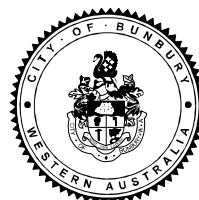


Bunbury City Council

Notice of Meeting and Agenda 18 August 2015



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
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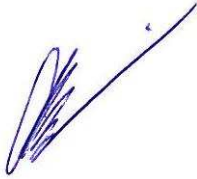
Nature of Council's Role in Decision Making

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

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

Bunbury City Council Notice of Meeting

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 18 August 2015 at 5.30pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 14 August 2015)

Agenda

18 August 2015

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 Councillor Brendan Kelly
Councillor Murray Cook
Councillor Wendy Giles
Councillor James Hayward
Councillor Judy Jones
Councillor Betty McCleary
Councillor Neville McNeill
Councillor Jaysen Miguel
Councillor Sam Morris
Councillor David Prosser
Councillor Michelle Steck
Councillor Karen Steele

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

3. Announcements from the Presiding Member

4. Attendance

4.1 *Apologies*

4.2 *Approved Leave of Absence*

5. Declaration of Interest

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A: *“a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”*

Section 5.60B: *“a person has a **proximity interest** in a matter if the matter concerns –*

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or*
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or*
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality): *“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

6. Public Question Time

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

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

6.1 Public Question Time

6.2 Responses to Public Questions Taken ‘On Notice’

Nil.

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 4 August 2015 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 4 August 2015 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

Nil

7.1.3 Minutes – Special Council Meeting

The minutes of the Special Council Meeting to adopt the City of Bunbury 2015/2016 Budget held 30 July 2015 have been circulated.

Recommendation

The minutes of the Special Council Meeting to adopt the City of Bunbury 2015/2016 Budget held 30 July 2015 be confirmed as a true and accurate record.

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*

Nil.

8.3 *Deputations*

8.4 *Council Delegates' Reports*

Nil.

8.5 *Conference Delegates' Reports*

Nil.

9. Method of Dealing with Agenda Business

Nil.

10. Reports

10.1 *Recommendations from Advisory Committees*

Nil.

10.2 Chief Executive Officer Reports

10.2.1 In Principle Approval for the Bunbury and Districts Dog Club Inc to Secure a Future Lease

Applicant/Proponent:	Bunbury and Districts Dog Club Inc
Author:	Felicity Anderson, Manager Major Projects
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The Bunbury and Districts Dog Club Inc. (the “Dog Club”) have approached the City to seek in principle support for future tenure of City owned or managed land. The Dog Club is seeking the City’s in principle approval and commitment so that external funding to build a facility can be sought.

Executive Recommendation

Council agrees in principle to support a lease to the Bunbury and Districts Dog Club Inc. over an appropriate portion of City owned or managed land for a minimum period of five (5) years, should the Bunbury and Districts Dog Club Inc. be successful in sourcing funding to construct a facility.

Background

The Dog Club had previously entered into a Deed of Lease with the City over a portion of Reserve 30601, Lot 3001 Parade Road, Withers in what is known as the ‘Kit Keddie Pavilion’ (the “Premises”).

The Deed of Lease has since expired and instead, has in place a Memorandum of Understanding (MOU). The MOU has been entered into to accommodate the eventual relocation of the Dog Club from the Premises.

The Premises are currently needed for utilisation by other clubs and community or sporting groups, particularly where seasonal hire of the grounds are in place and subsequently, the City has agreed to assist in the relocation of the Dog Club.

The Dog Club is seeking funding from external bodies in order to build a facility for their meetings and associated activities, ideally within Hay Park and in close proximity to the newly established dog exercise area.

To aid the Dog Club in seeking sources of funding, the City’s Executive Leadership Team recommended seeking Council’s in principle support for a future lease.

It is anticipated that all general standard terms and conditions will be included in any future lease and that Council endorsement will be sought if and when that situation arises.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable.

Officer Comments

The facilities which are currently utilised by the Dog Club are needed for sporting and community groups who currently have long term seasonal hire bookings for the playing fields outside of the Premises.

With the completion of the dog exercise area, the Dog Club would be better suited to being relocated to a facility closer to the dog exercise area. The relocation of the Dog Club will free up a facility which can be used by a large sporting or community group with a wide community reach.

Council support for securing tenure over City owned or managed land (should the Dog Club be successful in their endeavours to seek external funding) will significantly aid the Dog Club in their applications.

Analysis of Financial and Budget Implications

No financial implications either gain or loss to the City of Bunbury for the purpose of this approval.

Community Consultation

The Dog Club have been consulted in preparation for this report being presented to Council.

Councillor/Officer Consultation

The Administration Officer Property and the Executive Leadership Team have been involved in discussions relating to this item.

10.3 Director Corporate and Community Services

Nil.

10.4 Director Planning, Development and Regulatory Services Reports

Nil.

10.5 Director Works and Services Reports

Nil.

11. Applications for Leave of Absence

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

12. Motions on Notice

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

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil.

13.2 Questions from Members

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

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

The report for consideration is confidential in accordance with section 5.23(2)(e) of the Local Government Act 1995.

Recommendation

In accordance with sections 5.23(2)(e) of the *Local Government Act 1995* and clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, Council resolves to close the meeting to members of the public to consider item 15.1.1 titled "Offer to Purchase Lot 361 Geographe Way Withers - Seeking Council Approval for Further Negotiation".

15.1.1 Offer to Purchase Lot 361 Geographe Way Withers - Seeking Council Approval for Further Negotiation

File Ref:	
Applicant/Proponent:	Southern Districts Estate Agency
Author:	Felicity Anderson, Manager Major Projects
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CRUSC-2-1: Location Plan Appendix CRUSC-2-2: Landgate Valuation Report Appendix CRUSC-2-3: Email estimated site costs

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

- (e) *a matter that if disclosed, would reveal –*
- (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
- where the trade secret or information is held by, or is about, a person other than the local government; and*

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-2). The report is not for circulation.

15.2 Public Reading of Resolutions that may be made Public

16. Closure