that incorporates key actions to provide support to residents, businesses and employees.
3. To seek a statement from Council that can be put out to the community with respect to next year’s budget. It is clear to the administration that a zero rate rise and a zero increase in fees and charges would be appreciated by the community at this time. Additionally, the City is looking to ease its processes used to collect these costs and as well as a relaxation of accessing other City services eg Planning and Building Applications costs.
4. For Council to consider making amendments to its existing delegation to the CEO (1.1.16 Defer, Grant Discounts, Waive or Write Off Debts), which will enable the City to make timely decisions in the context of its COVID-19 response.

Executive Recommendation

That Council:

1. Acknowledge the social and economic effect that the COVID-19 pandemic is having on ratepayers, residents and businesses within the City of Bunbury.
2. Request that the Chief Executive Officer prepare a Relief and Recovery Action Plan for presentation to Council in April, 2020, that supports the Bunbury Community and that is not aimed at the responsibilities of State or Federal government nor that of the banking sector.
3. Authorise the Chief Executive Officer to lobby for additional State and Federal funding support for additional business and community support, noting that at this stage, there is no funding from the two senior tiers of Government being directed to Local Government.
4. Request the CEO prepare the 2020/21 City of Bunbury budget on the basis of a zero percent increase in rates and fees and charges, and giving consideration to:
 - a. A potential reduction in user pays revenue;
 - b. A potential increase in the non-payment of rates;
 - c. The reduction of operational expenditure requirements in the context of adjusted service levels;
 - d. New borrowings to support capital projects that drive economic stimulus, job creation and community benefit;
 - e. The acceleration of capital expenditure programmes (renewal, new and upgrade).
 - f. The timelines for rates payments;
 - g. A reduced rate of interest charges to rates billing and collection;
 - h. The financial impacts of having to close the non-essential community services and facilities; and
 - i. Viable project options to help support and promote growth in the local economy;
5. Suspend interest charges on current outstanding rates, backdated to 1 March 2020.
6. Suspend the application of Council Policy Corporate Revenue Debt Collection until 30 September 2020, effective immediately.
7. Amend the conditions for Delegation 1.1.16 Defer, Grant Discounts, Waive or Write Off Debt to read as follows:

Conditions

- a. *This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.*
 - b. *A list of waivers, concessions, and debts written-off under this authority will be presented to Council on a quarterly basis.*
 - c. *The CEO is to consult with and seek the approval of the Mayor and/or his delegate prior to granting a waiver or concession under this authority.*
8. Require the CEO present to Council a subsequent review of Delegation 1.1.16 Defer, Grant Discounts, Waive or Write Off Debt by the end of July 2020, where conditions can be considered and/or reapplied at that time.

*Voting Requirement: **Absolute Majority required***

Strategic Relevance

Theme 4	Our City
Goal	Civic leadership, partnerships, and sound governance in delivering with and for the community.
Objective 4.3	Trusted leadership and robust decision-making.

Regional Impact Statement

Nil

Background

The proposal for a City of Bunbury COVID -19 Relief and Recovery Plan has been considered by the City's appointed COVID-19 Pandemic Emergency Co-ordination Team and has the support of this group.

The City has already taken significant steps to remodel its services to avoid face to face contact where possible to protect both staff and the community in an effort to prevent the spread of infection from the COVID-19 virus.

In addition to this, the City is investigating opportunities and recognising the community's need for the provision of additional support to the community. There are many vulnerable sectors in our community, and it is very likely that there will be a significant increase in the number of people falling into this category, and this may continue for an extended period of time.

The Health response to the COVID-19 pandemic is placing unprecedented financial uncertainty on Government, businesses, not-for-profit organisations and wider community. It is increasingly likely that restrictions may increase and will impact for a number of months. Emergency situations provide unique opportunities for Council to demonstrate community leadership.

The general function of a local government is to provide for the good government of persons in its district. As always, but critically in the current pandemic, the Council needs to balance its financial sustainability against the needs and wants of individuals, not-for-profits and businesses within its community. The situation is currently moving so rapidly that detailed information may not be available at the critical time decisions need to be made and leadership demonstrated.

The purpose of this report is:

1. For Council to provide a message of acknowledgement to our community of the impacts both socially and economically, that COVID-19 is having on Bunbury;
2. To consider a Relief and Recovery plan that incorporates key actions to provide support to residents, businesses and employees
3. To seek a statement from Council that can be put out to the community with respect to next year's budget. It is clear to the administration that a zero rate rise and a zero increase

in fees and charges would be appreciated by the community at this time. Additionally, the City is looking to ease its processes used to collect these costs and as well as a relaxation of accessing other City services eg Planning and Building Applications costs.

4. For Council to consider making amendments to its existing delegation to the CEO (1.1.16 Defer, Grant Discounts, Waive or Write Off Debts), which will enable the City to make timely decisions in the context of its COVID-19 response.

The existing delegation 1.1.16 Defer, Grant Discounts, Waive or Write Off Debts is outlined below:

Delegation	1.1.16 Defer, Grant Discounts, Waive or Write Off Debts
Category	01. Local Government Act 1995
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Function	1. Waive a debt which is owed to the City [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the City [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the City [s.6.12(1)(c)].
Delegates	CEO
Conditions	a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. b. A debt may only be waived where: <ul style="list-style-type: none"> • All the necessary measures have been taken to locate / contact the debt and where costs associated continued action to recover the debt will outweigh the net value of the debit if recovered by the City. • The debt remained unpaid for a minimum period of 90 days after its due date for payment. • A limit of \$1,000 with respect to individual debt write-offs. c. A list of debts written off under this authority will be presented to Council on a quarterly basis. d. Directors have authority where applicable to individual directorate only.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Director Strategy and Organisational Performance Director Sustainable Communities Manager Finance
Subdelegate conditions	Conditions on the original delegation also apply to the sub-delegations.
Policy	Nil
Record keeping	As per the City's Record Keeping Plan
Date adopted	21 December 1999
Adoption references	Council Decision 662/99
Last reviewed	11 December 2018

Council Policy Compliance

This report proposes, *inter alia*, the temporary suspension of Council Policy Corporate Revenue Debt Collection.

Legislative Compliance

Section 6.12 of the Local Government Act gives Council the power to defer, grant discounts, waive or write off debts.

Section 5.42 of the Local Government Act allows certain functions or duties to be delegated to the CEO.

Officer Comments

The Executive Leadership Team of the City is considering the City's capacity to create and fund a Relief and Recovery plan that will enable Council to consider the allocation of funds to support the community.

It is not intended that the Relief and Recovery plan will be used for further rate relief, rent relief nor be allocated to any project or cost that is the responsibility of the State or Federal governments, nor that of the banking sector.

Funding options for the Relief and Recovery Plan being considered include;

1. Further reductions in operating and capital expenditure;
2. The transfer of funds from existing City Reserve Funds (acknowledging that there is a statutory process to be undertaken if the funds are from a Reserve Account with a different specified purpose); and
3. Additional loan borrowings.

Whilst there are no State or Federal funding streams currently being directed to local governments, the CEO is preparing to lobby both levels of Government for funding assistance to support the Bunbury community and its economy.

The CEO currently has the authority to defer, grant discounts, waive or write off debts in accordance with delegation 1.1.16. The conditions however that currently exist as part of this delegation (in particular condition b), limit the CEO in being able to exercise such authority at his discretion in a timely manner.

There are several instances where the City collects monies from businesses, including lease and licence payments, as well as fees and charges relating to things such as outdoor eating licences. The proposed amendments to the conditions on this delegation will give the CEO the ability (at his discretion) to grant a concession or waive payments such as those listed above in a timely manner, and without the requests having to come to Council for decision. The qualifications on this power are proposed to include the following conditions:

- a. This delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge (the Act does not allow rates to be waived).

- b. A list of waivers, concessions, and debts written-off under this authority will be presented to Council on a quarterly basis.
- c. The CEO is to consult with and seek the approval of the Mayor and/or his delegate prior to granting a waiver or concession under this authority.

It was considered whether more specific parameters could be put into place to assist the CEO/Mayor in their decision-making in this regard, however given the multitude of different payments that are made to the City it was felt that it was impractical to cover all bases. Effectively, the consent of the Mayor or his delegate as a power of veto is considered appropriate and an effective measure of control in this regard. The CEO will also be required to report any waivers, concessions or debts written off to Council (as is currently the case). It is also recommended that the “loosening” of conditions be limited to a 6 month period at this stage, to be reviewed by Council again at that time (point 6 of the Executive Recommendation).

Analysis of Financial and Budget Implications

Further detailed analysis will be provided under separate cover prior to the Council meeting.

There is an obvious immediate impact on any short-term changes and the City’s revenue streams are already being affected. Any short-term changes will manifest into more significant changes in the longer term within the City’s Long-Term Financial Plan.

These impacts will in all probability, take time, even years, to recover from. It is, however, obvious that actions that support our community will need to be actively supported in this time of need.

Community Consultation

Not Applicable.

Councillor/Officer Consultation

This matter is presented to Council for consideration.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Any amendments to delegations apply immediately following Council resolving as such.

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

15.1.1 CEO Performance Review

File Ref:	Personnel File
Applicant/Proponent:	Mayor Gary Brennan
Responsible Officer:	Odetta Robertson, Manager People and Safety
Responsible Manager:	Odetta Robertson, Manager People and Safety
Executive:	Mal Osborne , Chief Executive Officer
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix CRUSC-1: CEO Performance Review

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

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

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

15.2 Public Reading of Resolutions that may be made Public

16. Closure