



Bunbury City Council

Meeting Minutes 30 June 2009



City of Bunbury
4 Stephen Street
Bunbury WA 6230
Western Australia

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GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
1:100	Ratio of 'one in one hundred'
AD	Acceptable Development
ARI	Annual Recurrence Interval
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AWARE	All West Australians Reducing Emergencies (grant funding)
BCA	Building Code of Australia
BCCI	Bunbury Chamber of Commerce & Industries
BCRAB	Bunbury Community Recreation Association Board
BEAC	Built Environment Advisory Committee
BESAC	Bunbury Environment and Sustainability Advisory Committee
BHRC	Bunbury Harvey Regional Council
BPA	Bunbury Port Authority
BRAG	Bunbury Regional Art Galleries
BRAMB	Bunbury Regional Arts Management Board
BREC	Bunbury Regional Entertainment Centre
BSSC	Big Swamp Steering Committee
BWEA	Bunbury Wellington Economic Alliance
CALM	Department of Conservation and Land Management
CBD	Central Business District
CCAFF	Community Cultural and Arts Facilities Fund
CERM	Centre of Environmental and Recreation Management
CPI	Consumer Price Index
CSRFF	Community Sport and Recreation Facilities Fund
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAP	Detailed Area Plan (required by WA Planning Commission)
DCU	Development Coordinating Unit
DEC	Department of Environment and Conservation (formerly CALM)
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoE	Department of Environment
DOLA	Department of Land Administration
DoPI	Department of Primary Industry
DoW	Department of Water
DPI	Department for Planning and Infrastructure
DSR	Department of Sport and Recreation
DUP	Dual-use Path
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council

GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

Bunbury City Council

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 30 June 2009.

Minutes 30 June 2009

NOTE: These minutes are subject to confirmation at the next ordinary meeting of the Council.

1. Declaration of Opening by the Mayor

His Worship the Mayor, Mr David Smith, declared the meeting open at 6.00pm.

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Members:	Councillor J Jones
	Councillor B Kelly
	Councillor W Major
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor A Leigh
	Councillor J Harrop
	Councillor H Punch
Councillor Rooney	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager - Corporate Services:	Mr K Weary
A/Executive Manager - City Services:	Mr J Gick
Executive Manager - City Development:	Mr G Klem
Executive Manager - City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Manager Bunbury Visitor Centre:	Ms F Anderson
Marketing Officer:	Ms K Knight
Admin Officer – Corporate Services:	Ms M Smith

PRESENT (continued)

Others (Non-Voting):	
Members of the Public:	5
Members of the Press:	0

APOLOGIES:

Councillor D Spencer - Leave of Absence on 30 June 2009.
Deputy Mayor, Councillor S Craddock - Apology

3. Responses to Public Questions Taken 'On Notice' at the Previous Council Meeting

Nil

4. Public Question Time

Pursuant to Reg. 7(4) (a) of the Local Government (Administration) Regulations 1996, the Mayor invited questions from members of the public in attendance at the meeting, as follows:

Mr Paul Rogers, 115 Forrest Avenue, Bunbury

Question 1: The backyard of my property is currently under water, what can the Council do to immediately and in the longer term remedy the flooding occurring on my property caused by the building development behind my property on Hawkins Street which covers one of the drains and also the high groundwater table?

Response 1: The acting Executive Manager City Services informed Mr Rogers that in terms of an immediate solution the Council will be able to pump out the excess water within the next day or two.

Question 2: Can Council negotiate with the owner of the development at the rear of my property to see if a solution can be found to eliminate the flooding?

Response 2: The acting Executive Manager City Services advised that in terms of a longer solution the Council has been in negotiations with the land developer of Lot 851 Hawkins Street and is looking at options to create an easement so that drainage facilities can be installed. The Council also needs to speak with Mr Rogers and surrounding property owners to look at how to facilitate an easement or other type of device to get an adequate drainage system finalised.

Mr John Thomson, 19A Jipse Crescent, Bunbury

Mr Thomson presented to the Mayor documentation showing the progress the committee members of Thommo's Community Garden project have made toward incorporation. The document was passed around to the Councillors for their information and has been filed as a confidential report on the City's record system.

5. Questions on Notice from Council Members (No Discussion Permitted)

Nil

6. Confirmation of Previous Minutes

The minutes of the Council Meeting held 9 June 2009, had been circulated to members prior to the meeting.

A motion to confirm the minutes was moved Cr Major, seconded Cr Leigh and adopted to become the Council's decision.

Council Decision 129/09

The minutes of the Council Meeting held 9 June 2009, be confirmed as a true and accurate record.

CARRIED

11 Votes "For" / Nil Votes "Against"

7. Disclosures of Interest Under the Local Government Act 1995

Nil

8. Announcements by the Mayor (No Discussion Permitted)

The Mayor informed Council that last week in Canberra he attended the Australian Local Government Association annual conference and the 2nd Australian Council of Local Government. The outcome of these meetings was that the:

- Council will receive a further \$216,000.00 from the Federal Government. Council will need to discuss at a later date what the money should be allocated to.
- There is the opportunity for a further \$120M worth of major projects funding which of course Council will be applying for a share of. The Mayor confirmed that there is no certainty that the Council will be granted any of the further funding but the Council will need to be in a position to lodge an application before the end of the year. It is a condition of any application for new funding that Council must have progressed previously approved funding to commencement stage before any new funding can be allocated.
- A further allocation of \$20M to \$30M for councils across Australia to examine the question of asset management and local government reform generally.

9. Chief Executive Officer Reports/Discussion Topics

9.1 Request for Leave of Absence - Councillor Brendan Kelly

File Ref:	A00215
Applicant/Proponent:	Councillor Brendan Kelly
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Kelly requests leave of absence from all Council-related business for the period 1 to 9 July 2009 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 consecutive ordinary meetings of the Council.

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Brendan Kelly is granted leave of absence from all Council-related business for the period 1 to 9 July 2009 inclusive.

Outcome – Council Meeting 30 June 2009

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Slater, seconded Cr Leigh and adopted ('en bloc') to become Council's decision on this matter:

Council Decision 130/09

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Brendan Kelly is granted leave of absence from all Council-related business for the period 1 to 9 July 2009 inclusive.

CARRIED

11 Votes "For" / Nil Votes "Against"

9.2 Request for Leave of Absence – Councillor Derek Spencer

File Ref:	A00215
Applicant/Proponent:	Councillor Derek Spencer
Author:	Greg Trevaskis, Chief Executive Officer
Executive:	Greg Trevaskis, Chief Executive Officer

Summary/Background

Councillor Derek Spencer requests leave of absence from all Council-related business on 30 June 2009.

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 consecutive ordinary meetings of the Council.

Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Derek Spencer is granted leave of absence from all Council-related business on 30 June 2009.

Outcome – Council Meeting 30 June 2009

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Slater, seconded Cr Leigh and adopted ('en bloc') to become Council's decision on this matter:

Council Decision 131/09

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Derek Spencer is granted leave of absence from all Council-related business on 30 June 2009.

CARRIED
11 Votes "For" / Nil Votes "Against"

9.3 Proposed Increase in Property Rates for the 2009/2010 Budget

File Ref:	A00281-07
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services

Background

Councillors have held three (3) budget workshops on the 16, 17 & 19 June 2009 to consider the revenues and expenditures in the 2009/2010 draft budget. From these workshops, a rate increase of 3.9% was considered necessary to meet operating and capital expenditure in the 2009/2010 draft budget.

Executive Comments

The Local Government Act, Section 6.36 requires that before imposing any differential general rates or minimum payment, Council is required to give public notice inviting submissions in respect to the proposed payments. Council will advertise the proposed rates (**attached** at Appendix 10) in the South Western Times advising that public comments will be received for a period of 21 days. The advertisement will also advise that a document describing the objects and reasons for each proposed rate and minimum payment is available for public inspection.

Council will consider any submissions received prior to adopting the 2009/2010 Budget in early August 2009.

Options

1. As per the recommendation.
2. As per the recommendation, but with an alternative rate increase.

Recommendation

1. Council advertise a property rate increase of 3.9% for the 2009/2010 Budget.
2. Council invite public comment in respect to the proposed rate increase for a period of 21 days.
3. Council have available for public inspection the "Statement of Proposed Rating Objectives and Reasons for the Raising of Differential General Rates and Specified Area Rates for 2009/2010" document.

Outcome – Council Meeting 30 June 2009

The Mayor reminded councillors the recommendation was for the proposed rate increase and budget to be advertised for public comment for a period of 21 days. It will then come back to come to council after it has been advertised for adoption subject to any comment that may come back from the public that may result in any changes.

The recommendation (as printed) was moved Cr Major, seconded Cr Punch and adopted to become the Council's decision on this matter.

Council Decision 132/09

1. *Council advertise a property rate increase of 3.9% for the 2009/2010 Budget.*
2. *Council invite public comment in respect to the proposed rate increase for a period of 21 days.*
3. *Council have available for public inspection the "Statement of Proposed Rating Objectives and Reasons for the Raising of Differential General Rates and Specified Area Rates for 2009/2010" document.*

CARRIED

9 Votes "For" / 2 Votes "Against"

A request was made for the votes to be recorded:

For: Mayor D Smith and Crs Jones, Kelly, Major, Whittle, Leigh, Harrop, Punch and Rooney

Against: Crs Slater and Cr Steck

10. Reception of Formal Petitions and Memorials

Nil

11. Reception of Reports and Recommendations from the Council (Standing) Committee Meeting held 23 June 2009

Pursuant to Standing Order 16.1.1, the Council adopted 'en bloc' (i.e. without discussion) those recommendations listed for items 11.1, 11.2, 11.3, 11.5, 11.6 and 11.8 of the meeting agenda.

Items 11.4 and 11.7 were then discussed and voted on separately.

Please note that the items listed in this section of the meeting minutes have been re-arranged (and re-numbered) so that they appear in the order that they were discussed at the meeting. The items voted on 'en bloc' are listed first.

11.1 Petition - Dispute over the Name of Vickery Street, Bunbury

File Ref:	R00487
Applicant/Proponent:	Ms Lyn Clarke, 57 Vickery Street, Bunbury
Author:	Jason Gick, City Engineer
Executive:	<i>If adopted, refer to:</i> Michael Scott, Executive Manager City Services

Summary

The Chief Executive Officer has received a letter and petition from 43 petitioners to Council stating, *"We, the undersigned, do not want Vickery Crescent renamed Vickery Street. Some of us have been here since 1964 before the road was sealed and it was called and sold to us as 'Vickery Crescent' - who will complain if Lone Street is removed from the map? (Note: Wood Street used to be called Lone Street)".*

In support of their petition, the petitioners make the following statement:

"Why has it taken 45 years to inform us of this anomaly? Some of us bought and built in Vickery Crescent in 1964 when the road was only gravel - our address was Vickery Crescent. Your sign posted 'Wood Street' was 'Lone Street' and Vickery ran as a crescent into Churchill Drive. Is it since Google Earth arrived that there's been a dispute? Two households have recently had batches of business cards printed much to their chagrin."

The petitioners represent 26 households out of the 38 along Vickery and Lone Streets. A copy of their letter and petition is **attached** at Appendix 1

Executive Comments

The anomaly between the legal street name and the name that (until recently) appeared on the street sign was brought to the City's attention in February 2009 by Realty Executives South West.

A check was made with the State Government's Geographic Names Division which confirmed the street has been on its records as "Vickery Street" since 1964 and the term "Street" has been recorded on all Certificates of Title and legal documentation issued to property owners in the street since that time.

Any property sold in the street today has the address noted as "Vickery Street" - refer to the example **attached** at Appendix 2. All references on the internet refer to Vickery Street. Calls to 000 can be problematic as there is no Vickery Crescent listed for Bunbury. Similarly, satellite navigation software cannot locate the street name Vickery Crescent. Accordingly, on the recommendation of Geographic Names, the City took corrective action to resolve the anomaly which has now been completed. The street signs have been replaced and all owners and occupiers in the street together with emergency services, *The Local Link*, the post office, City of Bunbury employees and all appropriate service and regulatory bodies; have been notified of the correction.

All councillors were informed of this matter via a memorandum dated 25 May 2009.

The various emergency services in the Bunbury region are linked to Landgate's land records system and in an emergency situation, it is vital that the street can be quickly identified and located without confusion. As previously indicated, Landgate records show the street as a "street" not a "crescent".

To rename the street "Vickery Crescent" would involve application to the Geographic Names Committee and a public consultation process. A funding source would also need to be identified.

City records cannot confirm exactly how long the incorrect street name has been posted at this location.

Options

The Council has a number of options in relation to petitions under Section 9.4 of the City's Standing Orders. These options are:

- (a) The petition be accepted; or
- (b) The petition not be accepted; or
- (c) The petition be accepted and referred to a committee for consideration and a report (to Council); or
- (d) The petition be accepted and dealt with by the full Council.

Recommendation

The petition not be accepted and the official name of Vickery Street be recognised by the Council.

Outcome – Council Committee Meeting 23 June 2009

Mr Desmond Duplex and Ms Lynn Clarke, both residents of Vickery Street, addressed committee members in support of the petition confirming they would like the name to remain as 'Crescent' as this is how it has been known by the residents and their family, friends, suppliers and is named as such in publications like the Bunbury Key and Local Link. They suggested that reference to Lone Street be removed and have Vickery Crescent in its place due to no resident in Lone Street having a post box in that street.

Option (d) under clause 9.4 of the Standing Orders was moved Cr Spencer, seconded Cr Major and put to the vote and adopted (12 Votes "For" / Nil Votes "Against").

During discussion the Executive Manager City Services confirmed it was a third party who requested the matter be resolved not the City of Bunbury. Until it has been finalised the City of Bunbury will continue to use the name 'Street' for emergency service reasons. When asked what the process for changing the name was the

Executive Manager confirmed this would be supplied to committee members as soon as it was available.

The following alternative recommendation was moved Cr Spencer, seconded Cr Slater and was adopted (10 Votes "For" / 2 Votes "Against") to become the committee's recommendation on this issue.

'That the City's Executive be requested to take the necessary action to:

- 1. Re-name Vickery Street to Vickery 'Crescent'*
- 2. Delete reference to lone Street and make it part of Vickery Crescent'*

For convenience the two recommendations adopted by the Committee are printed below:

Committee Recommendation

Part 1

The petition be accepted and dealt with by the full Council.

Part 2

That the City's Executive be requested to take the necessary action to:

1. Re-name Vickery Street to Vickery 'Crescent'
2. Delete reference to lone Street and make it part of Vickery Crescent

Outcome – Council Meeting 30 June 2009

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Slater, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter.

Council Decision 133/09

Part 1

The petition be accepted and dealt with by the full Council.

Part 2

That the City's Executive be requested to take the necessary action to:

- 1. Re-name Vickery Street to Vickery 'Crescent'*
- 2. Delete reference to lone Street and make it part of Vickery Crescent*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.2 Council Support for the Proposed Dedication of Land and Closure of Redundant Portion of Road Reserve – Bunbury Port Access Road

File Ref: R00804
Applicant/Proponent: Main Roads Western Australia
Author: Jason Gick City Engineer
Executive: Michael Scott Executive Manager City Services

Summary

On the 13 May 2009 the City of Bunbury received correspondence from Main Roads Western Australia (MRWA) **attached** at Appendix 3 requesting Council support their request to the Department of Planning and Infrastructure (DPI) to:

1. Excise an area of rail reserve and dedicate the land as road to accommodate a new crossing in accordance with Section 56 of the Land Administration Act (1997).
2. Close a disused rail crossing and amalgamate it into the rail reserve in accordance with Section 58 of the Land Administration Act (1997) **attached** at Appendix 4.

Council is requested to endorse the Land Dealings Plan number 200702-0589-5 which shows the area of land required from the rail corridor and the redundant portion of road **attached** at Appendix 5.

Background

As part of the development of the first stage of the Bunbury Port Access Road a new four way signalised intersection will be created to connect the South Western Highway, Boyanup Picton Road and Winsor Street in Picton. This connection will require the construction of a new rail crossing. WestNet Rail has requested that MRWA excise the area required to accommodate the new crossing from the rail corridor and dedicated the land as road.

Additionally, WestNet Rail has requested that a disused rail crossing be closed and amalgamated into the rail reserve.

Strategic and/or Regional Outcomes

There are no strategic or regional outcomes to consider.

Community Consultation

Any required community consultation will be undertaken by MRWA.

Councillor/Officer Consultation

The City's Executive has considered the proposal and has no objections.

Analysis of Financial and Budget Implications

There will be no detrimental effect on the City's Annual Budget. MRWA will bear all cost in relation to the dedication and closure.

Economic, Social, Environmental and Heritage Issues

There will be no economic, social, environmental or heritage implications for the City of Bunbury.

Council Policy Compliance

No Council policy applies.

Legislative Compliance

Land Administration Act (1997) requires Council to pass a decision supporting MRWA's request.

Delegation of Authority

The DPI requires the official support of the Council.

Relevant Precedents

Council Decision 138/08 Dedication of Bunbury port access road land requirement and Council Decision 74/08 close portion of Haig Crescent

Options

Option 1

Per the recommendation as listed in this report.

Option 2

Council does NOT support request.

Conclusion

To satisfy the DPI's requirements the City is now requested by way of a formal Council decision to support the dedication of rail reserve required to accommodate a new crossing and closure and amalgamation of disused rail crossing into the rail reserve.

MRWA will provide an Indemnity to the DPI and bear all cost.

Recommendation

Council to endorse Dealings Plan numbered 200702-0589-5 and provide the Department of Planning and Infrastructure with a formal decision to support Main Roads Western Australia's request:

1. Dedicate the additional land being acquired from the rail reserve in accordance with Section 56 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.
2. Closure of the redundant portion of road reserve in accordance with Section 58 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.

Outcome – Council Committee Meeting 23 June 2009

The recommendation (as printed) was moved Cr Spencer, seconded Cr Major.

The Chief Executive Officer confirmed in response to a committee member's enquiry that the land is not under the control of the City of Bunbury as it is a State Government Reserve. It is more a matter of Council having any objection to the proposed transfer.

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

Cr Steck requested that her vote "against" the committee's recommendation, be recorded.

Committee Recommendation

Council to endorse Dealings Plan numbered 200702-0589-5 and provide the Department of Planning and Infrastructure with a formal decision to support Main Roads Western Australia's request:

1. Dedicate the additional land being acquired from the rail reserve in accordance with Section 56 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.
2. Closure of the redundant portion of road reserve in accordance with Section 58 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.

Outcome – Council Meeting 30 June 2009

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Slater, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter.

For ease of reference, the Council Decision is printed overleaf.

Council Decision 134/09

Council to endorse Dealings Plan numbered 200702-0589-5 and provide the Department of Planning and Infrastructure with a formal decision to support Main Roads Western Australia's request:

- 1. Dedicate the additional land being acquired from the rail reserve in accordance with Section 56 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.*
- 2. Closure of the redundant portion of road reserve in accordance with Section 58 of the Land Administration Act (1997) as shown on the Land Dealings Plan numbered 200702-0589-5.*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.3 Proposed Structure Plan – Lots 1 & 6 Boyanup – Picton Road, Picton

File Ref:	P11650
Applicant/Proponent:	Griffiths Planning
Author:	Teshome Tadessee
Executive:	Geoff Klem Executive Manager City Development

Summary

The Western Australian Planning Commission (WAPC) has resolved to endorse the proposed structure plan – Lots 1 & 2 Boyanup – Picton Road, Picton subject to modifications to the structure plan and following formal adoption by the City.

The modifications requested by the Commission have been incorporated in the structure plan. It is recommended that Council formally adopt the structure plan and forward the documentation to the Commission for its final endorsement.

Background

The WAPC in its letter dated 8 May 2009 advised that it has resolved to endorse the proposed structure plan subject to some modifications being incorporated in the final format of the structure plan (**Attached** at Appendix 6 - letter from the WAPC). The Commission has requested the City to adopt the modified structure plan and forward it to the Commission for signing.

The applicant has addressed the modifications required by the Commission. The structure plan is now ready for formal adoption by Council and ultimately for final endorsement by the Commission as required.

(**Attached** at Appendix 7 - Proposed structure plan – Lots 1 & 6 Boyanup – Picton Road, Picton

Proposal

Clause 5.9.13.7 of Town Planning Scheme No. 7 (TPS7) provides that prior to Council adopting any structure plan, the necessary documentation be forwarded to the Commission for its endorsement.

Council at its ordinary meeting of 30th September 2008 resolved to adopt the proposed structure plan – Lots 1 & 6 Boyanup-Picton Road, Picton subject to some modifications (Council Decision 182/08. For a full copy of the Decision see **attached** Appendix 8). The proposed structure plan was forwarded to the Commission in early October 2008 for its final determination. The Commission in its letter to the City dated 8 May 2009 advised the City to incorporate the modifications prior to its final endorsement of the structure plan.

The modifications required by the Commission are considered to be minor in nature. The Commission's letter outlines the required modifications to the structure plan. Basically, the main modification to the plan is to make it consistent with the Regional Open Space (ROS) Reservation in the Greater Bunbury Regional Scheme (GBRS). The other minor modifications are to the provisions on the plan in the areas of stormwater management plan and foreshore management plan.

The modifications have been incorporated as required and therefore it is recommended that Council formally adopt the proposed structure plan in accordance with Clause 5.9.13.7 of Town Planning Scheme No.7 (TPS7) and forward the necessary documentation to the Commission for its final endorsement.

Strategic Outcomes

It is considered that the proposed Local Structure Plan is in line with the general direction of the City's 2007 – 2012 Strategic Plan.

Community Consultation

The proposed modifications to the structure plan by the Commission do not necessitate further public consultation.

Councillor/Officer Consultation

The matter has been discussed within Development Services prior to the finalisation of this report.

Analysis of Financial and Budget Implications

The Recommendation will not impact on the existing Annual Budget nor are there any expenses associated with the requests from a Council perspective.

Economic, Social, Environmental and Heritage Issues

The proposed structure plan will facilitate further development on the subject site. There are no heritage issues that would arise as a result of the proposed structure plan. Environmental requirements have been incorporated in the proposed structure plan.

Council Policy Compliance

There are no specific policies relating to this Structure Plan proposal.

Legislative Compliance

The proposal is in line with TPS7 Section 5.9.13 which is applicable to structure plans.

Delegation of Authority

The Commission has specifically requested that the modified version of the structure plan be formally adopted by the City. Council has no authority to overturn the Commission's decision on the matter. The proposed structure plan is in accordance with Scheme requirements and therefore Council is required to adopt the structure in line with Clause 5.13 of TPS7.

Relevant Precedents

Council at its ordinary meeting of 14 April 2009 formally adopted a structure plan for Lot 74 Beddingfield Street as requested by the Commission. In this instance a similar process has been followed to present the current proposal for formal adoption by Council.

Possible Options

Option 1

Per the recommendation listed in this report

Option 2

Council elects NOT to support the recommendation to adopt the proposed structure plan.

Conclusion

The proposed structure plan – Lots 1 & 6 Boyanup – Picton Road, Picton is ready for formal adoption by Council.

Recommendation

Council, under and by virtue of the powers conferred upon it and pursuant to the Planning and Development Act 2005 hereby resolves to:

1. Adopt the proposed structure plan – Lots 1 & 6 Boyanup – Picton Road, Picton.
2. Forward the structure plan documentation to the Western Australian Planning Commission for final endorsement.

Outcome – Council Committee Meeting 23 June 2009

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

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

Committee Recommendation

Council, under and by virtue of the powers conferred upon it and pursuant to the Planning and Development Act 2005 hereby resolves to:

1. Adopt the proposed structure plan – Lots 1 & 6 Boyanup – Picton Road, Picton.
2. Forward the structure plan documentation to the Western Australian Planning Commission for final endorsement.

Outcome – Council Meeting 30 June 2009

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Slater, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 135/09

Council, under and by virtue of the powers conferred upon it and pursuant to the Planning and Development Act 2005 hereby resolves to:

1. *Adopt the proposed structure plan – Lots 1 & 6 Boyanup – Picton Road, Picton.*
2. *Forward the structure plan documentation to the Western Australian Planning Commission for final endorsement.*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.4 FINANCIAL STATEMENTS - MAY 2009 *(was listed as Item 11.5 on the meeting agenda)*

File Ref:	A02838
Applicant/Proponent:	Internal Report
Author:	David Ransom, City Accountant
Executive:	Ken Weary, Executive Manager Corporate Services

Summary/Background

Financial Statements for the period 1 to 31 May 2009, have been circulated to members **under separate cover**. The statements include the following:

- Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Financial Activity
- Statement of General Purpose Income
- Statement of Rating Information

The Financial Statements also contain a number of explanatory notes covering the following topics:

- Significant Accounting Policies
- Description of Programmes
- Net Current Assets
- Trade and Other Receivables
- Other Current Assets
- Trade and Other Payables
- Provisions
- Trust Funds
- Capital Expenditure
- Key Operating Expenditure & Income
- Loan Funds
- Reserve Funds
- Bunbury Timber Jetty
- Investment Funds

Recommendation

The Financial Statements for the month of May 2009, be received.

Outcome – Council Committee Meeting 23 June 2009

The recommendation (as printed) was moved by Cr Slater, seconded Cr Punch.

The motion was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

The Financial Statements for the month of May 2009, be received.

Outcome – Council Meeting 30 June 2009

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Slater, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 136/09

The Financial Statements for the month of May 2009, be received.

CARRIED

11 Votes "For" / Nil Votes "Against"

11.5 Advisory Committee and/or Project Control Group Minutes to be Noted at the Council Committee Meeting *(was listed as Item 11.6 on the meeting agenda)*

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various

Committee Members to refer to the report circulated under separate cover.

Recommendation

The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1. Title: Minutes - Bunbury-Setagaya Sister Cities Committee (13/05/2009)
Author: Jenelle Dunn, Cultural Development Officer
File: A00443

Outcome – Council Committee Meeting 23 June 2009

The recommendation (as printed) was moved by Cr Jones, seconded Cr Leigh. The motion was put to the vote and adopted to become the Committee's recommendation on this issue.

Committee Recommendation

The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1. Title: Minutes - Bunbury-Setagaya Sister Cities Committee
(13/05/2009)
Author: Jenelle Dunn, Cultural Development Officer
File: A00443

Outcome – Council Meeting 30 June 2009

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Slater, seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

For ease of reference, the Council decision is printed overleaf.

Council Decision 137/09

The following Advisory Committee Meeting Minutes listed in the report circulated under separate cover, are noted for information only:

1. Title: *Minutes - Bunbury-Setagaya Sister Cities Committee
(13/05/2009)
Author: Jenelle Dunn, Cultural Development Officer
File: A00443*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.6 Items to be Noted (No Discussion) at the Council Committee Meeting *(was listed as Item 11.8 on the meeting agenda)*

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various

Committee Members to refer to the report circulated under separate cover.

Recommendation

The following items listed in the report circulated under separate cover, are noted for information only:

1. Title: Bunbury Regional Entertainment Centre - Strategic Plan 2009-2014
Author: Greg Trevaskis, Chief Executive Officer
File: F00084
2. Title: List of Subdivision & Development Approvals - May 2009
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Schedule of Accounts Paid - May 2009
Author: David Ransom, City Accountant
File: A00083
4. Title: Outstanding Community Law and Safety Infringements
Author: David Ransom, City Accountant
File: A00088-02
5. Title: Write Off of Account Receivable Balances
Author: David Ransom, City Accountant
File: A00088-02

Outcome – Council Committee Meeting 23 June 2009

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

The motion was put to the vote and adopted to become the committee's recommendation on this issue.

(For ease of reference, the Committee Recommendation is printed overleaf.)

Committee Recommendation

The following items listed in the report circulated under separate cover, are noted for information only:

1. Title: Bunbury Regional Entertainment Centre - Strategic Plan 2009-2014
Author: Greg Trevaskis, Chief Executive Officer
File: F00084
2. Title: List of Subdivision & Development Approvals - May 2009
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Schedule of Accounts Paid - May 2009
Author: David Ransom, City Accountant
File: A00083
4. Title: Outstanding Community Law and Safety Infringements
Author: David Ransom, City Accountant
File: A00088-02
5. Title: Write Off of Account Receivable Balances
Author: David Ransom, City Accountant
File: A00088-02

Outcome – Council Meeting 30 June 2009

Pursuant to Standing Order 16.1.1 the recommendation as printed was moved Cr Slater, 31seconded Cr Major and adopted ('en bloc') to become the Council's decision on this matter:

Council Decision 138/09

The following items listed in the report circulated under separate cover, are noted for information only:

1. Title: Bunbury Regional Entertainment Centre - Strategic Plan 2009-2014
Author: Greg Trevaskis, Chief Executive Officer
File: F00084
2. Title: List of Subdivision & Development Approvals - May 2009
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Schedule of Accounts Paid - May 2009
Author: David Ransom, City Accountant
File: A00083
4. Title: Outstanding Community Law and Safety Infringements
Author: David Ransom, City Accountant
File: A00088-02

5. *Title: Write Off of Account Receivable Balances*
 Author: David Ransom, City Accountant
 File: A00088-02

CARRIED

11 Votes "For" / Nil Votes "Against"

11.7 Marketing Membership – Bunbury Visitor Centre *(was listed as Item 11.4 on the meeting agenda)*

File Ref:	A01327-02
Applicant/Proponent:	Kristina Knight
Author:	Kristina Knight – Marketing Officer
Executive:	Dom Marzano – Executive Manager City Life

Summary

It is proposed that a formal membership structure be introduced for the Bunbury Visitor Centre that encompasses a series of benefits related to both the Visitor Centre and current marketing program.

The implementation of a membership will allow for greater cooperation and participation by local tourism operators in Visitor Centre and marketing activities. It will also increase the perceived value of services that have previously been offered for free.

Upon joining, members would be required to sign a code of conduct that will clarify the responsibilities of both the Visitor Centre and businesses in regards to bookings and reducing the possibility of conflict.

Membership fees for businesses within the City of Bunbury would be \$88 at the standard level and \$143 at the premium level. These packages include a listing on the visitbunbury.com.au website which is currently charged at \$70 per year.

Other membership benefits would include discounted advertising in the annual Bunbury Visitor Guide, inclusion on familiarisation tours and provision of promotional material such as maps.

Background

Bunbury is unique in that it has not applied membership or marketing fees to Bunbury Local Government Area (LGA) businesses since resuming the management of visitor servicing and destination marketing in 2001. Prior to 2001 there had been membership and marketing fees applied through the organisation known as Tourism Bunbury. This was in addition to funding provided by the City of Bunbury.

It is standard practice for visitor centres to operate from a membership base. Currently the Bunbury Visitor Centre does not have a formal membership structure with businesses located inside the local government area. It does however charge businesses outside the LGA a small fee for brochure racking.

Membership fees are a valuable income stream for most visitor centres and across the south west they range from \$44 (Collie Visitor Centre) to \$700 (top level membership at Busselton Visitor Centre). Membership benefits vary from brochure racking to advertising discounts and inclusion in promotions.

The proposed Marketing Membership fees are low cost compared to the benefits offered. The proposed Marketing Membership provides value for money when compared to other centres.

Strategic and/or Regional Outcomes

The proposed membership structure allows businesses in the surrounding Geographe sub region to become involved in the Visitor Centre and marketing program. This will increase regional cooperation in the promotion of the Greater Bunbury area and position Bunbury as the regional centre.

Fees for businesses outside of the Bunbury LGA would be set 25% higher than businesses located within the City of Bunbury.

The City of Bunbury Tourism Strategy (currently in draft format) was developed following consultation with community, business and stakeholders in the Greater Bunbury area. Stakeholders identified a need for the City of Bunbury to lead the area in regards to tourism. Under the Leadership and Facilitation Action Plan it is recommended that a membership system for operators be developed based on financial membership and/or a cooperative marketing program.

Community Consultation

The proposed membership structure has been informally discussed with tourism operators in Bunbury and the Geographe sub region. Further to this the creation of a membership structure was a key action item identified within the City of Bunbury Tourism Strategy (currently in draft format) that was developed after consultation with community, business and tourism stakeholders.

The proposed membership was discussed at an informal City Promotions Committee meeting (quorum not achieved) on the 18 August 2008. It was well received by members who included Allan Birrell, Chief Executive Officer of Bunbury Chamber of Commerce and Industry and Graham Harvey, Manager of Bunbury Regional Entertainment Centre.

Councillor/Officer Consultation

Councillors and relevant Officers have been consulted through the development of the Tourism Strategy. As members of the City Promotions Committee both Deputy Mayor Stephen Craddock (Chairperson) and Councillor Noel Whittle were involved in discussions on the 18 August 2008.

Analysis of Financial and Budget Implications

The proposed membership structure is not expected to provide a large income but will provide a small revenue stream to help support the Visitor Centre and marketing activities.

Actual values will be dependant on the number of participating businesses but a target of 80 members has been set for the first year.

There will be no major additional expenses incurred in the introduction of this membership structure.

Economic, Social, Environmental and Heritage Issues

The implementation of a membership structure creates a new revenue stream and all money raised through the membership will be directed into the development and support of tourism in the area via the Visitor Centre and marketing program.

Council Policy Compliance

There is no Council policy applicable to the proposal.

Legislative Compliance

There is no applicable legislation.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to undertake actions required by the recommendation listed in this report

Relevant Precedents

There are no relevant precedents

Options

Option 1

Per the recommendation listed in this report.

Option 2

Per the recommendation listed in this report (with amendments as stated by members at the meeting).

Option 3

The introduction of a Marketing Membership NOT be endorsed by Council.

Conclusion

The Marketing Membership will foster greater cooperation and participation between the tourism industry, Visitor Centre and Marketing. Memberships such as the proposed are standard industry practice and its introduction supports the stakeholder recommendations made during the development of the Tourism Strategy (draft).

Recommendation

Council endorse the introduction of a formal membership structure that incorporates benefits linked to the Visitor Centre and cooperative marketing opportunities in line with industry standards.

Outcome – Council Committee Meeting 23 June 2009

During discussion the following points were raised:

- The Manager Bunbury Visitor Centre confirmed that there is a City of Bunbury Tourism Strategy Report that will be presented at next Council Briefing.
- Most visitor centres operate independently of their local councils.
- There will be a standard membership and a premium membership on offer to members.
- One of the benefits of the proposed arrangements will be formalising and standardising agreements that the Visitor Centre has with local businesses and suppliers.

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

The mover and seconder of the motion agreed to amend the wording to remove the word “formal” from before the word ‘membership’ and insert the words “outlines and” before the word ‘incorporates’.

The motion (as amended) was put to the vote and adopted to become the committee's recommendation on this issue.

Committee Recommendation

Council endorse the introduction of a membership structure that outlines and incorporates benefits linked to the Visitor Centre and cooperative marketing opportunities in line with industry standards.

Outcome – Council Meeting 30 June 2009

The committee recommendation as printed was moved Cr Slater, seconded Cr Leigh and adopted to become the Council's decision on this matter:

Council Decision 139/09

Council endorse the introduction of a membership structure that outlines and incorporates benefits linked to the Visitor Centre and cooperative marketing opportunities in line with industry standards.

CARRIED

11 Votes “For” / Nil Votes “Against”

11.8 Notice on Motion – Thommo’s Community Garden (was listed as Item 11.7 on the meeting agenda)

File Ref:	A00217
Applicant/Proponent:	Councillor Wayne Major
Author:	Councillor Wayne Major
Executive:	<i>If adopted refer to:</i> Michael Scott, Executive Manager City Services

Cr Major submitted the following motion for the Council Committee Meeting on 23 June 2009:

“The Council grant funds of \$4,000.00 to the “Thommo’s Community Garden” at a site to be decided by John Carbone, Graeme Morton, Greg Zapotie, Barry Ward, Cindy Archer and Beth Kozyrski.”

Comment – Cr Major

In support of his motion, Cr Major states that:

“The sum of money will allow this small public Committee to purchase a bore pump, timber and irrigation equipment to build a garden to honour Thommo’s name. He had a particular interest in creating a flower garden of high standard. Considering his personal wishes this garden once created will be open to all to visit and help. The owner of his land will honour his name and will not put any restrictions on access.”

Executive Comment

Colin Thomson will be remembered by all who new him as a respected and dedicated member of the City Services Operations Department and a valued employee at the City of Bunbury for over 20 years.

A proposal to formally memorialise Colin’s contribution while working for the City of Bunbury is currently being considered and will be presented for Council’s consideration in due course.

Colin’s care for everyone in the community extended to wanting to create a pensioners garden and he had commenced this as a personal project prior to his untimely passing.

Cr Major’s Motion

The Council grant funds of \$4,000.00 to the “Thommo’s Community Garden” at a site to be decided by John Carbone, Graeme Morton, Greg Zapotie, Barry Ward, Cindy Archer and Beth Kozyrski.

Outcome – Council Committee Meeting 23 June 2009

Cr Major’s motion on notice (as printed) was moved by Cr Major, seconded Cr Steck.

Before debate of the motion the Presiding Member invited public speakers to address the committee.

Mr Tom Smith of 15 Lockridge Road, Gelorup addressed committee members in support of the motion stating the following:

- Colin Thompson was an employee of the City of Bunbury for 20 years and long had the vision of setting up a garden for pensioners with the aim of assisting them to grow their own vegetables.
- Any excess vegetables would be given to charities such as the Salvation Army.
- The garden is made up of 15 plots, each plot being 10m x 10m. It is estimated five pensioners would be required to maintain each plot.
- The site for the garden was chosen due to its location and good soil fertility. He confirmed that the land was not City of Bunbury land.

At this point in the meeting Mr John Thompson (brother of the late Colin Thompson) arrived from Perth. He raised the following points:

- Members of organisation such as the RSL and Woodstock Village (retirement) have indicated a strong interest in this garden project.
- The land is owned privately and the garden would be leased for five years at \$800.00 per year with an option to renew for a further five years at \$400.00 per year.
- The garden has had two water pumps and a shed donated. The \$4000.00 grant is required to put in a water bore costing \$1700.00 and to complete the reticulation installation.
- Each gardener would be charged a fee of \$1.00 per week which would help pay for fuel for the pumps. They would also be required to supply their own gardening tools.
- The Thommo's Garden is in the process of becoming an incorporated body and during this process issues such as public liability cover and volunteer insurance will be addressed.

During discussion, the following points were raised in response to committee members' concerns.

- The Chief Executive Officer confirmed that the City is not being asked to endorse or consent to the community garden and will not be involved in its operations.
- The Executive Manager City Life advised that for consideration under the Community Sponsorship Grants policy, that the "Thommo's Garden" application would need to demonstrate that it provided a social, cultural or

economic outcome for the community. Being incorporated was not one of the criteria that the initiative would be required to comply with.

- In response to queries regarding the zoning of the garden site the acting Executive Manager City Development confirmed that currently the site is zoned 'Parks and Recreation' in the City of Bunbury Town Planning Scheme, and Regional Open Space under the Greater Bunbury Regional Scheme (GBRS). The installation of water bores, reticulation, plants and fences would generally be permitted as they are viewed as permissible improvements to the land. The construction of sheds or anything that could be defined as development under the Planning and Development Act would be a matter to be considered by the Western Australian Planning Commission as the land is zoned 'Regional Open Space' under the GBRS.
- Each Councillor is to receive a copy of the garden's site location map.

At this point the committee members commenced debating the motion that had previously been moved Cr Major, seconded Cr Steck.

During discussion Cr Steck moved a procedural motion that the 'motion be put'. Her motion was carried 8 votes "For" / 4 votes Against. Pursuant to this procedural motion the Presiding Member offered Cr Major the right of reply before putting the motion to the vote where it was adopted to become the Committee's recommendation on this issue.

A request was made for the vote to be recorded:

For: Deputy Mayor Mr S Craddock and Crs Spencer, Leigh, Steck, Punch, Whittle, Slater, Major and Harrop

Against: Crs Kelly, Jones and Rooney.

Committee Recommendation

The Council grant funds of \$4,000.00 to the "Thommo's Community Garden" at a site to be decided by John Carbone, Graeme Morton, Greg Zapotie, Barry Ward, Cindy Archer and Beth Kozyrski.

Outcome – Council Meeting 30 June 2009

The committee recommendation as printed was moved Cr Major, seconded Cr Slater and adopted to become the Council's decision on this matter:

For ease of reference, the Council decision is printed overleaf.

Council Decision 140/09

The Council grant funds of \$4,000.00 to the "Thommo's Community Garden" at a site to be decided by John Carbone, Graeme Morton, Greg Zapotie, Barry Ward, Cindy Archer and Beth Kozyrski.

CARRIED

9 Votes "For" / 2 Votes "Against"

A request was made for the votes to be recorded:

For: Mayor D Smith and Crs Major, Whittle, Leigh, Harrop, Punch, Rooney, Slater and Cr Steck

Against: Cr Jones and Kelly

12. Motions on Notice

Nil

13. Urgent Business *(With Approval of Majority of Members Present as Permitted Under Standing Order 5.1.13)*

Nil

14. Items to be Noted or Endorsed

There were no new items for noting.

15. Confidential Business as Stipulated Under Section 5.23(2) of the Local Government Act 1995

Nil

16. Close of Meeting

The Mayor declared the meeting closed at 6.27pm.

CONFIRMED this day 28 July 2009 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 30 June 2009.

**MR DAVID SMITH
MAYOR**