

Bunbury City Council

Meeting Minutes 18 August 2009



City of Bunbury
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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")

GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
LAP	Local Action Plan
LCC	Leschenault Catchment Council
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 on Tuesday 18 August 2009.

Minutes 18 August 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 6.05pm.

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Council Committee Members	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor S Craddock
Members:	Councillor J Jones
	Councillor B Kelly
	Councillor N Whittle
	Councillor R Slater
	Councillor M Steck
	Councillor A Leigh
	Councillor J Harrop
	Councillor D Spencer
Councillor H Punch	
Executive Management Team (Non-Voting)	
Chief Executive Officer:	Mr G Trevaskis
Executive Manager - Corporate Services:	Mr K Weary
Executive Manager - City Services:	Mr M Scott
Executive Manager - City Development:	Mr G Klem
Executive Manager - City Life:	Mr D Marzano
Council Officers (Non-Voting):	
Project Manager	Stewart Parkinson
Manager Economic & Social Development	Jackie Massey
Sports and Recreation Club Development Officer	Callan Hatchman
Admin Officer:	Ms M Smith

PRESENT (continued)

Others (Non-Voting):	
Members of the Public:	7
Members of the Press:	1

APOLOGIES:

Councillor S Rooney - Leave of Absence 18 August 2009.
Councillor W Major - Leave of Absence from 3 to 23 August 2009 (inclusive)

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

Nil

4. Public Question Time

Mr Alex Marsden, 7 Moore Street, Bunbury

Question 1: Regarding the Item - Proposed New Event – Groovin' The Moo, has the City considered putting the event out to tender?

Response 1: Sunset Events is the organisation holding the event, it is not the City's event. Sunset is seeking from the City sponsorship in the form of a contribution of cash and 'in kind' in the form of road closures and rubbish pick up etc.

Question 2: The amount of money Sunset Events will make will exceed \$100,000.00. Shouldn't the City require a guarantee from them that the City will get the money back?

Response 2: This will be a matter for debate later during the meeting for the councillors. Sunset run the South Bound event in Busselton, Fremantle and at other regional centres around Australia. They have demonstrated that they have the resources and networks to attract the artists. The Council is simply being asked to support the event with \$100,000.00 contribution.

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

Nil

6. Confirmation of Previous Minutes

The minutes of the Council Meeting held 28 July 2009, had been circulated to members prior to the meeting.

Recommendation

The minutes of the Council Meeting held 28 July 2009, be confirmed as a true and accurate record.

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

Council Decision 158/09

The minutes of the Council Meeting held 28 July 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)

Nil

9. Chief Executive Officer Reports/Discussion Topics

Nil

10. Reception of Formal Petitions and Memorials

Nil

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

Pursuant to Standing Order 16.1.1, the Council adopted 'en bloc' (i.e. without discussion) those recommendations listed for items 11.4, 11.5, 11.6, 11.8 and 11.9 of the meeting agenda.

Items 11.1, 11.2, 11.3 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 Quarterly Report on City of Bunbury Strategic Plan Activities for the Year Ended 30 June 2009 *(was listed as Item 11.4 on the meeting agenda)*

File Ref:	A00836
Applicant/Proponent:	Internal Report
Author:	Ron Boardley, Relief Senior Administration Officer
Executive:	Ken Weary, Executive Manager Corporate Services

Summary

This report relates to the City of Bunbury Strategic Plan 2007 - 2012 and recommends that the quarterly report on Strategic Activities for the year ended 30 June 2009 be received.

Background

Council adopted the City of Bunbury Strategic Plan 2007 – 2012 on 6 March 2007. A quarterly report on strategic activities identified in the Strategic Plan for the year ended 30 June 2009 is **circulated to members under separate cover.**

The report lists progress on individual goals and strategies linked to the City's Strategic Plan 2007 – 2012, Five Year Financial Plan 2007 – 2012 and Annual Budget.

The report reflects the six headings contained in the Strategic Plan, as follows:

1. Improve relationships with state, federal and other local governments.
 - 1.1 Place Bunbury and the South West on the Agenda for the Federal Regional Development Council.
 - 1.2 Develop a program of meetings with key State and Federal Government Representatives.
 - 1.3 Develop a regional taskforce with key players.
 - 1.4 Establish a City Vision Implementation Taskforce.

2. Strengthen the City of Bunbury's governance and leadership.
 - 2.1 Improve Accountability.
 - 2.2 Develop a councillor professional development program.
 - 2.3 Implement 5 Year Financial Planning.
 - 2.4 Operate Council's land and facilities portfolio as a capital efficient investment.
 - 2.5 Improve the level and quality of Customer Service.
3. Deliver major capital projects on time and on budget.
 - 3.1 Develop project management framework.
 - 3.2 Have well planned, developed and maintained City Infrastructure.
4. Implement City Vision
 - 4.1 Finalise City Vision Strategy.
 - 4.2 Implement City Vision Strategy.
5. Promote ecological sustainable development of the City's built and natural environment.
 - 5.1 Protect Bunbury's Natural, Cultural and Built Heritage.
 - 5.2 Promote Sustainability and Improve Council's Environmental Performance.
 - 5.3 Provide a cohesive system of integrated land use planning; and
6. Develop Social Capital
 - 6.1 Celebrate and reinforce a positive sense of community.
 - 6.2 Community participation, partnership and support.
 - 6.3 Community planning and infrastructure.
 - 6.4 Community safety.
 - 6.5 Social inclusion and needs.
 - 6.5 Information and Lifelong Learning.

Strategic and/or Regional Outcomes

The report circulated under separate cover lists progress made on the individual goals and strategies linked to the Strategic Plan.

Community Consultation

Community consultation is not necessary on this matter.

Councillor/Officer Consultation

The City's Executive has conducted quarterly reviews on the strategic activities identified in the Strategic Plan.

Reviews for the quarters ended 30 September 2008, 31 December 2008 and 31 March 2009 have previously been circulated to Councillors for information.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications associated with this item.

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not applicable.

Economic, Social, Environmental and Heritage Issues

There are no Economic, Social, Environmental or Heritage Issues associated with this item.

Council Policy Compliance

The proposal does not contravene existing Council policies or work procedures.

Legislative Compliance

Section 5.53 of the Local Government Act 1995 deals with "Annual Reports" and requires that the Annual Report is to include "an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year".

Section 5.56 of the Act deals with "Planning for the future" and states in part that "a local government is to plan for the future of the district".

The review of the City of Bunbury Strategic Plan 2007 – 2012 is an important part of the planning and reporting processes that the City is required to undertake.

Delegation of Authority

There is no delegated authority relevant to this matter.

Relevant Precedents

At the Council Meeting held on 19 August 2008, it was resolved to receive the Strategic Plan Activities Quarterly Report for the year ended 30 June 2008.

Options

Option 1

The City of Bunbury Strategic Plan Quarterly Report for the year ended 30 June 2009 be received.

Option 2

The City of Bunbury Strategic Plan Quarterly Report for the year ended 30 June 2009 be received, with amendments determined by Council.

Conclusion

The report as circulated under separate cover is for the information of Council and advises of progress made on the individual goals and strategies linked to the Strategic Plan.

Recommendation

The City of Bunbury Strategic Plan Quarterly Report for the year ended 30 June 2009 be received.

Outcome – Council Committee Meeting 11 August 2009

Cr Craddock requested an amendment to the wording in the report and recommendation to reflect that the report is a 'quarterly' report of the current Strategic Plan.

The recommendation (as amended) was moved Cr Craddock, seconded Cr Spencer.

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

Committee Recommendation

The City of Bunbury Strategic Plan Quarterly Report for the year ended 30 June 2009 be received.

Outcome – Council Meeting 18 August 2009

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

Council Decision 159/09

The City of Bunbury Strategic Plan Quarterly Report for the year ended 30 June 2009 be received.

CARRIED

11 Votes "For" / Nil Votes "Against"

11.2 Scheme Amendment No 34 – Portion of Primary Distributor Road Reserve - Close of Advertising Period *(was listed as Item 11.5 on the meeting agenda)*

File Ref:	A03763
Applicant/Proponent:	City of Bunbury
Author:	Neville Dowling, (Consultant Strategic Planner)
Executive:	Geoff Klem, Executive Manager City Development

Summary

This Local Planning Scheme Amendment is to rationalise a zoning matter regarding a “Primary Distributor Road” (PDR) Reserve as shown on the City of Bunbury Town Planning Scheme No. 7 (TPS7) Scheme Map in the vicinity of Dardanup Butchering Company Abattoir (DBC) and Wimbridge Road. The subject portion of “Primary Distributor Road” reserve is not required at this location as it is not indicated on the Greater Bunbury Region Scheme map and no longer correlates with the intended path of the Main Roads Western Australia (MRWA) road network within the area (i.e. Willinge Drive and the revised Port Access Road Network). The amendment report is **attached** at Appendix 1.

Background

At its Special Meeting on the 16 February 2000 Council adopted Town Planning Scheme No.7 subject to various modifications. Following on from this resolution, in a letter to the Western Australian Planning Commission (WAPC) dated 23 February 2000, the then Bunbury City Planner advised the WAPC that the section of PDR in the location mentioned above should not be included on the TPS7 Scheme Map.

TPS7 was gazetted on the 13 December 2002 and contrary to Council’s Decision, the section of PDR was included on the scheme map. It is assumed that the PDR was included by the WAPC at the request of MRWA in order to reserve a road corridor connecting Wimbridge Road and Winsor Road to the proposed Port Corridor. Consequently, the subject portion of PDR was intended to be under the control of MRWA as part of the regional road network.

The PDR as shown on the Scheme Map has not been constructed and the location of the PDR is no longer in accordance with the MRWA plans for the Port Access Road network in the area.

On 11 June 2003 a claim for compensation was lodged with the City of Bunbury by the DBC. The claim was for the most part on the basis of TPS7 reserving a portion of their land for the PDR. This claim did not progress as the City indicated to the claimant that the claim should be the responsibility of the WAPC.

The Greater Bunbury Region Scheme (GBRS) was gazetted in November 2007; however, the section of PDR being the subject of this report was not shown on the gazetted version of the GBRS maps, despite it being shown as Primary Regional Roads Reserve on the draft version of the Region Planning Scheme.

In a letter dated 24 April 2009 Lavan Legal, on behalf of DBC, indicated that legal proceedings were to proceed regarding the claim for compensation. Subsequent

legal advice received from Council's solicitors Mcleods (Letter dated 2 June 2009) has advised the City of Bunbury to:

1. Pursue the matter with the DPI to indemnify the City against any compensation that might be payable regarding the PDR reservation, and
2. Proceed as quickly as possible with an amendment to TPS7 to remove the PDR from the TPS7 scheme map. Hence the purpose of this amendment proposal.

In accordance with Council's resolution made at its ordinary meeting 9 June 2009, Scheme Amendment No. 34 was advertised for public comment. Normally the advertising period is for 42 days, however under Regulation 25 (1) (j) (v) of the Town Planning Regulations (1967), the local authority can make a request to the WAPC to have a reduced advertising period of 21 days if the amendment is seen to be an administrative matter to bring the Local Planning Scheme into conformity with the Region Scheme.

Consequently, immediately after approval was received by the EPA to allow advertising of the amendment without the need for any environmental assessment, an emailed request to the WAPC was seeking to have the advertising period reduced to 21 days. The WAPC Team Leader responded within two days of the request and provided a written agreement for a reduced advertising period of 21 days.

Strategic and/or Regional Outcomes

The amendment is considered consistent with the aims and goals of Council's 2007 – 2012 Strategic Plan and the objectives and recommendations of the City Vision Strategy (2007). The amendment is also consistent with the Greater Bunbury Region Scheme.

Community Consultation

Scheme Amendment No. 34 was advertised for a period of 21 days (reduced from 42 days as discussed in the background section). Advertising closed at the end of business on 29 July 2009. The amendment was advertised in accordance with the requirements of TPS7 and the Town Planning Regulations, 1967 (as amended).

The following actions were undertaken to advertise the amendment:

- a sign was placed on the Wimbridge Road reserve for a period of more than 21 days;
- letters were sent to all directly affected and adjoining land owners;
- letters were sent to all the relevant State government departments and servicing authorities;
- public notices were placed in the Bunbury Mail, City Focus section on 15 & 22 July 2009;

- information regarding the amendment was placed on the City of Bunbury website; and
- a copy of the amendment was made available for viewing at the City of Bunbury library.

The closing date for receiving submissions was at the end of business on Wednesday 29 July 2009. All seven the submissions received were from State government agencies, and there were no objections. A copy of the Schedule of Submissions is **attached** at Appendix 2.

Councillor/Officer Consultation

The amendment was compiled by Council's Development Services section following internal discussion and receipt of advice from Council's solicitors McLeods as detailed in the background section of this report. The matter was then presented to Council Committee on 2 June 2009 for consideration of the officers recommendations.

Analysis of Financial and Budget Implications

There are not considered to be any financial or budget implications other than those associated with the current action against the City.

Economic, Social, Environmental and Heritage Issues

There are not considered to be any economic, social, environmental or heritage issues relating to this amendment.

Council Policy Compliance

There are no Council Policies that have any bearing on this amendment.

Legislative Compliance

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.

Following the advertising of the scheme amendment as outlined above, submissions are analysed and the amendment is then submitted back to Council for adoption with or without modifications. The amendment is then forwarded to the WAPC for final approval.

Delegation of Authority

There is no relevant delegation of authority in respect of this proposal.

Relevant Precedents

There are no relevant precedents.

Options

Per the recommendation listed in this report.

There are no alternative options as Section 123 of the Planning and Development Act 2005 prescribes the requirement for Local Planning Schemes to be in conformity with a Region Planning Scheme.

Conclusion

Proposed Scheme Amendment No. 34 has received no objections during the public advertising period. Given that the amendment is simply to remove the presence of a now redundant "Primary Distributor Road Reserve" from the Scheme Map, it is in Council's best interests to support this process and for the matter to be dealt with as expeditiously as possible.

As the matter involves no changes on the ground, has no land use implications and is in essence just the removal of an administrative anomaly, it is recommended that Council resolve to finally adopt the amendment to the Scheme.

Recommendation

1. Council, under and by virtue of the powers of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No. 34 to the City of Bunbury Town Planning Scheme No. 7 to remove the portion of Primary Distributor Road Reserve as indicated on the proposed amendment map.
2. Council to forward the signed and sealed Scheme Amendment No. 34 documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.

Outcome – Council Committee Meeting 11 August 2009

The recommendation was moved Cr Slater, seconded Cr Leigh.

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

Committee Recommendation

1. Council, under and by virtue of the powers of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No. 34 to the City of Bunbury Town Planning Scheme No. 7 to remove the portion of Primary Distributor Road Reserve as indicated on the proposed amendment map.
2. Council to forward the signed and sealed Scheme Amendment No. 34 documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.

Outcome – Council Meeting 18 August 2009

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

Council Decision 160/09

1. *Council, under and by virtue of the powers of the Planning and Development Act 2005 (as amended), hereby resolves to grant final approval to Amendment No. 34 to the City of Bunbury Town Planning Scheme No. 7 to remove the portion of Primary Distributor Road Reserve as indicated on the proposed amendment map.*
2. *Council to forward the signed and sealed Scheme Amendment No. 34 documents to the Minister for Planning via the Western Australian Planning Commission, with a request for final approval.*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.3 Proposed Local Planning Policy – Minor Structures (Including Outbuildings)
(was listed as Item 11.6 on the meeting agenda)

File Ref:	A03657
Applicant/Proponent:	Internal Report
Author:	Ann-Kristin Jank, Planning Officer
Executive:	Geoff Klem, Executive Manager City Development

Summary

In an effort to further improve customer service standards and the approval process of applications for minor structures (including outbuildings), it is considered appropriate that a new Local Planning Policy (LPP) be formulated to provide clear criteria for the assessment of such applications.

This new LPP is intended to give certainty in meeting the Performance Criteria of the Residential Design Codes (R-Codes) and to preserve and enhance the amenity of residential areas by ensuring that minor structures are appropriately located on premises, and that materials used and the design of minor structures are of an acceptable standard.

By providing a balanced range of sizes and heights for minor structures (including outbuildings) depending on the lot size, this policy provides on one hand the possibility for bigger outbuildings than currently acceptable under Acceptable Development Criteria of the R-Codes and on the other hand provides for criteria to preserve and enhance the amenity of residential areas and to limit the visual impact of minor structures that are considered too big or too high within an area of relatively small lot sizes.

The proposed LPP has been advertised for public consultation for a period of 21 days in accordance with Clause 2.3 of the City's Town Planning Scheme No.7 (TPS7) and no submissions have been received.

Background

The report to Council on 14 April 2009 highlighted concerns regarding oversized outbuildings and uncertainty in relation to interpretation of the relevant Performance Criteria of the R-Codes.

The adoption of the LPP will provide clear guidance to landowners, developers and the community at large and consistency in decision making in respect of structures that are not attached to a dwelling.

The LPP embodies the following objectives:

- *To ensure that the Performance Criteria of the Residential Design Codes are appropriately addressed.*
- *To ensure that minor structures (including outbuildings) are appropriately located on premises.*

- *To preserve and enhance the amenity of the area and to limit the visual impact of minor structures (including outbuildings) by controlling building bulk (size and height).*
- *To ensure that materials used, and the design of minor structures (including outbuildings) are of an acceptable standard.*
- *To improve customer service standards through the timely processing of applications for minor structures (including outbuildings).*

This policy will also allow for a flexible approach in considering proposals subject to demonstration that the proposal meets the objectives of the policy. The proposed Local Planning Policy is **attached** at Appendix 3.

Strategic Outcomes

It is considered that the proposed LPP satisfies the general direction of the City's 2007 – 2012 Strategic Plan and in particular in respect of Strategy 5.3 "*Provide a cohesive system of integrated land use planning*", which outlines the importance of a comprehensive and integrated planning system to meet community expectations.

The Recommendation has had regard to City's 2007-2012 Strategic Plan.

Community Consultation

The proposed LPP has been advertised for public comment for a period of 21 days in accordance with Clause 2.3 of TPS7 in that notices of the proposed LPP have been published in a local newspaper that submissions may be made to the City of Bunbury. The LPP was also available for review on the City's website.

In addition Development Services have provided major patio/shed construction companies with a copy of the draft LPP for their information and feedback.

No submissions have been received.

Development Services officers and senior staff have met with individual Councillors to discuss the details of the proposed LPP.

Officer Consultation

The matter has been discussed within Development Services and with the Manager of 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

No significant economic and environmental issues have been identified. It is considered that the proposed LPP will minimise the impact on the amenity of

residential areas and therefore reduce social incompatibility. There are no significant heritage issues that would arise as a result of the proposed LPP (heritage matters will be dealt through applicable LPPs as required).

Council Policy Compliance

No conflict identified with any current Council Policy.

Legislative Compliance

The proposal is in line with TPS7 requirements applicable to LPP matters.

Delegation of Authority

Adoption of a LPP is by a decision of Council.

Relevant Precedents

There are no known precedents in this case.

Possible Options

Option 1 Per Recommendation.

Option 2 Council may resolve not to proceed with the draft Local Planning Policy – “Minor Structures (including Outbuildings)”.

Conclusion

The proposed Local Planning Policy provides supplementary development control mechanisms for the consideration of any structure which is not attached to a dwelling that may detract from the streetscape or the visual amenity of the residential areas of the City.

The proposed LPP has been advertised for public comment for a period of 21 days in accordance with Clause 2.3 of TPS7 in that notices of the proposed LPP have been published in a local newspaper that submissions may be made to the City of Bunbury. And the LPP was also available for review on the City’s website.

No submissions have been received.

One minor modification has been made to refine and improve the draft LPP. Table 1 of the draft policy has been divided into two separate tables for easier reference.

It is recommended that Council resolves to formally adopt the policy.

Recommendation

Council, under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005, hereby resolves to adopt the Local Planning Policy titled – “Minor Structures (including Outbuildings)”.

Outcome – Council Committee Meeting 11 August 2009

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

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 in that behalf pursuant to the Planning and Development Act 2005, hereby resolves to adopt the Local Planning Policy titled – “Minor Structures (including Outbuildings)”.

Outcome – Council Meeting 18 August 2009

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

Council Decision 161/09

Council, under and by virtue of the powers conferred upon it in that behalf pursuant to the Planning and Development Act 2005, hereby resolves to adopt the Local Planning Policy titled – “Minor Structures (including Outbuildings)”.

CARRIED

11 Votes “For” / Nil Votes “Against”

11.4 Advisory Committee and/or Project Control Group Minutes to be Noted 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 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 (15/07/2009)
Author: Jenelle Dunn
File: A00443

Outcome – Council Committee Meeting 11 August 2009

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

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 (15/07/2009)
Author: Jenelle Dunn
File: A00443

Outcome – Council Meeting 18 August 2009

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

Council Decision 162/09

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 (15/07/2009)
Author: Jenelle Dunn
File: A00443*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.5 Items to be Noted (No Discussion) at the Council Committee Meeting *(was listed as Item 11.9 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: Royalties for Regions Program 2008/2009 Project Managers Report No. 4 (1 August 2009)
Author: Stewart Parkinson, Project Manager
File: A03667
2. Title: Building Application / Development Approvals (1 June 2009 to 30 June 2009)
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Schedule of Accounts Paid for the Period 1 July to 31 July 2009.
Author: David Ransom, City Accountant
File: A00083-10

Outcome – Council Committee Meeting 11 August 2009

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

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

(Committee Recommendation in full on following page)

Committee Recommendation

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

1. Title: Royalties for Regions Program 2008/2009 Project Managers
Report No. 4 (1 August 2009)
Author: Stewart Parkinson, Project Manager
File: A03667
2. Title: Building Application / Development Approvals
(1 June 2009 to 30 June 2009)
Author: Gary Fitzgerald, Manager Development Services
File: A00566
3. Title: Schedule of Accounts Paid for the Period 1 July to 31 July 2009.
Author: David Ransom, City Accountant
File: A00083-10

Outcome – Council Meeting 18 August 2009

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

Council Decision 163/09

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

1. *Title: Royalties for Regions Program 2008/2009 Project Managers
Report No. 4 (1 August 2009)
Author: Stewart Parkinson, Project Manager
File: A03667*
2. *Title: Building Application / Development Approvals
(1 June 2009 to 30 June 2009)
Author: Gary Fitzgerald, Manager Development Services
File: A00566*
3. *Title: Schedule of Accounts Paid for the Period 1 July to 31 July 2009.
Author: David Ransom, City Accountant
File: A00083-10*

CARRIED

11 Votes "For" / Nil Votes "Against"

11.6 Community Sport and Recreation Facilities Fund ("CSRFF") Small Grant Applications – South West Sports Centre, Bunbury BMX Club Inc and South Bunbury Cricket Club Inc. *(was listed as Item 11.1 on the meeting agenda)*

File Ref:	A03462: 516092
Applicant/Proponent:	Internal Report
Author:	Callan Hatchman – Sports Club Development Officer
Executive:	Domenic Marzano – Executive Manager City Life

Summary

Council has received two (2) Community Sport and Recreation Facilities Fund ("CSRFF") small grant applications from the City of Bunbury South West Sports Centre requiring Council support. These projects are for:

1. Upgrade of the Olympic Pool Liner and Filtration system.
2. Purchase and installation of two pool blankets for the Olympic and Learn to Swim pools and two Pool Hall ventilation doors.

Council has also received two (2) Community Sport and Recreation Facilities Fund ("CSRFF") small grant applications from local sporting bodies which require Council support and financial assistance. The two organisations concerned are:

1. Bunbury BMX Club Inc.
2. South Bunbury Cricket Club Inc.

The two Club applications would require a cash contribution from Council for referral to the 2009/2010 December budget review should they be successful in obtaining a CSRFF Grant.

Background

The Department of Sport and Recreation ("DSR") administers the CSRFF grant funding program for small, annual and forward-planning grants. Priority is given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability.

The CSRFF Program operates on a reimbursement system. Grantees are required to demonstrate that the project is complete and they have expended the funds equivalent to the full cost of the project before CSRFF grants can be paid in full. CSRFF grants are paid to the grantee only. Applicants will need to ensure they are able to carry the full cost of the project for the period between project completion and CSRFF grant payment.

The maximum CSRFF grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash or in-kind contribution. Furthermore the balances of one-third funds required are to be sourced by the applicant. A

development bonus can be requested by applicants who meet certain criteria which enable CSRFF grants to cover up to 50% of the total project costs.

Applicants must be either a local government authority, not for profit sport, recreation or community organisation and incorporated under the WA Associations Incorporation Act 1987. Clubs must demonstrate equitable access to the public on a short-term and casual basis.

The types of projects which will be considered for funding include:

- Upgrade and addition to existing facilities where they will lead to an increase in physical activity or more rational use of facilities.
- Construction of new facilities to meet sport and recreation needs.
- New or replacement (not resurfacing) of synthetic surfaces. Where an application is made for a new or synthetic surface, evidence of long-term planning for all nearby facilities is required.

It is a requirement that applicants first discuss their proposal with the DSR's Regional Manager to be able to receive the formal application CSRFF form. The DSR will also identify any shortcomings and offer assistance to bring an application up to an acceptable standard.

CSRFF applications for the 2009/2010 financial year close at the end of August 2009 with Local Government Authorities required to assess applications, allocate priorities and rank applications prior to making submissions to the DSR South West Regional Manager by August 31 2009. Successful applicants are expected to be advised in October/ November 2009.

The table below identifies the cost (including GST) of each project together with Council required contribution:

Funding Source	City of Bunbury (SWSC Olympic Pool Liner and Filtration System)	City of Bunbury (SWSC Olympic Pool Blankets and Pool Hall Ventilation Doors)	Bunbury BMX Club Inc.	South Bunbury Cricket Club Inc.
Council Contribution	\$95,238 (Included in 2009/10 budget.)	\$58,608 (Included in 2009/10 budget.)	\$49,982.66 (possible addition of \$12,495.67 if the application to DSR for a development bonus is unsuccessful with balance met by Bunbury BMX Club).	\$25,133.90

Applicant's Cash	\$0	\$0	\$6,051.00	\$13558.90
Voluntary Labour	\$0	\$0	\$18,940.34	\$6975.00
Other (e.g. self-supporting loan)	\$0	\$0	\$0	
Donated Materials	\$0	\$0	\$0	\$1000.00
Other state or federal funding	\$0	\$0	\$0	\$3000.00
CSRFF Grant Requested	\$47,776	\$29,392	\$49,982.66	\$25,133.90
Development Bonus Requested	\$0	\$0	\$24,991.34	\$0
Total Cost of Project	\$143,000	\$88,000	\$149,948.00	\$75,401.70

NOTE: The grant request for the South West Sports Centre projects represents 1/3 of total project budget. Council Contribution requested for the Bunbury BMX Club project represents 1/3 of the total project cost – if their development bonus application is unsuccessful council contribution will represent 42% of total project costs. Council Contribution requested for the South Bunbury Cricket Club project represents 1/3 of the total project cost

The Department of Sport and Recreation requires projects to be rated and ranked by Council using the following criteria:

Project Rating

- Well planned and needed by the municipality
- Well planned and needed by the applicant
- Needed by the municipality - more planning required
- Needed by the applicant – more planning required
- Idea has merit – more preliminary work needed
- Not recommended

Priority Ranking

Each proposal is to be listed as a 1, 2 or 3 priority.

A summary of the applications received together with the proposed project rating and priority ranking is provided in the next table.

Council has the opportunity to amend the project rating and re-prioritise the proposed ranking.

Applicant	Project Summary	Council Funds Required	Proposed Project Rating	Proposed Priority Ranking
City of Bunbury	Purchase of two Olympic pool blankets and installation of pool hall ventilation doors to increase pool efficiency and user comfort. These blankets could potentially save \$57,000 per annum in energy costs; reduce maintenance of the internal structure and save 227 tonnes per annum in CO2.	Yes – Included in SWSC Capital Works 2009/10 Budget.	Well planned and needed by the municipality and supported by an independent energy audit.	1
City of Bunbury	Upgrade pool liner and filtration system at the SWSC. Investigations have indicated that we are losing water through tears in the existing vinyl membrane. Whilst the water loss is significant it is expected to increase as the liner ages.	Yes – Included in SWSC Capital Works 2009/10 Budget.	Well planned and needed by the municipality and supported by an independent energy audit.	2
Bunbury BMX Club Inc.	Install new fencing and security system around the BMX facilities at Hay Park.	Yes	Well planned, a prerequisite to major development, it is in accordance with the recommendations of the City of Bunbury Recreation Plan and Recreation Implementation Plan 2007-12 and it is needed by the municipality.	3
South Bunbury Cricket Club Inc.	Replace four current cricket nets at *Forrest Park with six. Four nets will be locakable with two left open for public use. A storage room will be built onto current club rooms at Forrest Park.	Yes	Well planned with demonstrated need by the applicant and is in accordance with the Recreation Plan and Recreation Implementation Plan 2007-12.	4

* as amended during the Council Committee Meeting 11 August 2009

Investigations have indicated that the South West Sports Centre Olympic Pool is losing water through tears in the existing vinyl membrane. The water loss is significant and is expected to increase as the liner ages.

As part of the South West Sport Centre's annual facility maintenance inspection; one of the three large sand filters for the Olympic Pool has damage to its lateral

membranes that over time will further deteriorate. The damage is from normal wear and tear and 10 years is the current life cycle with sand filters of this type.

The City Of Bunbury commissioned Norman Disney and Young to conduct an Energy Audit of the South West Sports Centre in 2008/9. This report indicated that pool blankets would save at least \$57,000 per annum in energy costs; reduce maintenance of the internal structure and save 227 tonnes per annum in CO2.

By increasing the level of natural ventilation via installing two large doors in the pool hall this would reduce the need to run the supply air fans when the outside temperature was above 27 degrees Celsius. This would increase bather comfort and reduce energy consumption and save further CO2 emissions.

The CSRFF small grant applications received from both the Bunbury BMX Club and South Bunbury Cricket Club are both well presented and represent needed projects within the City of Bunbury. The Bunbury BMX has recently secured a new 21 year lease with Council on 14 April 2009 providing 'in principle' support for the objectives of the Bunbury BMX Club in seeking government support for capital improvements of facilities. The BMX Club fencing project is stage one of a planned major upgrade of the facilities located at Hay Park. Increased security at the venue will enable further developments and will beautify a major entry point into Hay Park.

The South Bunbury Cricket club project will enable an additional two practice nets that will be utilised by the public and cricket club alike. Storage is a major problem at Forrest Park and this project will go a long way to satisfying this need.

It is proposed that:

- Council approve the application by the City of Bunbury South West Sports Centre for purchase of Olympic and Learn to Swim pool blankets and install two ventilation doors within the pool hall.
- Council approve the application by the City of Bunbury South West Sports Centre to undertake upgrades to the Olympic pool liner and Olympic Pool filtration system.
- Council approve the Bunbury BMX Club CSRFF application and refer the allocation of \$49,982.66 (plus an additional \$12,495.67 or 50% of the development bonus depending on application) to the 2009/10 December Budget review on the condition that the Club is successful in obtaining a grant from the CSRFF.
- Council approve South Bunbury Cricket Club's CSRFF application and refer the allocation of \$25,133.90 to the 2009/10 December Budget review on the condition that the Club is successful in obtaining a grant from the CSRFF.

Strategic and/or Regional Outcomes

The proposed construction of facilities on Hay Park and Forrest Park is consistent with Council's Recreation Plan and Recreation Implementation Plan 2007-12 and will facilitate the provision of a wide range of active and passive recreational opportunities for the benefit and well being of the community and the environment.

Community Consultation

Council is not required to undertake community consultation associated with developments proposed under the CSRFF Program. Proponents are required to describe the consultation processes undertaken in relation to their project.

Councillor/Officer Consultation

The Bunbury BMX Club Inc. and South Bunbury Cricket Club have had extensive consultation with the City of Bunbury Sport and Recreation Club Development Officer as well as the Manager of the Southwest Department of Sport and Recreation regional office in putting together their CSRFF application.

Analysis of Financial and Budget Implications

Council's required contributions of \$77,168 to the South West Sports Centre projects are included in the 2009/10 budget. The SWSC projects will save Council in excess of \$57,000 each year in energy costs and improved air-conditioning efficiencies.

If both recommended community submissions were approved by the DSR, \$85,116.56 would need to be sourced through the December budget review. This would enable projects of \$225,349.70 value in the community to be undertaken.
Life-cycle Maintenance Costs (Capital Works Projects Only)

As part of the CSRFF small grants application clubs are required to provide evidence of management planning and how they will support ongoing maintenance costs. These have been provided within the Bunbury BMX and South Bunbury Cricket Club's CSRFF applications.

Economic, Social, Environmental and Heritage Issues

Apart from those discussed above, no economic and social issues have been identified.

No heritage issues have been identified.

Council Policy Compliance

There are no Council policies applicable to CSRFF applications.

Legislative Compliance

The proposal does not contravene any legislative requirements.

Delegation of Authority

Council officers do not have delegated authority to finalise the processing of CSRFF grant applications.

Relevant Precedents

The maximum CSRFF grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash or in-kind contribution. Furthermore the balances of one-third funds required are to be sourced by the applicant. A development bonus can be requested by applicants who meet certain criteria which enable CSRFF grants to cover up to 50% of the total project costs.

Council has previously considered CSRFF grant applications for third parties.

Options

There are no known alternative options in relation to the processing of CSRFF.

Council is required to prioritise projects and may choose to contribute to a single project or any number of projects. A commitment to financially support a project will impact on the 2009/2010 budget. It is strongly recommended that support for a third party application be on the condition that a CSRFF grant is first obtained by that party.

Option 1

Per the recommendation listed in this report.

Option 2

Council do not support the CSRFF small grant applications submitted by the City of Bunbury South West Sports Centre, Bunbury BMX Club and South Bunbury Cricket Club.

Conclusion

The South West Sports Centre is an aquatic centre of regional significance. The Olympic Indoor Pool is approaching 9 years of age. The pool liner and sand filtration system is due for an upgrade.

The SWSC doesn't currently use pool blankets to cover its Olympic or Learn to Swim pool over night. Use of pool blankets would save in energy costs, reduce maintenance costs and reduce CO2 emissions.

Poor natural ventilation as a result of design issues increases running costs and reduces customer comfort during the summer months which affects patronage.

The Bunbury BMX and South Bunbury Cricket Clubs have been strong supporters of the City of Bunbury's Sports Club Development Scheme by attending numerous workshops and seeking out help and information through the scheme to improve the capacity of their clubs. Both of the proposed projects will be of significant value to the clubs and bring many benefits with them.

Recommendation

Part A

City of Bunbury – Olympic Pool Liner and Filtration Upgrade

- 1 Council approves the CSRFF application from the City of Bunbury South West Sports Centre.
- 2 Council ranks the City of Bunbury proposal to upgrade the Olympic pool liner and Olympic Pool filtration system Project Priority 1.

Part B

City of Bunbury – Pool Blankets and Ventilation Doors

- 1 Council approves the CSRFF application from the City of Bunbury South West Sports Centre.
- 2 Council ranks the City of Bunbury proposal to purchase pool blankets to cover the Olympic and Learn to Swim pools and install two ventilation doors in the pool hall Project Priority 2.

Part C

Bunbury BMX Club Inc.

- 1 Council approves the CSRFF application from Bunbury BMX Club Inc.
- 2 Council ranks the Bunbury BMX Club Inc. proposal as CSRFF Project Priority 3.
- 3 Council refers the allocation of \$62,478.33 for the Bunbury BMX Club Inc. to the 2009/10 Budget Review on the condition that the Club is successful in obtaining a grant from the CSRFF.

Part D

South Bunbury Cricket Club Inc.

- 1 Council approves the CSRFF application from South Bunbury Cricket Club Inc.
- 2 Council ranks the South Bunbury Cricket Club Inc. proposal as CSRFF Project Priority 4.
- 3 Council refers the allocation of \$25,133.90 for the South Bunbury Cricket Club Inc. to the 2009/10 Budget Review on the condition that the Club is successful in obtaining a grant from the CSRFF.

Outcome – Council Committee Meeting 11 August 2009

The Presiding Member invited public speakers to address the committee. The following addressed the committee:

- **Mr Tim Wakeling** President of the BMX Club spoke in support of the recommendation and raised the following points:
 - The fence around the perimeter of the Club is in an extremely poor state of repair, as shown in the photographs supplied at the meeting to the committee members (**attached** at Appendix 8). The grant would enable the Club to install a security system and a Palisade fence around the perimeter of the Club's facilities to protect the Club's assets and keep out trespassers. Palisade fencing is preferred as it is not able to be climbed over or cut.
 - The supplier has agreed to keep the quoted price for the Palisade fence fixed until October 2009.
 - Mr Wakeling confirmed that he is aware that if they are successful in obtaining the grant the Council's contribution of approximately \$62,000.00 will be referred to the Budget review which will happen in December 2009.

- **Mr Jason Reid** representing the South Bunbury Cricket Club made himself available to answer questions from the committee and confirmed with the Presiding Member that the description of the Park in which the cricket nets are located on, in Page 20 of the Agenda is incorrect and should read 'Forrest' Park instead of 'Hay' Park.

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

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

Committee Recommendation

Part A: City of Bunbury – Olympic Pool Liner and Filtration Upgrade

- 1 Council approves the CSRFF application from the City of Bunbury South West Sports Centre.
- 2 Council ranks the City of Bunbury proposal to upgrade the Olympic pool liner and Olympic Pool filtration system Project Priority 1.

(Committee Recommendation continued overleaf)

Part B: City of Bunbury – Pool Blankets and Ventilation Doors

- 1 Council approves the CSRFF application from the City of Bunbury South West Sports Centre.
- 2 Council ranks the City of Bunbury proposal to purchase pool blankets to cover the Olympic and Learn to Swim pools and install two ventilation doors in the pool hall Project Priority 2.

Part C: Bunbury BMX Club Inc.

- 1 Council approves the CSRFF application from Bunbury BMX Club Inc.
- 2 Council ranks the Bunbury BMX Club Inc. proposal as CSRFF Project Priority 3.
- 3 Council refers the allocation of \$62,478.33 for the Bunbury BMX Club Inc. to the 2009/10 Budget Review on the condition that the Club is successful in obtaining a grant from the CSRFF.

Part D: South Bunbury Cricket Club Inc.

- 1 Council approves the CSRFF application from South Bunbury Cricket Club Inc.
- 2 Council ranks the South Bunbury Cricket Club Inc. proposal as CSRFF Project Priority 4.
- 3 Council refers the allocation of \$25,133.90 for the South Bunbury Cricket Club Inc. to the 2009/10 Budget Review on the condition that the Club is successful in obtaining a grant from the CSRFF.

Outcome – Council Meeting 18 August 2009

The Committee's recommendation (as printed) was moved Cr Craddock, seconded Cr Spencer.

After some brief discussion, the Mayor put the motion to the vote and it was adopted to become the Council decision on this matter:

Council Decision 164/09

Part A: City of Bunbury – Olympic Pool Liner and Filtration Upgrade

- 1 *Council approves the CSRFF application from the City of Bunbury South West Sports Centre.*
- 2 *Council ranks the City of Bunbury proposal to upgrade the Olympic pool liner and Olympic Pool filtration system Project Priority 1.*

(Council Decision continued overleaf)

Part B: City of Bunbury – Pool Blankets and Ventilation Doors

1. *Council approves the CSRFF application from the City of Bunbury South West Sports Centre.*
2. *Council ranks the City of Bunbury proposal to purchase pool blankets to cover the Olympic and Learn to Swim pools and install two ventilation doors in the pool hall Project Priority 2.*

Part C: Bunbury BMX Club Inc.

1. Council approves the CSRFF application from Bunbury BMX Club Inc.
2. Council ranks the Bunbury BMX Club Inc. proposal as CSRFF Project Priority 3.
3. Council refers the allocation of \$62,478.33 for the Bunbury BMX Club Inc. to the 2009/10 Budget Review on the condition that the Club is successful in obtaining a grant from the CSRFF.

Part D: South Bunbury Cricket Club Inc.

1. Council approves the CSRFF application from South Bunbury Cricket Club Inc.
2. Council ranks the South Bunbury Cricket Club Inc. proposal as CSRFF Project Priority 4.
3. Council refers the allocation of \$25,133.90 for the South Bunbury Cricket Club Inc. to the 2009/10 Budget Review on the condition that the Club is successful in obtaining a grant from the CSRFF.

CARRIED

11 Votes "For" / Nil Votes "Against"

11.7 Proposed Hay Park Athletics Track - Location *(was listed as Item 11.2 on the meeting agenda)*

File Ref:	A03696
Applicant/Proponent:	City of Bunbury
Author:	Stewart Parkinson Project Manager
Executive:	Greg Trevaskis CEO

Summary

Council has been working towards the construction of an Athletics track in Hay Park, following a successful application to the Federal Government CIP programme for grant funds. Simultaneously, a public consultation process is underway regarding the Hay Park Master Plan.

The Athletics Track Site design has commenced based on Council's decision of 3 June 2008 to locate the new facility in Hay Park. To provide certainty and comply with grant providers time frame requirements, Council endorsement of the precise site layout is now required.

Background

Council resolved 106/08 - 3/6/08 to nominate the Dog club area in Hay Park as the preferred location for the track.

Following a review, the preferred location was moved to the southern end of the same area. (Map **attached** at Appendix 4). The reason for this relocation being:

- Relocating the facility adjacent to the Netball courts allows sharing of a proposed new grandstand between Athletics and Netball.
- This site minimises displacement of existing users. Archery currently uses the site. A number of potential sites to relocate Archery on Hay Park have been identified.
- Retention of the Dog club in its present facility – no disruption.
- Retention of a large multi purpose area to the north of the Athletics Track for the potential use by Football, hockey, soccer, rugby, circus and Rock concerts.

Strategic and/or Regional Outcomes

The Strategic objectives relevant to this issue include:

- Strategic Objective 3 - Deliver Major Capital Projects on Time and on Budget
- Strategic Objective #6: Develop Social Capital
Strategy 6.3: Community planning and infrastructure
- City Vision Strategy Soc 7 – Promote and facilitate sport and recreational activities for all age groups and ensure the facilities and access is appropriate for each type of user.

Community Consultation

Stakeholder consultation regarding the Athletics Track has been held. The Community Interest Group has met twice to consider the project, on 26 May 2009 & 20 July 2009. Copies of the minutes are **attached** at Appendix 5.

Councillor/Officer Consultation

This agenda item is the outcome of discussions held at the Council briefing on 4 August 2009.

Analysis of Financial and Budget Implications

Determination of the Athletic Track location will allow the design & construction process to proceed with certainty. Currently the project is on schedule and on budget.

Economic, Social, Environmental and Heritage Issues

The provision of a Regional Athletics Facility is anticipated to draw in visitors & users from surrounding areas and create opportunities to host state level events.

Council Policy Compliance

No policy issues.

Legislative Compliance

Nil

Delegation of Authority

Nil

Relevant Precedents

Nil

Options

Option 1

Endorse the location of the Bunbury Regional Athletics Track on Hay Park to be immediately north of the Netball courts, as per plan ARUP plan 'CS02 - Hay Park Regional Athletics Track'.

Option 2

Relocate the Athletics Track elsewhere.
This recommendation is not supported by the executive

Conclusion

The proposed location of the Athletics track has minimal impact on current user groups at Hay Park and will provide additional facilities of value to the existing users. All displaced users will be accommodated.

Recommendation

That Council endorse the location of the Bunbury Regional Athletics Track on Hay Park to be immediately north of the Netball courts as per plan ARUP plan 'CS02 - Hay Park Regional Athletics Track'.

Outcome – Council Committee Meeting 11 August 2009

The Presiding Member invited public speakers to address the committee. The following addressed the committee:

- **Mr Wally Cook** representing the Bunbury Dog Club addressed the members confirming that his club is not opposed to the recommendation but it is concerned that during the construction of the track that there may be vehicles reversing across and damaging the Dog Club's grounds.

The Presiding Member reassured Mr Cook that the City would take steps to manage this issue.

- **Ms Suzanne Howard** representing the Bunbury Netball Club Association raised the following concerns:
 - As far as she is aware, the Club has not been consulted adequately regarding the plans. She requested that all club presidents receive a copy of minutes in relation to any meetings regarding the relocation and final plans of the Athletics Track.
 - She would like to see the existing MB Smith Clubrooms retained.
 - She is concerned that there will be a loss of playing courts.

In response to Ms Howard's concerns the CEO advised as follows:

- It was confirmed that a representative from the Bunbury Netball Club Association had been attending meetings this year with the City regarding the proposed plans.
- The outcome concerning the MB Smith clubrooms will not be known until the detailed plans are completed - the Association will be actively involved in the consultation process.
- There will be no loss of courts and the new shared clubroom facilities will be four times larger than their current premises. It will also have expanded change rooms, meeting room, kitchen and a function area.

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

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

Committee Recommendation

That Council endorse the location of the Bunbury Regional Athletics Track on Hay Park to be immediately north of the Netball courts as per plan ARUP plan 'CS02 - Hay Park Regional Athletics Track'.

Outcome – Council Meeting 18 August 2009

The Committee's recommendation (as printed) was moved Cr Steck, seconded Cr Spencer.

In response to a councillor's question asking if the City will be required to contribute in capital costs, the CEO confirmed not at this stage as the costs are within the budget thus far. The budget is made up of \$2m from the Federal Government and \$1.6m from the State Government.

Project Manager Stewart Parkinson confirmed that the City met with the Bunbury Netball Association President on 17 August 2009 to discuss their concerns. As a result, the concept plans will be amended to address the issues raised.

The motion (as printed) was put to the vote and adopted to become the Council's decision on this matter:

Council Decision 165/09

That Council endorse the location of the Bunbury Regional Athletics Track on Hay Park to be immediately north of the Netball courts as per plan ARUP Plan 'CS02 - Hay Park Regional Athletics Track'.

CARRIED

11 Votes "For" / Nil Votes "Against"

11.8 Proposed Hay Park Soccer Pitch Upgrade – Location *(was listed as Item 11.3 on the meeting agenda)*

File Ref:	A03568
Applicant/Proponent:	COB
Author:	Stewart Parkinson Project Manager
Executive:	Greg Trevaskis CEO

Summary

Council has been working towards the construction of a premier standard soccer pitch in Hay Park, following a successful application to the Federal Government CIP programme for grant funds. Simultaneously, a public consultation process is underway regarding the Hay Park Master Plan.

The Soccer pitch upgrade design has commenced based on a certain location as indicated in the draft Master Plan. To provide certainty and comply with grant providers time frame requirements, Council endorsement of the site is sought.

Background

The Soccer fraternity are keen for Council to develop a Premier standard soccer pitch at Hay Park which will open up opportunities for Bunbury to host league level games in the south west. A recent State League review has been undertaken, as part of this review it will become mandatory for State League Clubs to have facilities that meet a strict set of criteria by 2012, if these criteria are not met by this date then the respective clubs will not be able to compete at this level. The proposed Master Plan for soccer at Hay Park will accommodate the State League requirements.

The proposed location for the soccer pitch is shown on the plan – ‘Hay Park South Precinct, Proposed Field Layout’ sketch HB-00-07 July 2009, from McNally Newton Landscape Architects (**attached** at Appendix 6).

The proposed location was selected because:

- It is in an area already used by Soccer
- It allows for access and future car parking with minimal additional roadwork's or site works
- It does not compromise the flexibility of use of the large playing area to the south.
- It can be developed in the future to incorporate a Lark Hill style two sided grandstand.
- Stage 1 of the project (pitch only) can be useable immediately on completion – no additional roads of car parking required.
- Will provide a new base for soccer and be managed under the direct control of Council.

The design is nearing completion and on schedule in terms of the funding providers requirements.

Both Soccer and Hockey are major users of the Hay Park Southern precinct playing turf. They, by necessity, have to overlap and share the grounds on occasions. As the new facility will be built and managed by Council, the City will be able to schedule and coordinate an annual program to ensure all users can conduct their events with a minimum of inconvenience.

Strategic and/or Regional Outcomes

The Strategic objectives relevant to this issue include:

- Strategic Objective 3 - Deliver Major Capital Projects on Time and on Budget
- Strategic Objective 6: Develop Social Capital
Strategy 6.3: Community planning and infrastructure
- City Vision Strategy Soc 7 – Promote and facilitate sport and recreational activities for all age groups and ensure the facilities and access is appropriate for each type of user.

Community Consultation

The two main user group stakeholders for this project are the Soccer clubs and the Hockey Association. There has been ongoing consultation with the Soccer clubs, in particular the South West Phoenix football club, and the site is generally acceptable to them.

A site visit to the Lark Hill stadium in Rockingham was held on 25 March 2009, attended by the Mayor and Phoenix president John Mcleery. This facility was considered a suitable model for the Hay Park proposal.

There are booking/ pitch allocation issues to be finalised between the three clubs following completion of the new pitch, however this will not affect the location of the new pitch.

Consultation with the Hockey Association has occurred.

A meeting with the Association committee was held on 14 July 2009 at which a pitch layout, generally as indicated on the map, (Appendix 6), was agreed. (Minutes **attached** at Appendix 7).

On 5 August 2009, correspondence received from the Association President indicated that the Association were not satisfied with this layout and wanted further changes to the layout to maximise the availability of Hockey pitches in close proximity to the Hockey Pavilion for their once per year Hockey Carnival. They suggest placing the new soccer facility to the south end of the precinct.

The concerns have been reviewed by Staff and the following points are made:

- Council is developing what could become a \$5 million premier soccer facility. This facility must be located so it is adequately serviced and accessed in an effective manner.
- The Hockey association can accommodate all their regular fixtures on the two synthetic turfs and the five turf pitches already existing in the vicinity of the pavilion.

- The associations need for additional pitches (they have requested up to 16 pitches) occurs only once per annum during the Hockey Carnival. There are ample locations in Hay Park where these pitches can be located.
- Their suggested location of the new soccer pitch (to the south end of the precinct) will incur car parking issues, access issues, site works issues and result in the loss of flexibility in the use of this currently large turf area.
- The new facility is intended to be available for soccer mainly but also for rugby, hockey and T-ball.
- At the meeting on 14 July 2009 Council indicated its preparedness to consider assisting the Association in securing funding for their high priority capital works requirements – a replacement synthetic surfacing for one pitch and additional car parking off Parade Rd.

Councillor/Officer Consultation

This agenda item is the outcome of discussions held at the Council briefing on 4 August 2009.

Analysis of Financial and Budget Implications

Determination of the new Soccer Pitch location will allow the design & construction process to proceed with certainty. Currently the project is on schedule and on budget.

Economic, Social, Environmental and Heritage Issues

The provision of a premier standard Soccer Facility is anticipated to draw in visitors & users from surrounding areas and create opportunities to host state level events.

Council Policy Compliance

No policy issues.

Legislative Compliance

Nil

Delegation of Authority

Nil

Relevant Precedents

Nil

Options

Option 1

Endorse the location of the Soccer Pitch upgrade on Hay Park as per plan 'Hay Park South Precinct, Proposed Field Layout' sketch HB-00-07 July 2009, McNally Newton Landscape Architects

Option 2

Relocate the Soccer Pitch elsewhere.
This recommendation is not supported by the executive

Conclusion

The proposed location of the Soccer Pitch Upgrade is optimal in terms of incorporating the full development of the facility – the grandstand, car parking, and road access. It has minimal impact on the current user groups (Soccer and Hockey) Adjustments to the fixtures can be accommodated within the new pitch layout by good management of the facility. Hockey's requirement for many pitches during the annual Hockey Carnival will be accommodated as has been the case in past years.

Recommendation

That Council endorse the location of the Soccer Pitch upgrade on Hay Park as per plan 'Hay Park South Precinct, Proposed Field Layout' sketch HB-00-07 July 2009, McNally Newton Landscape Architects.

Outcome – Council Committee Meeting 11 August 2009

At the invitation of the Presiding Member the following people addressed the committee members:

- **Mr Earl Yates** representing the Country Coastal Junior Soccer Club confirmed they are supportive of the recommendation but would like reassurance from the City that the six soccer pitches will be the correct size. He was also concerned about how close the south end pitches are to the Five Mile Brook.

The CEO confirmed that the site has been correctly surveyed and the dimensions of the six soccer pitches meet the required DSR guidelines.

- **Mr John McCleary** representing the South West Phoenix Football Club also confirmed the club's support for the recommendation and commended the City on its consultation with the Club. He stated the new pitches will allow local young players the ability to train and play locally instead of having to travel to Perth regularly - soccer in the region is growing and there are currently approximately 5500 registered participants. Currently none of the facilities in the South West comply with the standard for state league games under metropolitan competition rules with which the Club will need to adhere to by 2012.

- **Mr Ivan Garic** represented the Bunbury United Football Club Inc. spoke in favour of the recommendation and also put forward his three concerns being:
 - The club would like confirmation that it will not lose its club rooms.
 - The Club has spent a lot of money on new lighting towers. It will not be able to afford to relocate them if required.
 - The size and in particular the length of the new pitches will be too short. The preferred length is 110 metres.

The CEO confirmed as follows:

- Currently there is a master plan for all facilities in the southern section of Hay Park which will be fully developed over some years. The plan can accommodate (in accordance with the DSR guidelines) six senior pitches.
 - There are no plans for the Club rooms other than to continue with the current lease.
 - The lighting towers will eventually require relocation subject to availability of funding and in accordance with provision contained in the master plan.
- **Mr Robert Burns McNab** represented the Bunbury & Districts Hockey Association. He read from a letter that had been forwarded to the City by the Association commenting on the revised plan and the Association's preferred location of the pitches and car park. He confirmed that the Association could function with the proposed plan as is.

Cr Craddock requested that members receive a copy of the letter from Mr McNab to the City and also a copy of the site survey from the City Services Project Manager.

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

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

Committee Recommendation

That Council endorse the location of the Soccer Pitch upgrade on Hay Park as per plan 'Hay Park South Precinct, Proposed Field Layout' sketch HB-00-07 July 2009, McNally Newton Landscape Architects.

Outcome – Council Meeting 18 August 2009

The Committee's recommendation (as printed) was moved Cr Spencer, seconded Cr Leigh.

During discussion councillors considered the following documents tabled at the meeting (attached at Appendix 9):

1. Memorandum dated 18 August from Project Manager Stewart Parkinson.
2. Letter from Bunbury & Districts Hockey Stadium Inc. dated 5 August 2009.

3. Letter from Bunbury & Districts Hockey Stadium Inc. dated 17 August 2009.
4. 'Hay Park Field Location Plan – Option 2 (17-08-2009)

At the invitation of the Mayor Mr John McCleary from the South West Phoenix Football Club addressed the members of the Council in support of the City's proposal.

In response to the Hockey Club's correspondence dated 17 August 2009, The Project Manager advised as follows:

- Three of the four soccer club representatives support the City's proposal.
- Whilst on Plan HB – 00-07 the pitches are specifically labelled for soccer or hockey, in practice the pitches are shared between the sporting codes.
- The proposed soccer pitch upgrade facility is a major development worth in the order of \$ 4 million. It needs to be adequately serviced for parking and requires vehicle access to service the grandstand.
- The Hocket Club alternative location is restricted in terms of vehicle access and parking.
- The new facility will be developed in two stages. The first being the development of the pitch. The 2nd stage is the development of the grandstand.
- The two way grandstand design requires the building to be located mid field. Vehicle access to the grandstand will necessarily cross the playing field. This design operates safely at the Lark Hill stadium in Rockingham.
- The Hockey Clubs alternative proposal will also result in pockets of playing area too small for standard size pitches.
- Concerns regarding the capacity of the area to the south of the proposed facility to accommodate six soccer pitches has been checked and found to be adequate.

The motion was put to the vote and adopted to become the Council's decision on this matter:

Council Decision 166/09

That Council endorse the location of the Soccer Pitch upgrade on Hay Park as per plan 'Hay Park South Precinct, Proposed Field Layout' sketch HB-00-07 July 2009, McNally Newton Landscape Architects.

CARRIED

11 Votes "For" / Nil Votes "Against"

11.9 Proposed New Event – Groovin’ The Moo *(was listed as Item 11.7 on the meeting agenda)*

File Ref:	A03619
Applicant/Proponent:	Sunset Events
Author:	Jackie Massey, Manager Economic and Social Development
Executive:	Domenic Marzano, Executive Manager City Life

Summary

The City has been invited by Sunset Events to consider a proposal to hold a Groovin’ the Moo (GTM) concert in Bunbury in May 2010 and to contribute financially towards the cost of the event.

The event will be held on 15 May 2010, and a contribution of \$100,000 towards the cost of holding the concert in 2010 is required. Similar contributions will be required to host the event in the future.

Background

GTM concerts have been established as regional music festivals in NSW and Queensland with considerable success. The proposal is to bring the concept to regional West Australia.

GTM concerts aim to host Australia’s top artists along with increasingly high profile international artists. Through GTM’s national media coverage on Triple J each individual event is promoted across Australia, bringing economic benefits and profile building for each regional centre.

The organiser of the event in WA will be Sunset Events who have a significant track record in delivering musical events e.g. the Southbound Festival in Busselton.

Sunset Events propose to hold this event on 15 May 2010 on the Pat Usher Foreshore Reserve and Graham Bicknell Shell commencing at midday and finishing at 11pm. The target market is 16 to 28 year olds.

An event application has been lodged with the City covering all the standard requirements such as insurance, traffic management, health etc. Particular care has been taken to address noise issues through an assessment by an acoustic engineer and follow-up discussion with the Manager Environmental Health. Subject to Council’s approval of the event, Sunset Events will be advised of all requirements and conditions applicable to their application.

As Sunset Events will need to start booking acts by September, Council is asked to indicate at this stage whether it supports the proposal to proceed.

Attached in a report circulated under **separate cover** for Councillors’ information are the following documents:

- Council briefing presentation by Sunset Events.
- Funding Discussion Document – Groovin’ the Moo.
- Economic Impact Report by Edge Tourism and Marketing.
- Sunset Events biography.

As indicated at the Council briefing on 4 Aug, Sunset Events are looking for financial contributions to this event from a range of sources including local and state government and business. The CEO has been in discussion with Sunset Events about a possible contribution from the City. As Councillors will be aware, it was decided not to proceed with the Bunbury International Jazz Festival in 2009 and to seek to develop a new iconic event for Bunbury through a community engagement process. Recommendations arising from this process will be submitted to Council in September for the development of an event in 2011. In the meantime, there are savings of approximately \$40,000 from the Events 08/09 budget and a similar amount can be made available from the 09/10 Events budget given the likely timing of the new iconic event (2011). These savings with some additional funds identified by the CEO mean that the City would be able to contribute \$100,000 towards this event in 2010. The SWDC is considering a proposal to contribute \$50,000 towards the event. Sources of funding have not as yet been identified for future years, however may be identified through the Council's budget process.

The City Promotions Committee was provided with an outline of the proposal at its meeting on 20 April 2004. Members were supportive of a full proposal being submitted to Council for consideration.

Strategic and/or Regional Outcomes

This proposal is in accordance with Strategic Objective 6 "Develop Social Capital" of the City's Strategic Plan 2007-12. The proposed event relates to Strategy 6.1: Celebrate and reinforce a positive sense of community.

Community Consultation

The community has not been consulted about this proposal. However, Sunset Events propose to involve the Bunbury community in the preparation and delivery of the event.

Councillor/Officer Consultation

This proposal has been discussed by the City Promotions Committee at its meeting on 24 April 2009. It has also been discussed with the Deputy Mayor, the CEO, the Marketing Officer, the Events Officer, the Events Scheduling Officer and the Manager Environmental Health.

Analysis of Financial and Budget Implications

As indicated earlier, there are sufficient savings to fund the City's contribution to this event for 2010 (\$100,000). Sources for funding for future years will need to be identified through future budget processes. Once the event is established, the City would be entitled to a direct financial return on its investment from year 4 onwards through an agreed amount per ticket to be negotiated with GTM partners and the City.

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not applicable.

Economic, Social, Environmental and Heritage Issues

The Council briefing document provided by Sunset Events details economic and social benefits for Bunbury of holding this event.

Council Policy Compliance

There is no Council policy applicable to this proposal.

Legislative Compliance

Not applicable.

Delegation of Authority

The Chief Executive Officer does not have the delegated authority to undertake the actions listed in the recommendations in this report.

Relevant Precedents

There are no relevant precedents.

Options

Option 1

Per the recommendation listed in this report.

Option 2

Not to proceed with the proposal from Sunset Events to hold a Groovin' the Moo concert in Bunbury in May 2010

Conclusion

The proposal from Sunset Events to hold a Groovin' the Moo concert in Bunbury provides an opportunity for the City to "import" a ready-made successful event which has already established a track record and reputation in its target market. Advice from Eventscorp to City staff and to the City Promotions Committee is that "importing" a successful event is a good approach when seeking to deliver a new event. Hosting the event in Bunbury will provide significant economic and tourism benefits for the City, through direct expenditure by concert-goers, use of local suppliers and building the City's profile through the media at a national level.

Recommendation

1. Council accept the proposal from Sunset Events to hold a Groovin' the Moo concert in Bunbury on 15 May 2010;
2. Council contribute \$100,000 towards the cost of holding the concert in 2010 and make similar contributions in the future, to be determined through Council's budget process.

Outcome – Council Committee Meeting 11 August 2009

Cr Slater moved Option 2 (in place of the recommendation printed in the agenda). The motion was seconded by Cr Harrop (pro forma).

During the lengthy discussion of the motion, the following points were raised:

For:

- Sunset Events have successfully operated these events for years. There have been no reports of significant antisocial behaviour occurring after the events. The consumption of alcohol is regulated.
- The majority of people moving into the City are between 21 – 35 years old and the City needs an event like this to cater for them and encourage these young people to settle in this region.
- The City has an obligation to cater for all residents including its youth.
- With one of the main attractions of this event being attendance of well known national and international bands, the event is expected to benefit the local economy through the attraction of a larger audience.

Against:

- The event promotes alcohol and is not alcohol free. There has been no consultation with the Police, Health Services or the community, nor any comments from the City's advisory groups.
- There has been no report on the costs to the City in regards to transport, cleaning up and possible antisocial behaviour from concert goers after the event is finished. There are also no figures showing how long it will take to recoup the costs, nor how much Sunset Events will be contributing, and how much they are planning to take out of any profits. It is a large cost to the City.
- Event organisers will not be using local bands or radio stations.
- No information has been provided on why the event is proposed for the South West. It was held in Albury in the state of Victoria in 2006 and 2007 only.
- The tickets are expensive and this may deter some people from attending.
- A lack of information given to committee members in the report in relation to:
 - The outcome / success of the same event in other cities.
 - The City's total contribution in-kind.
 - Parking and accommodation for the concert goers.

At this point Cr Craddock foreshadowed an alternative motion as follows:

“Council gives in principle support for the Groovin the Moo concert proposed to be held in Bunbury on May 15 May 2010 subject to:

1. *Council's total contribution, including in-kind support, being \$100,000.00*

(Alternative motion continued overleaf)

2. *The Proponents submitting a detailed strategy in consultation with Council officers to address the shortfall of suitable camping accommodation to the satisfaction of Council.*
3. *The Proponents submitting a plan for increased post concert security in the CBD to the satisfaction of Council.*
4. *Council's possible contribution to the 2011 concert being subject to an evaluation of the 2010 event as part of the 2010/2011 process".*

The motion moved Cr Slater, seconded Cr Harrop was put to the vote and defeated 2 Votes "For" / 7 Votes "Against".

Discussion then took place on the foreshadowed motion, moved by Cr Craddock, seconded by Cr Punch.

During discussion the mover and seconder agreed to the following amendments:

- Point 1 - remove the word '*being*' and replace with '*not exceed*'.
- Point 3 - remove the wording '*in the CBD*'
- Add a Point 5 to read: '*That the proposal be referred to the Youth Advisory Council for their comment and advice*'.

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

Committee Recommendation

Council gives in principle support for the Groovin the Moo concert proposed to be held in Bunbury on May 15 May 2010 subject to:

1. Council's total contribution, including in-kind support, not exceed \$100,000.00
2. The Proponents submitting a detailed strategy in consultation with Council officers to address the shortfall of suitable camping accommodation to the satisfaction of Council.
3. The Proponents submitting a plan for increased post concert security to the satisfaction of Council.
4. Council's possible contribution to the 2011 concert being subject to an evaluation of the 2010 event as part of the 2010/2011 process.
5. That the proposal be referred to the Youth Advisory Council for their comment and advice.

Outcome – Council Meeting 18 August 2009

During discussion councillors considered the two memorandums given to them by the Executive Manager City Life and the Youth Development Officer (attached at Appendix 10).

The Committee's recommendation (as printed) was moved Cr Punch, seconded Cr Leigh (pro forma) to become the substantive motion under discussion.

Cr Kelly moved, seconded Cr Slater a procedural motion that Standing Order 21.1 be put to temporarily suspend all Standing Orders (with the exception of Standing Order 11) in order to permit free and open debate. The motion was put to the vote and carried 8 Votes "For" / 3 Votes "Against".

During discussion the following points were raised:

- Cr Craddock moved, seconded Cr Spencer an amendment to Point 1 to delete the words '*in principle*'. The mover and seconder agreed to the amendment.

Cr Craddock stated that the proponents advised it would not satisfy their requirements if the words 'in principle' remained in the decision as they needed to know whether or not the proposal was definitely approved in order for them to be able to proceed to book acts in September.

In response to councillors' queries as to the meaning of the term 'in principle' the Mayor stated that the term in this case does not seem to be relevant because it indicates the four conditions under which Council would be willing to proceed. For the record any removal of those words are not intended in this case to mean that the proponents can do what they like other than those four conditions. They will still have to satisfy all the normal conditions that would apply to the use of those spaces by any group.

The Chief Executive Officer stated that 'in principle' normally means applications would be incomplete and that the City would still have to make a final decision later. In this case if 'in principle' is removed it will mean Sunset Events will have a clear understanding and that there is an approval in place providing conditions are met to the satisfaction of council. If 'in principle' remains then it would then have to come back to Council for a final decision.

- Cr Kelly suggested an amendment to delete Point 5 from the motion as the proposal had been referred to the Youth Advisory Council for its comment. Cr Craddock agreed to incorporate the amendment into the motion.
- Cr Kelly foreshadowed an amendment to Point 2 of the motion to replace the words '*in consultation with*' with the words '*to the satisfaction of Council*' after the word 'strategy'.
- The Mayor foreshadowed a new Point 5 to read as follows:
'Such other conditions that may be required to meet standards normally applied by the City to manage major events at the proposed venues.'

The Mayor put the two amendments proposed by Crs Kelly and Craddock during discussion to the vote separately, the outcome of the votes was as follows:

- Cr Craddock's amendment was carried 6 Votes "For" and 5 Votes "Against".
- Cr Kelly's amendment was carried 9 Votes "For" and 2 Votes "Against".

Discussion then resumed and the following took place:

- Cr Kelly moved, seconded Cr Leigh, the foreshadowed amendment to Point 2. The Mayor put this to the vote and it was carried 9 votes "For" and 2 votes "Against".
- Cr Craddock moved and Cr Kelly seconded the Mayor's amendment (as listed above) to add a new Point 5 to the motion under discussion.
- Cr Harrop foreshadowed an additional Point 6 to read that: *'The proponents provide free drinking water for all patrons'*.

Mr Andrew Chernov representing Sunset Events addressed the council members and answered their questions.

Following further discussion:

- The amendment moved Cr Craddock, seconded Cr Kelly to add a new Point 5 to the motion was put to the vote and carried.
- Cr Kelly moved, seconded Cr Slater to resume the Council Standing Order 1.1 be resumed. The Mayor put the motion to the vote and it was carried unanimously.

Crs Harrop and Spencer left the room at 8.15pm and returned at approx 8.25pm.

- Cr Harrop moved and seconded Cr Kelly the additional Point 6 referred to previously be added to the substantive motion. The Mayor requested that Cr Harrop also consider adding the word *'budget'* after the numbers *'2010/2011'* to Point 4 of the motion. The Mayor put these two to the vote separately and each was carried.

Cr Kelly left the room at 8.41pm and returned at approximately 8.45pm.

At the end of discussion the Mayor then put the substantive motion moved Cr Punch and seconded Cr Leigh (as amended) to the vote in two parts.

- Parts 1 – 5 was carried. It was requested the votes be recorded:
For: Crs Spencer, Leigh, Punch, Whittle, Craddock, Jones and Kelly.
Against: Mayor D Smith, Crs Steck, Slater and Jones.
- Part 6 was carried 7 Votes "For" and 4 Votes "Against".

(For ease of reference the final decision is as follows overleaf)

Council Decision 167/09

Council gives support for the Groovin the Moo concert proposed to be held in Bunbury on May 15 May 2010 subject to:

- 1. Council's total contribution, including in-kind support, not exceed \$100,000.00*
- 2. The Proponents submitting a detailed strategy to the satisfaction of Council Officers in consultation to address the shortfall of suitable camping accommodation to the satisfaction of Council.*
- 3. The Proponents submitting a plan for increased post concert security to the satisfaction of Council.*
- 4. Council's possible contribution to the 2011 concert being subject to an evaluation of the 2010 event as part of the 2010/2011 budget process.*
- 5. Such other conditions that may be required to meet standards normally applied by the City to manage major events at the proposed venues.*
- 6. The proponents provide free drinking water for all patrons.*

CARRIED

12. Motions on Notice

Nil

13. Urgent Business

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 9.00pm

At the meeting of the Bunbury City Council on 8 September 2009, these minutes were confirmed as a "true and correct record" of the proceedings of the Council Meeting held on 18 August 2009.

Signed for and on behalf of the Council by:

Mayor D Smith