



## **Bunbury City Council**

### **Minutes**

**15 September 2015**



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

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## Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Review:** When Council reviews decisions made by Officers.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

## **Bunbury City Council Minutes**

Minutes of the Ordinary Meeting of the Bunbury City Council be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 15 September 2015 at 5.30pm.

### **Minutes**

15 September 2015

Note: These Minutes are subject to confirmation at the next Ordinary meeting of the Council..

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

The meeting was declared open by the Mayor Mr 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**

There were no Mayoral announcements.

## 4. Attendance

*Present:*

<b>Council Members:</b>	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor B McCleary
	Councillor S Morris
	Councillor J Jones
	Councillor D Prosser
	Councillor M Steck
	Councillor K Steele
	Councillor J Hayward
	Councillor J Miguel
	Councillor M Cook
	Councillor W Giles
	Councillor N McNeill
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr A Brien
Director Works and Services	Mr P Harris
Director Corporate and Community Services	Mrs S Addison-Brown
Director Planning, Development and Regulatory Services	Mr B Karaszewych
<b>Council Officers (Non-Voting)</b>	
Acting Media and Communications Officer	Mr J Tatham
Manager Community, Arts and Culture	Mr J Bowron
Manager Governance	Mr G Golinski
Council Meeting Support Officer	Mrs L Allan
<b>Others (Non-Voting)</b>	
Members of the Public	7
Members of the Press	12

### 4.1 Apologies

Nil.

## 4.2 ***Approved Leave of Absence***

### 4.2.1 **Request for Leave of Absence – Cr Neville McNeill**

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

#### **Summary/Background**

Cr Neville McNeill requests leave of absence from all Council-related business from 9 September 2015 to 17 September 2015 inclusive.

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

#### **Executive Recommendation**

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Neville McNeill is granted leave of absence from all Council-related business from 9 September 2015 to 17 September 2015 inclusive.

#### **Outcome – Council Meeting 15 September 2015**

The recommendation was amended as the request for Leave of Absence was for October.

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Neville McNeill is granted leave of absence from all Council-related business from 9 September **October** 2015 to 17 September **October** 2015 inclusive.

The amended motion was moved Cr Cook, 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 313/15**

***Pursuant to Section 2.25 of the Local Government Act 1995, Cr Neville McNeill is granted leave of absence from all Council-related business from 9 October 2015 to 17 October 2015 inclusive.***

CARRIED

13 votes "for" / Nil votes "against"

## 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.”*

There were no Declarations of Interest made.

## 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

Mr David Smith, of 8 Picton Crescent, Bunbury on 14 September 2015 , submitted the following questions to Council:

#### **Mr David Smith, 8 Picton Crescent, Bunbury**

Question 1: Can Council please advise what actions it has taken to ascertain from the State Planning Commission and or the South West Planning Committee the reasons for their delay in finalising a decision on the Masters Store for Bunbury?



*Answer: The City has written to and met with the Department of Planning to provide support for the Scheme Amendment. This has been referred on to the Minister for Planning for his consideration.*

Question 2: Can Council please advise the Budget amounts received from various sports for ground use fees in each of the last three financial years, giving the total amounts for each type of sports?

*Answer: Given the nature of this question, a summary table is provided for information and will be forwarded along with additional information to Mr Smith and will appear in the Minutes.*

	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>
Cricket	2,809.09	2,640.92	2,206.35
Touch Football	1,536.36	1,886.36	368.18
Frisbee	145.45	154.55	318.18
Soccer	13,308.00	13,386.20	14,769.00
Dog Club	3,340.90	2,431.81	2,545.46
Athletics	4,610.46	3,776.82	3,322.54
Football	11,892.30	12,000.20	13,360.90
Rugby League	1,372.73	1,036.36	1,850.00
Hockey	863.64	1,090.91	4,170.45
Rugby Union	927.27	904.54	927.27
<b>Total</b>	<b>40,806.20</b>	<b>39,308.67</b>	<b>43,838.33</b>

\*Note all figures are ex GST

Question 3: What is the councils understanding of the future of senior and pensioners rate concessions from 2016-2017 and what has Council done to challenge the State and Federal Governments policies on these concessions?

*Answer: From 2016-17 the State Government will impose a cap on eligible pensioner properties. The current local government rates rebate of up to 50% will be capped at \$550 per property. The City of Bunbury completed a survey from WALGA in June providing information on the effect of this capping. WALGA is dealing with the state government on behalf of all local governments.*

Additional Information:

The following sports are all charged sports ground levies rates by the number of teams they have within their club, both senior and junior teams:

- \* Cricket
- \* Touch Football
- \* Frisbee
- \* Soccer
- \* Football
- \* Rugby League
- \* Rugby Union

\* Hockey

The fee (GST Inc.) below shows what the charge per team of each sport for juniors and seniors was in the last financial year:

<b>Sport</b>	<b>Junior Fee Per Team</b>	<b>Senior Fee Per Team</b>	<b>Additional comments</b>
Cricket	\$82.00	\$307.00	Only one Senior Cricket Team charged in Bunbury as the other Cricket Clubs maintain the grounds
Touch Football	\$102.50	\$405.00	
Frisbee	\$67.00	\$175.00	
Soccer	\$102.50	\$405.00	
Football	\$102.50	\$405.00	
Rugby League	\$102.50	\$405.00	
Rugby Union	\$102.50	\$405.00	
Hockey	\$102.50	\$405.00	Only Junior Hockey Teams are charged as Senior Hockey is played on the synthetic turf in the Hockey Stadium

Sportsground Levies fees entitle each team to 2 training sessions a week + one match day game a week within their season.

The following sports are all charged sports ground levies rates by the number of members they have within their club, both senior and junior teams:

- \* Athletics
- \* Dog Club

The fee (GST Inc.) below shows what the charge per member of each sport for juniors and seniors was in the last financial year:

<b>Sport</b>	<b>Junior Fee</b>	<b>Senior Fee</b>
Athletics	\$8.70	\$41.00
Dog Club	\$18.00	\$56.00

The sports above that are charged sportsground levies by member are still entitled to 2 training sessions a week + one match day game a week within their season.

Clubs will also sometimes book additional training sessions or events and additional charges are then applied but they are not reflected in my sportsground levies charges/calculations.

## **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 1 September 2015 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 1 September 2015 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 15 September 2015**

The recommendation (as printed) was moved Cr Morris, 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 314/15**

***The minutes of the Ordinary meeting of the Bunbury City Council held 1 September 2015 be confirmed as a true and accurate record.***

CARRIED

13 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 – Bunbury Setagaya Sister Cities Committee Minutes 19/08/2015 Appendix MTBN-2 – Policy Review and Development Committee Minutes 20/08/2015

#### Summary

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

1. Title: Bunbury Setagaya Sister Cities Committee Minutes 19/08/2015  
Author: Jenni Brown, Sister Cities Administration Officer  
Appendix: MTBN-1
2. Title: Policy Review and Development Committee Minutes 20/08/2015  
Author: Greg Golinski, Manager Governance  
Appendix: MTBN-2

#### Council Committee Recommendation

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

1. Bunbury Setagaya Sister Cities Committee Minutes 19/08/2015
2. Policy Review and Development Committee Minutes 20/08/2015

#### Outcome – Council Meeting 15 September 2015

The recommendation (as printed) was moved Cr Kelly, 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 315/15

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

1. ***Bunbury Setagaya Sister Cities Committee Minutes 19/08/2015***
2. ***Policy Review and Development Committee Minutes 20/08/2015***

CARRIED

13 votes "for" / Nil votes "against"

## **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

#### **Outcome – Council Meeting 15 September 2015**

Cr McCleary advised that she had received a petition containing 20 signatures which stated:

*“We, the citizens of Slee Place and surrounds in Withers under the Bunbury Scheme, petition the City to close the laneway at the end of Slee Place Withers Bunbury as shown on the attached town schemes.*

*There are numerous cases of crime and vandalism which have occurred as well as public disturbances, the residents feel that the closure of this laneway will immediately reduce the likelihood of these occurrences and will provide the area immediate and better security.*

*We demand that the laneway closure plan which has already had a precedence set by the actions of the City within the Withers area is reviewed and that the council investigate all avenues to reduce the risk to residents of future crime through the use of this laneway as an entry and escape point for criminals to target this area.*

*We attach our signatures of consent and support to this request.”*

The Motion was moved Cr McCleary, 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 316/15**

***Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, that Council receive the petition with regard to the closure of the laneway at the end of Slee Place, Withers and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.***

CARRIED

13 votes “for” / Nil votes “against”

## **8.2 Presentations**

Nil

## **8.3 Deputations**

### **Mr David Smith of Picton Crescent, Bunbury**

Mr Smith requested to address item 101.1 titled “Revocation of Council Policy – Investment of Funds”.

#### **Council Decision 317/15**

*Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Smith’s deputation request to address item 10.1.1 titled “Revocation of Council Policy – Investment of Funds” and allows a period of up to 5 minutes to present to Council.*

CARRIED

## **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 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.8, and 10.2.1.

Items 10.1.1 and 10.3.1 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 Cook, seconded Cr Jones.

## 10. Reports

### 10 1 *Review of Council Policy – Annual Performance Appraisal and Salary Review* (was listed as item 10.1.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Aileen Clemens, Manager Organisational Development
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Appendix:</b>	Appendix RAC-2: Revised Council Policy – Annual Performance Appraisal and Salary Review

#### Summary

The purpose of this report is for the Council to consider a revised Policy relating to the *Annual Performance Appraisal and Salary Review* of the Chief Executive Officer.

#### Policy Review and Development Committee Recommendation

That Council adopt the revised Council Policy *Annual Performance Appraisal and Salary Review Policy* as **attached** at Appendix RAC-2.

#### Strategic Relevance

Key Priority Area 5      Corporate

Objective 5.5            Ensure organisational capability

#### Background

The *Annual Performance Appraisal and Salary Review* Policy was originally adopted by Council in 1999, and is reviewed biennially to ensure legislative compliance.

#### Council Policy Compliance

This report proposes a revision of an existing Council Policy.

#### Legislative Compliance

*Local Government Act 1995* and associated Regulations  
*Salaries and Allowances Act 1975* and associated Regulations  
Department of Local Government and Communities Guideline Number 10

#### Officer Comments

The Policy Review and Development Committee have undertaken a review of the Council Policy *Annual Performance Appraisal and Salary Review*.



The Policy has been amended slightly to maintain consistency with the City’s current processes and guidelines. The main amendments proposed by the Committee include:

- \* **Paragraph 2 to read:** The Committee must comprise at least one Elected Member who has prior experience in performance management, human resources management, or has worked in a senior management capacity.
- \* **Paragraph 5 to read:** In the course of the assessment, the committee will separately invite all elected members and each member of the Executive Leadership Team to be interviewed or surveyed before completing the report.

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

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

#### **Councillor/Officer Consultation**

The Policy Review and Development Committee considered this matter at its meeting held 20 August 2015.

#### **Outcome – Council Meeting 15 September 2015**

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

#### **Council Decision 318/15**

***That Council adopt the revised Council Policy Annual Performance Appraisal and Salary Review Policy as attached at Appendix RAC-2.***

CARRIED

13 votes “for” / Nil votes “against”

**10.2 New Council Policy – Employee Well-Being** (was listed as item 10.1.3 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Aileen Clemens, Manager Organisational Development
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Appendix:</b>	Appendix RAC-3: New Council Policy – Employee Well-Being

**Summary**

The purpose of this report is for Council to consider a new Policy relating to *Employee Wellbeing* Initiatives, as applicable to City of Bunbury staff.

**Policy Review and Development Committee Recommendation**

That Council adopt the new Council Policy entitled *Employee Well-Being* as **attached** at Appendix RAC-3.

**Strategic Relevance**

Key Priority Area 5      Corporate

Objective 5.5            Ensure organisational capability

**Background**

The purpose of this policy is to ensure that staff have the opportunity to access health and wellbeing initiatives and choices in the workplace as identified in the City's Enterprise agreement, as well as demonstrate Council's commitment to staff health and well-being.

**Council Policy Compliance**

This report proposes a new Council Policy – *Employee Well-Being*.

**Legislative Compliance**

*Occupational Safety & Health Act 1984*

*Occupational Safety & Health Regulations 1996*

**Officer Comments**

This policy was developed to support the City's Healthy Workers, Healthy Futures Corporate Guideline, covering current staff initiatives under the City of Bunbury Employees 2015 Enterprise Agreement.

**Analysis of Financial and Budget Implications**

Any financial or budgetary implications resulting from the implementation of the Employee Wellbeing Policy will be funded using current year budgeted funds.

**Councillor/Officer Consultation**

The Policy Review and Development Committee considered this matter at its meeting held 20 August 2015.

**Outcome – Council Meeting 15 September 2015**

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

**Council Decision 319/15**

***That Council adopt the new Council Policy entitled Employee Well-Being as attached at Appendix RAC-3***

CARRIED

13 votes "for" / Nil votes "against"

**10.3 Review of Council Policy – Civic Commendations** (was listed as item 10.1.4 of the Council Agenda)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Appendix</b>	Appendix RAC-4: Civic Commendations Policy

**Summary**

The purpose of this report is for Council to consider a review undertaken on the Policy relating to *Civic Commendations*.

**Policy Review and Development Committee Recommendation**

That Council note the review of Council Policy *Civic Commendations* as **attached** at appendix RAC-4, with no changes recommended.

**Strategic Relevance**

Key Priority Area 5      Corporate

Objective 5.2              Maintain a high standard of corporate governance and improve access to information.

**Background**

The *Civic Commendations* policy was reviewed by the Policy Review and Development Committee in March 2013, and again on 20 August 2015.

**Council Policy Compliance**

This report facilitates a review of an existing Council Policy.

**Legislative Compliance**

Not applicable

**Officer Comments**

The Policy provides a process for the receipt and assessment of civic commendation and other award nominations on behalf of the City of Bunbury, to enable Council to recognise the efforts and achievements of community members who have contributed to the City.

Consistent with the Committee recommendation, it is suggested the content of the current policy is appropriate.

**Analysis of Financial and Budget Implications**

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

**Councillor/Officer Consultation**

The Policy Review and Development Committee considered this matter at its meeting held 20 August 2015.

**Outcome – Council Meeting 15 September 2015**

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

**Council Decision 320/15**

***That Council note the review of Council Policy Civic Commendations as attached at appendix RAC-4, with no changes recommended.***

CARRIED

13 votes "for" / Nil votes "against"

**10.4 Review of Council Policy – Honorary Freeman of the City of Bunbury** (was listed as item 10.1.5 of the Council Agenda)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Appendix</b>	Appendix RAC-5: Honorary Freeman of the City of Bunbury Policy

**Summary**

The purpose of this report is for Council to consider a revised Policy relating to *Honorary Freeman of the City of Bunbury*.

**Policy Review and Development Committee Recommendation**

That Council adopt the revised Council Policy *Honorary Freeman of the City of Bunbury* as **attached** at Appendix RAC-5.

**Strategic Relevance**

Key Priority Area 5      Corporate

Objective 5.2              Maintain a high standard of corporate governance and improve access to information.

**Background**

The *Honorary Freeman of the City of Bunbury* policy was reviewed by the Policy Review and Development Committee in March 2013, and again at its meeting held 20 August 2015.

**Council Policy Compliance**

This report facilitates a review of an existing Council Policy.

**Legislative Compliance**

Not applicable

**Officer Comments**

The Policy stipulates the procedure for the nomination, selection and awarding of the prestigious title to a person designated as Honorary Freeman of the City of Bunbury.

Whilst the Committee agreed to some minor wording amendments within the policy, the general intent of the policy remains unchanged.

**Analysis of Financial and Budget Implications**

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

**Councillor/Officer Consultation**

The Policy Review and Development Committee considered this matter at its meeting held 20 August 2015.

**Outcome – Council Meeting 15 September 2015**

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

**Council Decision 321/15**

***That Council adopt the revised Council Policy Honorary Freeman of the City of Bunbury as attached at Appendix RAC-5.***

CARRIED

13 votes "for" / Nil votes "against"

**10.5 Review of Council Policy – Legal Representation for Council Members and Employees** (was listed as item 10.1.6 of the Council Agenda)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Appendix</b>	Appendix RAC-6: Legal Representation for Elected Members and Employees Policy Appendix RAC-7: Legal Representation for Elected Members and Employees Guideline

**Summary**

The purpose of this report is for Council to consider a revised Policy relating to *Legal Representation for Elected Members and Employees*.

**Policy Review and Development Committee Recommendation**

That Council adopt the revised Council Policy *Legal Representation for Elected Members and Employees* as **attached** at Appendix RAC-6.

**Strategic Relevance**

Key Priority Area 5      Corporate

Objective 5.2              Maintain a high standard of corporate governance and improve access to information.

**Background**

The *Legal Representation for Elected Members and Employees* policy was reviewed by the Policy Review and Development Committee at its meeting held 20 August 2015.

**Council Policy Compliance**

This report facilitates a review of an existing Council Policy.

**Legislative Compliance**

Not applicable

**Officer Comments**

The Policy and associated corporate guideline outlines the conditions upon which the City may cover the cost of legal representation for Elected Members and Officers where legal action has been taken against them in relation to their role as either an Elected Member or employee of the City of Bunbury.



Whilst some minor wording amendments have been recommended within both the policy (**attached** at Appendix RAC-6) and corporate guideline (**attached** at Appendix RAC-7), the general intent of the policy remains unchanged.

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

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

#### **Councillor/Officer Consultation**

The Policy Review and Development Committee considered this matter at its meeting held 20 August 2015.

#### **Outcome – Council Meeting 15 September 2015**

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

#### **Council Decision 322/15**

***That Council adopt the revised Council Policy Legal Representation for Elected Members and Employees as attached at Appendix RAC-6.***

CARRIED

13 votes "for" / Nil votes "against"

**10.6 Review of Council Policy – Corporate Revenue Debt Collection** (was listed as item 10.1.7 of the Council Agenda)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Appendix:</b>	Appendix RAC-8: Corporate Revenue Debt Collection Policy

**Summary**

The purpose of this report is for Council to consider a revised Policy relating to the *Corporate Revenue Debt Collection Policy*.

**Policy Review and Development Committee Recommendation**

That Council adopt the revised Policy *Corporate Revenue Debt Collection Policy* as **attached** at Appendix RAC-8.

**Strategic Relevance**

Key Priority Area 5      Corporate

Objective 5.3            Ensure financial sustainability

**Background**

The Corporate Revenue Debt Collection Policy was originally adopted by Council on 16 April 2013. Prior to adopting this policy, Council did not have a debt collection policy.

**Council Policy Compliance**

This report proposes a revision of an existing Council Policy.

**Legislative Compliance**

*Local Government Act 1995*, subdivision 5, sections 6.54 to 6.62 are all relevant to this policy.

**Officer Comments**

The Policy Review and Development Committee have undertaken a review of the Council Policy Corporate Revenue Debt Collection.

The Policy has been amended to exclude pensioners from its application, and increase the relevant timeframes for the collection of outstanding rate debts. The proposed changes only apply to outstanding rate debts, and not affect sundry debtors.

**Analysis of Financial and Budget Implications**

There are no material financial implications expected as a result of the revised policy.

**Councillor/Officer Consultation**

The Policy Review and Development Committee considered this matter at its meeting held 20 August 2015.

**Outcome – Council Meeting 15 September 2015**

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

**Council Decision 323/15**

***That Council adopt the revised Policy Corporate Revenue Debt Collection Policy as attached at Appendix RAC-8.***

CARRIED

13 votes "for" / Nil votes "against"

**10.7 Review of Council Policy – Asset Management** (was listed as item 10.1.8 of the Council Agenda)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Phil Harris, Director Works and Services
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Appendix</b>	Appendix RAC-9: Asset Management Policy

**Summary**

The purpose of this report is for Council to consider a revised Policy relating to *Asset Management*.

**Policy Review and Development Committee Recommendation**

That Council adopt the revised Council Policy *Asset Management* as **attached** at Appendix RAC-9.

**Strategic Relevance**

Key Priority Area 5      Corporate

Objective 5.4      Apply best-practice asset management principles to optimise the City's infrastructure whilst minimising life-cycle costs.

**Background**

The Asset Management Policy was originally adopted by Council in August 2007 and was reviewed by the Policy Review and Development Committee on 20 August 2015.

The City is well advanced in the development of Asset Management Plans for key infrastructure, which will ultimately guide decisions on future investments.

**Council Policy Compliance**

This report proposes a revision of an existing Council Policy.

**Legislative Compliance**

There is no legislative compliance impacting upon this report.

**Officer Comments**

The Committee has undertaken a review of the Council Policy *Asset Management*, which has been amended to reflect the current organisational structure.

**Analysis of Financial and Budget Implications**

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

**Councillor/Officer Consultation**

The Policy Review and Development Committee considered this matter at its meeting held 20 August 2015.

**Outcome – Council Meeting 15 September 2015**

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

**Council Decision 324/15**

***That Council adopt the revised Council Policy Asset Management as attached at Appendix RAC-9.***

CARRIED

13 votes "for" / Nil votes "against"

**10.8 Quarterly Report – Delegation DAG01 – Power to Accept Tenders** (was listed as item 10.2.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	David Russell, Senior Contracts and Procurement Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary**

In accordance with Delegation DAG01 (Power to Accept Tenders), the Chief Executive Officer is to provide a report to Council on all tenders accepted up to \$250,000 excluding GST. This agenda item complies with that delegation.

A summary of tenders accepted under this delegation for the three (3) month period from 1 April 2015 to 30 June 2015 is detailed below:

<i>Date</i>	<i>Tender Details</i>	<i>Contractor</i>	<i>Amount (excl. GST)</i>
19/06/2015	RFT1415-00007 Drinks Supply SWSC and BWP – three (3) year contract renewable annually. Delivery and supply of water, sports drinks, carbonated drinks, coffee and refrigeration equipment.	Coca Cola Amital	\$288,680 estimate (supply contract). Estimated amount of \$96,226 per annum.

**Executive Recommendation**

That Council receives Quarterly Report – Delegation DAG01 – Power to Accept Tenders.

**Background**

Pursuant to Section 3.57 of the *Local Government Act 1995* and Regulations 11 to 24 of the *Local Government (Functions and General) Regulations 1996* ('the Regulations'), Council has delegated its authority to the Chief Executive Officer to accept tenders up to \$250,000, and up to \$500,000 (Council Decision 186/11) where a tender for the supply of products or services is procured through the Western Australian Local Government Association (WALGA), State or Commonwealth Governments, or any State or Commonwealth agencies that provide preferred supplier contracts or agreements.

The Chief Executive Officer is also delegated authority to undertake negotiations pursuant to regulation 20 of the Regulations with the person who in his opinion submitted the most advantageous tender, with the purpose of variation in respect of the required works or goods.

*Conditions:*

- \* The Chief Executive Officer is to provide quarterly advice on all tenders accepted over \$250,000.
- \* Where the goods or services so procured contain options to extend the contract for a further period(s), the delegated amounts shall be applied per annum to a maximum value not exceeding \$750,000 excluding GST.
- \* Each delegated officers capacity to approve an original tender is set according to the schedule of purchasing limits.

- \* Each delegated officers capacity to approve a variation is set as per delegation DAG03 – Contract Price Variation

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

Section 3.57 *Local Government Act 1995*

The recommendations accord with the provisions of the *Local Government (Functions and General) Regulations 1996*

### **Officer Comments**

Where the delegation permits, the Chief Executive Officer may approve the acceptance of tenders. When the Chief Executive Officer approves tenders under delegation, internal and external reporting and compliance requirements regarding procurement remain the same as if Council had approved the tender.

Any tenders over the delegated threshold are presented to Council for endorsement.

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

Any tenders approved under the Power to Accept Tenders Delegation have budget funds approved and secured prior to the procurement process commencing.

### **Community Consultation**

Not applicable.

### **Councillor/Officer Consultation**

Not applicable.

### **Outcome – Council Meeting 15 September 2015**

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

#### **Council Decision 325/15**

***That Council receives Quarterly Report – Delegation DAG01 – Power to Accept Tenders.***

CARRIED

13 votes "for" / Nil votes "against"

**10.9 Revocation of Council Policy – Investment of Funds** (was listed as item 10.1.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Appendix:</b>	Appendix RAC-1: Council Policy – Investment of Funds

**Summary**

The purpose of this report is for Council to consider the revocation of an existing policy relating to the Investment of Funds.

**Policy Review and Development Committee Recommendation**

That Council revoke Council Policy *Investment of Funds* as **attached** at Appendix RAC-1.

**Strategic Relevance**

Key Priority Area 5      Corporate

Objective 5.2              Maintain a high standard of corporate governance and improve access to information.

**Background**

Council Policy *Investment of Funds* was adopted by Council on 29 June 2010 (refer decision 121/10).

At the Policy Review and Development Committee Meeting on 18 June 2015, the Committee queried whether the Policy was necessary and requested the item be deferred to its next meeting to enable further investigation by officers.

The Committee was of the opinion that as Council is required to comply with the statutory requirements in relation to the investment of funds as outlined in Section 6.14 of the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* Regulation 19, and Part III of the *Trustees Act 1962*; the Policy was essentially replicating the investment parameters contained within this legislation. The power to invest surplus funds with certain banks is also provided under delegated authority to the Chief Executive Officer.

**Council Policy Compliance**

This report proposes the revocation of an existing Council Policy.

**Legislative Compliance**

The *Local Government Act 1995* Section 6.14; the *Trustees Act 1962* – Part III Investments and the *Local Government (Financial Management) Regulations 1996* – Regulation 19 control the investment of funds by a local government.



### **Officer Comments**

At its meeting held 20 August 2015, the Committee agreed that the Investment of Funds policy replicates the investment parameters contained in legislation and therefore is not considered necessary.

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

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

### **Councillor/Officer Consultation**

This matter was considered by the Policy Review and Development Committee at its meeting held 20 August 2015.

### **Outcome – Council Meeting 15 September 2015**

Mr Smith addressed Council in relation to this matter.

The recommendation (as printed) was moved Cr Kelly, 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 326/15**

***That Council revoke Council Policy Investment of Funds as attached at Appendix RAC-1.***

CARRIED

11 votes "for" / 2 votes "against"

**10.10 Review of Digital Screen at the City Library** (was listed as item 10.3.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Julian Bowron, Manager Community Arts and Culture
<b>Executive:</b>	Stephanie Addison-Brown, Director Corporate and Community Services
<b>Attachments:</b>	Nil.

**Summary**

The purpose of this report is for Council to be informed about the capacity of the projection equipment currently located at the front of the Bunbury library and options for future digital screen requirements in response to Council Decision 114/15.

**Recommendation**

That Council acknowledge the limitations of the current City Library digital screen and associated equipment and note the estimated cost of replacement with a high performance LED screen when making provision for future digital screen needs.

**Background**

Following the opening of the new City of Bunbury Library building in 2009, a digital art installation was commissioned from Vue Group to be screened at the front of the building. A rear projection screen was suspended from the building and a high powered data projector located inside the City Library.

The working life of the digital art work was patchy because of technical issues such as projector lamp failure and the need to clean the screen regularly. The agreement with Vue Group came to an end in 2013.

In the lead up to this year's Anzac Day ceremonies Councillor Cook requested that a program of images supplied by the Bunbury RSL should be projected onto the screen. The images were screened but the exercise raised a number of limitations of the system including the fact the images were of poor quality, only visible at night and could only be displayed for a limited time to prevent the lamp from overheating. This exercise also highlighted the fact the projector is now out of date, unreliable and at the end of its useful life.

**Council Policy Compliance**

There is no Council policy relating to this report.

**Legislative Compliance**

Not applicable

### **Officer Comments**

At present the library projector and screen can still be operated but with the limitations as outlined below.

*Operating costs:* From 2011 the City had an annual service agreement with Vue Group costing \$1,690 plus projector lamps (lamps currently cost \$1,356 each) and call out fees. If the screen is to be in regular use there will be regular maintenance costs. These will increase in time as other parts of the projector will fail due to age.

*Manual operation:* There is no automated control system in place so the projector must be switched on and off manually, requiring after hours staff attendance. For the Anzac images to be displayed, a staff member was required to attend the Library at 10pm every night throughout the second half of April to switch the projector off manually to prevent the lamp from overheating. This is a costly and inconvenient exercise.

*Limited hours of operation:* The current screen image is not visible during daylight hours which significantly limits viewing potential.

*Visibility:* Since the original installation the oleander trees behind the war memorial have grown up and the screen is no longer visible from Victoria Street as was originally intended. The screen can only be seen from the area of Anzac Park between the Oleander trees and the Library and only in darkness.

*Format:* The screen was designed by Vue Group to a custom square format to suit their artwork (most film and photographic images are rectangular) so it is unsuitable for general purpose display. In addition, the projector is not directly behind the screen and it is very difficult to perfectly align the image with the screen because of the acute projection angle.

Since the library screen and projector were installed there have been considerable advances in daylight-visible LED screen technology. These are now in use as electronic billboards, fixed and mobile message boards and event screens.

A high resolution daylight visible LED screen could be connected to the City of Bunbury IT network and controlled remotely from an appropriate computer terminal. This would require a complete new rectangular screen unit to be mounted on the library and connected to power and control systems. There may also be more advantageous locations for such a screen to be mounted or consideration given to a mobile screen which can be moved to where it will be best viewed depending on the occasion.

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

There is currently no budget provision for purchase, operation, maintenance or program development for outdoor screens.

The estimated cost of an appropriate high quality LED screens is as follows:

Full colour, daylight visible 3m x 2.6m P8 Display \$65,000 installed.

### **Community Consultation**

Not applicable

### **Councillor/Officer Consultation**

The Manager Community, Arts and Culture and the Manager Information Technology worked with Cr Cook and Cr Steele to enable the Anzac program of images to be screened.

### **Outcome – Council Meeting 15 September 2015**

Cr Cook moved an alternate Motion as follows:

*That Council:*

- 1) *Acknowledge the limitations of the current City Library Digital Screen and associated equipment and note the estimated cost of replacement with a high performance LED screen when making provision for future digital screen needs.*
- 2) *Request Council Officers prepare a report/recommendation in the form of a business case to ensure that visual display options are explored for ANZAC Park and that the potential exists for the unit to be self-supporting and hired out on a commercial basis.*

The Mayor advised he would take each point of the motion separately as part 1 of the Motion was the same as the Executive Recommendation.

Part 1 of the Motion was moved Cr Cook, seconded Cr Giles:

*That Council:*

- 1) *Acknowledge the limitations of the current City Library Digital Screen and associated equipment and note the estimated cost of replacement with a high performance LED screen when making provision for future digital screen needs.*

The Mayor put the motion to the vote and it was adopted to become Part 1 of the Council's decision on the matter.

#### Part 1

CARRIED 12 votes "for" / 1 votes "against"

- Votes "for": Cr Kelly, Cr Prosser, Cr Miguel, Cr Giles, Cr Steele, Cr McCleary, Mayor Gary Brennan, Cr Cook, Cr O'Neill, Cr Jones, Cr Morris, Cr Hayward
- Votes "against": Cr Steck

Part 2 of the Motion was moved Cr Cook, seconded Cr Prosser:

*That Council:*

- 2) *Request Council Officers prepare a report/recommendation in the form of a business case to ensure that visual display options are explored for ANZAC Park and that the potential exists for the unit to be self-supporting and hired out on a commercial basis.*

Cr Kelly moved an amendment to Part 2 of the Motion:

*That Council:*

- 2) *Request Council Officers prepare a report/recommendation in the form of a business case to ensure that visual display options are explored for **the CBD including** ANZAC Park and that the potential exists for the unit to be self-supporting and hired out on a commercial basis.*

The Mayor put the amendment to the vote and it was adopted 10 votes “for”, 3 votes “against” to become the substantive Motion.

The Mayor put the substantive motion to the vote and it was adopted to become the Part 2 of Council’s decision on the matter.

Part 2

CARRIED 11 votes “for” / 2 votes “against”

- Votes “for”: Cr Kelly, Cr Prosser, Cr Miguel, Cr Giles, Cr Steele, Cr McCleary, Mayor Gary Brennan, Cr Cook, Cr O’Neill, Cr Jones, Cr Hayward
- Votes “against”: Cr Steck, Cr Morris

**Council Decision 327/15**

***That Council:***

- 1. *Acknowledge the limitations of the current City Library digital screen and associated equipment and note the estimated cost of replacement with a high performance LED screen when making provision for future digital screen needs.***
- 2) *Request Council Officers prepare a report/recommendation in the form of a business case to ensure that visual display options are explored for the CBD including ANZAC Park and that the potential exists for the unit to be self-supporting and hired out on a commercial basis.***

CARRIED

**11. Applications for Leave of Absence**

Nil.

**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***

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 meeting was declared closed at 6:06pm.