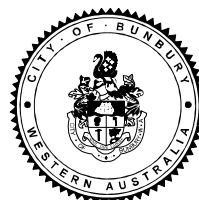


Bunbury City Council

Minutes

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

Minutes

18 August 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

The Mayor took the opportunity to advise Councillors, in keeping with his practice, that the Mayoral Expenses for July and August had totalled \$63.54 which had been for fuel.

4. Attendance

Present:

Council Members:	
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 K Steele
	Councillor N McNeill
	Councillor J Hayward
	Councillor J Miguel
	Councillor W Giles
	Councillor M Cook
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Brien
Director Corporate and Community Services	Mrs S Addison-Brown
Acting Director Planning, Development and Regulatory Services	Mr J Kowal
Director Works and Services	Mr P Harris
Council Officers (Non-Voting)	
Acting Media and Communications Officer	Mr J Tatham
Manager Finance	Mr D Ransom
Manager Governance	Mr G Golinski
Manager Major Projects	Mrs F Anderson
Council Meeting Support Officer	Mrs L Allan
Others (Non-Voting)	
Members of the Public	4
Members of the Press	2

4.1 Apologies

Cr Steck

4.2 Approved Leave of Absence

Nil

5. Declaration of Interest

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

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

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

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

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

Nil

6. Public Question Time

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

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

6.1 Public Question Time

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

Mr David Smith, 8 Picton Crescent, Bunbury

Question 1: I refer to Councils recent budget which includes within the funding allocation for the Hay Park South Sports Pavilion, provision for lighting and ask how much is allocated to the costs of the lighting and will the lighting be strong enough for night games and

television coverage and will it extend to the lighting of the rugby pitch and soccer pitch.

Answer: Light towers suitable for televised games were not included as part of the revised design brief and Tender Specifications. The tender allowed for the installation of conduits, switchboards and electrical pits to accommodate future light towers to the Premier Soccer (x6) and Rugby fields (x3) when and if funding becomes available. It is noted that no light towers in Hay Park are designed to accommodate televised games.

Question 2: I refer to item 10.2.2 on the draft agenda for tonight and ask how much did Council spend in total on the formerly proposed Dardanup Shire site in relation to it being the regional waste site and separately for the compost production facility.

Answer: The response will take some time to accurately reflect costs incurred as Council is only one of a number of Councils involved and as such treated as correspondence and a formal response provided once information is available.

Question 3: I refer to the current joint venture with the Department of Lands and ask how much has the City spent for and on behalf of the joint venture to date and how much is currently owed by the joint venture to the Department of Lands and separately to the City of Bunbury and what is the expected cost of remediation of the contaminated parts of Lot 70 including the asbestos and lead removal.

Answer: The total expenditure to date: \$126,782 with an additional \$53,683 estimated for works.

As there has been no income there is currently nothing owed to the Department of Lands and all costs incurred by the City are recoverable.

Lot 70 has incurred and committed expenditure of \$112,117 to date with a budget of \$140,000 for environmental studies and remediation

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.

Outcome – Council Meeting 18 August 2015

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

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

Council Decision 282/15

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

CARRIED

12 votes "for" / Nil votes "against"

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.

Outcome – Council Meeting 18 August 2015

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

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

Council Decision 283/15

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.

CARRIED

12 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

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

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

No recommendations were “adopted by exception”.

All items were discussed and voted on separately in the order that they appeared on the agenda.

10. Reports

10.1 *In Principle Approval for the Bunbury and Districts Dog Club Inc to Secure a Future Lease (was listed as item 10.2.1 of the Council Agenda)*

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.

Outcome – Council Meeting 18 August 2015

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

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

Council Decision 284/15

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.

CARRIED

11 votes "for" / 1 vote "against"

11. Applications for Leave of Absence

Nil.

12. Motions on Notice

Nil.

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil.

13.2 Questions from Members

Nil.

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

Nil.

15. Meeting Closed to Public

15.1 *Matters for which the Meeting may be Closed*

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*".

The motion was moved Cr McNeill seconded and Cr Jones.

The Mayor put the motion to the vote and was CARRIED 12 votes "for" / Nil votes "against". The meeting was closed to all members of the public and press at 5:36pm.

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.

Outcome – Council Meeting 18 August 2015

The recommendation (as printed) was moved Cr Prosser, 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 285/15

- 1. *Note the offer to purchase***
- 2. *Authorise the Chief Executive Officer to negotiate further on the purchase to obtain a price closer to the last valuation***
- 3. *Provide agreement to the proposed conditions of the contract***
- 4. *Authorise the Chief Executive Officer to commence the disposal of the site in accordance with the Local Government Act.***

CARRIED

10 votes "for" / 2 votes "against"

15.2 Public Reading of Resolutions that may be made Public

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

The Mayor put the motion to the vote and was CARRIED 12 votes "for" / Nil votes "against".

The meeting was reopened to the public and press at 5:40pm.

The Mayor read aloud Council Decision 285/15 for the Offer to Purchase Lot 361 Geographe Way Withers - Seeking Council Approval for Further Negotiation:

That Council:

- 1. *Note the offer to purchase***
- 2. *Authorise the Chief Executive Officer to negotiate further on the purchase to obtain a price closer to the last valuation***
- 3. *Provide agreement to the proposed conditions of the contract***
- 4. *Authorise the Chief Executive Officer to commence the disposal of the site in accordance with the Local Government Act.***

16. Closure

The meeting was declared closed at 5:41pm.