

Bunbury City Council

Notice of Meeting and Agenda 7 February 2017



CITY OF BUNBURY
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Western Australia
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Nature of Council's Role in Decision Making

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

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

Bunbury City Council Notice of Meeting

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 7 February 2017 at 5.30pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 3 February 2017)

Agenda

7 February 2017

Note: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

Council Members:

Mayor Gary Brennan
Deputy Mayor Brendan Kelly
Councillor Wendy Giles
Councillor James Hayward
Councillor Judy Jones
Councillor Jaysen Miguel
Councillor Michelle Steck
Councillor Karen Steele
Councillor Sam Morris
Councillor Betty McCleary
Councillor Monique Warnock
Councillor Joel McGuinness
Councillor Murray Cook

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

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

3. Announcements from the Presiding Member

4. Attendance

4.1 *Apologies*

4.2 *Approved Leave of Absence*

5. Declaration of Interest

Cr Jones declared an impartiality interest in item 10.4.1 of the agenda *Retrospective Application of Solar Panels and Solar Hot Water System at Lot 54, #49 Stirling Street, Bunbury* as she is a Board Member of the Stirling Street Arts Centre.

6. Public Question Time

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

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

6.1 Public Question Time

6.2 Responses to Public Questions Taken 'On Notice'

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 24 January 2017 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 24 January 2017 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 Heritage Advisory Committee Minutes

Summary

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

1. Title: Heritage Advisory Committee Minutes – 13 January 2017
Author: Lacey Brown, Strategic Planning Officer (Heritage)
Appendix: MTBN-1

Council Committee Recommendation

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

1. Heritage Advisory Committee Minutes – 13 January 2017

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, upon receiving a petition, the Council is to

- a) Receive the petition and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings; or
- b) Reject the petition

8.2 *Presentations*

8.3 *Deputations*

8.4 *Council Delegates' Reports*

8.5 *Conference Delegates' Reports*

9. Method of Dealing with Agenda Business

10. Reports

10.1 *Recommendations from Advisory Committees*

Nil

10.2 Chief Executive Officer Reports

10.2.1 2017 City of Bunbury Election

Applicant/Proponent:	Internal
Author:	Greg Golinski, Manager Governance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The City of Bunbury has conducted its ordinary elections via postal vote since 1997. The purpose of this report is for Council to consider appointing the Western Australian Electoral Commissioner to be responsible for the conduct of the 2017 City of Bunbury Mayoral and Councillor elections.

Executive Recommendation

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Absolute Majority required

Strategic Relevance

Key Priority Area 5: Corporate
Objective 5.1: Facilitate community and stakeholder participation in decision-making

Background

Correspondence has been received from the WA Electoral Commission (WAEC) seeking a Council decision as to whether the City of Bunbury wishes to conduct its 2017 ordinary elections as a postal election. The *Local Government Act 1995* does not make provision for postal elections to be carried out by anyone other than the Western Australian Electoral Commissioner.

The City first engaged the WAEC to conduct a postal election in 1997, and has used postal voting for every ordinary election thereafter.

Council Policy Compliance

There is no Council policy applicable to this matter. As the decision to appoint the Electoral Commissioner as being responsible for the conduct of an election must be by an Absolute Majority, Council cannot form a policy position in this regard for Officers to implement outside of Council's formal decision-making processes.

Legislative Compliance

Sections 4.20(4) and 4.61(2) of *the Local Government Act 1995* apply.

Officer Comments

Since being introduced as part of the proclamation of the “new” *Local Government Act* in 1995, postal elections have become increasingly popular with local governments throughout the State, largely due to increased voter turnout and participation figures.

As an example, the voter participation rate for the 2015, 2013, 2011 and 2009 City of Bunbury ordinary elections was 29.2%, 35.5%, 31.1%, and 35.05% respectively. The last two in-person ordinary elections held prior to 1997 attracted participation rates of approximately 11% for each. Further, in 2006 and 2008 Extraordinary Elections were held that were conducted as in person elections, where the voter turnout was 1.8% and 2.3% respectively.

Postal voting has been used in Bunbury for ordinary elections since 1997, with little evidence of complaint from members of the public, as well as a significantly higher voter participation rates.

Postal voting is more user-friendly than in-person elections, where electors receive their ballot papers well in advance of Election Day, and can return them via post, which is of great benefit to those who work on Saturdays and those who are otherwise unable to attend in person.

Analysis of Financial and Budget Implications

The WAEC has estimated the cost to hold the 2017 City of Bunbury election via postal vote to be \$92,000.

Provision has been made in the City’s Integrated Financial Plan for this purpose (project PR-2429), and will be considered by Council for approval as part of 17/18 budget deliberations.

Councillor/Officer Consultation

Not applicable.

10.2.2 Schedule of Accounts Paid for 1 December 2016 to 31 December 2016

Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1 Schedule of Accounts Paid

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 December 2016 to 31 December 2016 has been issued to elected members at Appendix CEO-1.

The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$6,875,734.04
2. Advance Account – payments totalling \$3,843,935.42
3. Trust Account – payments totalling \$14,418.72
4. Visitor Information Centre Trust Account – payments totalling \$21,942.65
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$280,739.26
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$306,634.31

Executive Recommendation

The Schedule of Accounts Paid for the Period 1 December 2016 to 31 December 2016 be received.

10.2.3 Financial Management Report for the Period Ending 31 December 2016

Applicant/Proponent:	Internal Report
Responsible Officer:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-2: Statement of Comprehensive Income Appendix CEO-3: Statement of Financial Activity Appendix CEO-4: Statement of Net Current Assets Appendix CEO-5: Statement of Financial Position Appendix CEO-6: Capital Works Expenditure Summary Appendix CEO-7: Operating Project Expenditure Summary

Summary

The following comments are provided on the key elements of Council's financial performance.

- Statement of Comprehensive Income (**attached** at Appendix CEO-2)
 Actual Financial Performance to 31 December 2016 (refer explanations within the report)
 - Actual income of \$48.88M is \$200K greater than the year-to-date budgeted income of \$48.68M.
 - Actual expenditure of \$20.82M is \$2.03M less than the year-to-date budgeted expenditure of \$22.85M.
 - Actual operating surplus of \$28.06M is \$2.23M more than the year-to-date budgeted operating surplus of \$25.83M.
- Statement of Financial Activity (**attached** at Appendix CEO-3)
 Closing Funding Surplus to 30 June 2017 is forecast at \$417K, which is \$40K less than the Current Budget Closing Funding Surplus of \$457K. This will be included in the February 2017 Budget Review.
- Statement of Financial Position (**attached** at Appendix CEO-5)

Council's year-to-date and forecast balances are as follows:

	Year-to-date	Forecast
* Current Assets of \$62.06M includes:		
- Cash and Investments	\$48.08M	\$26.86M
- Rates	\$12.47M	\$0.81M
- Other Current Assets	\$1.51M	\$1.93M
* Current Liabilities of \$8.59M includes:		
- Trade and Other Payables	\$2.92M	\$4.63M
- Annual Leave and LSL Provisions	\$3.44M	\$3.91M
* Working Capital (Current Assets less Current Liabilities)	\$53.47M	\$18.75M
* Equity (Total Assets less Total Liabilities)	\$603.44M	\$581.11M

4. Capital Works (***attached*** at Appendix CEO-6)
 - Actual capital works of \$7.49M is \$4.84M less than the year-to-date budgeted capital works of \$12.33M, (refer explanation within report).
5. Operating Project Expenditure (***attached*** at Appendix CEO-7)
 - Actual operating project expenditure of \$1.36M is \$429K less than the year-to-date budgeted operating project expenditure of \$1.78M, (refer explanation within report).

Executive Recommendation

The Financial Management Report for the period ending 31 December 2016 be received.

Strategic Relevance

Key Priority Area 5: Corporate
Objective 5.3: Ensure financial sustainability

Background

A financial management report is provided to Councillors on a monthly basis which includes the following summaries:

- Statement of Comprehensive Income (***attached*** at Appendix CEO-2)
- Statement of Financial Activity (***attached*** at Appendix CEO-3)
- Statement of Net Current Assets (***attached*** at Appendix CEO-4)
- Statement of Financial Position (***attached*** at Appendix CEO-5)
- Capital Works Expenditure Summary (***attached*** at Appendix CEO-6)
- Operating Projects Summary (***attached*** at Appendix CEO-7)

These summaries include end-of-year forecasts based on a monthly review of year-to-date income and expenditure for all accounts.

Council Policy Compliance

Not applicable.

Legislative Compliance

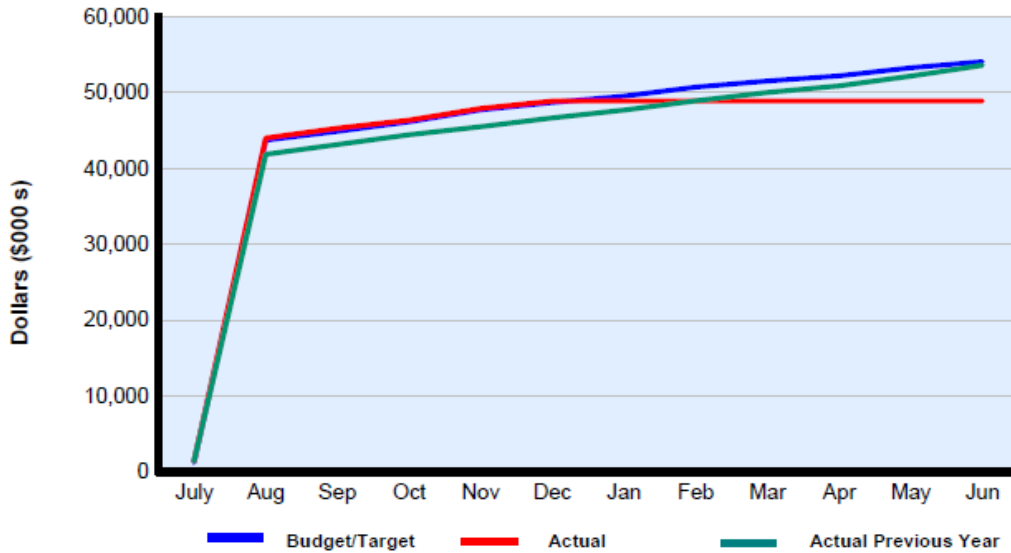
In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (***attached*** at Appendix CEO-4) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22(1)(d) for this month.

At the Special Council Meeting 27 July 2016, Council adopted that a variance between actual and budget-to-date of greater than or equal to 10% and \$25,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2016/17.

Officer Comments

The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how the actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.

Operating income (\$000's)

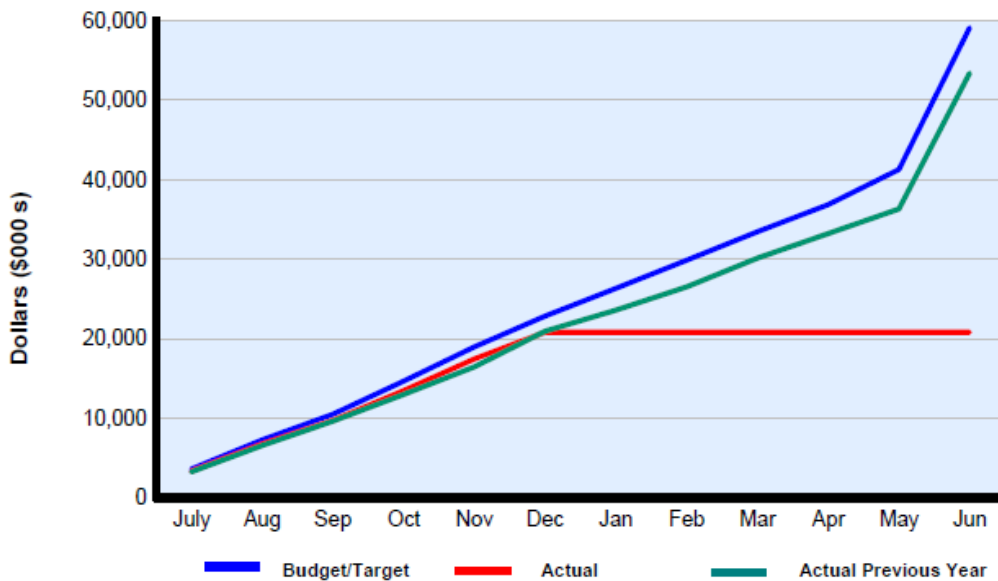


Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.

Actual income of \$48.88M is \$200K greater than the year-to-date budget income of \$48.68M.

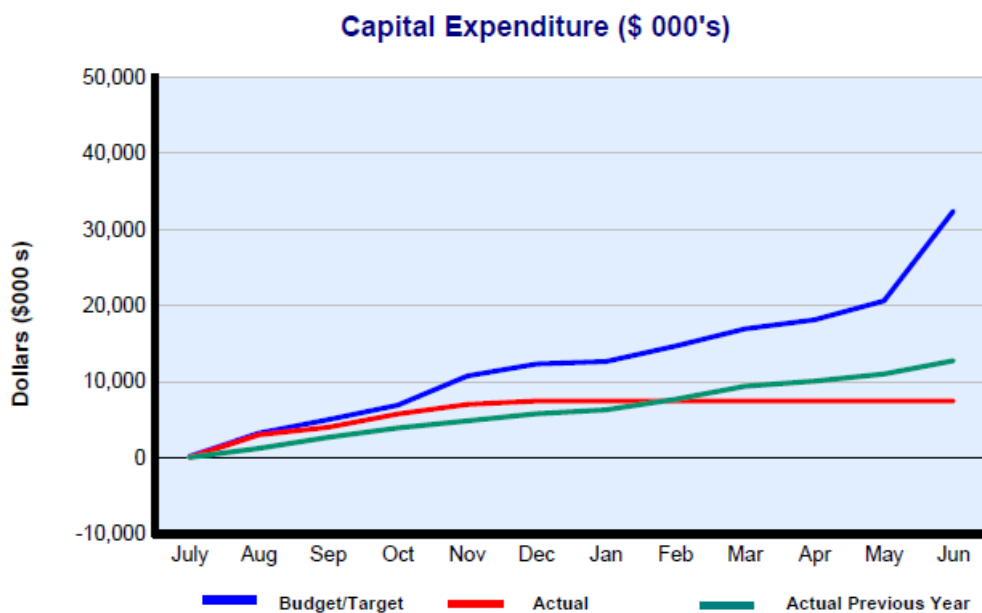
Explanations for this variance are included in this report.

Operating expenditure (\$000's)



Note: Actual operating expenditure for both base and operating projects is \$2.03M under the year-to-date budget due to timing of works commencing.

Explanations for this variance are included in this report.



Note: The capital expenditure variance to the end of December 2016 of \$4.85M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council.

The following is an explanation of significant Operating and Capital variances identified in the Statement of Comprehensive Income and Statement of Financial Activity:

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
Rates <i>Interim Rates</i> – Unfavourable year-to-date variance of \$12K, this is forecast to increase \$30K by 30 June 2017. This has been included in the February Budget Review.	\$11,083 0.03%
Contributions, Reimbursements and Donations <i>Contribution Income</i> – Favourable year-to-date budget variance of \$31K mainly due to contributions of \$7.5K from other councils from hosting “The Challenge of the Gift” seminar and a \$24K dividend payment from the City’s insurance provider (to be transferred to the insurance reserve). Forecast changes have been made and will be included in the February Budget Review. <i>Reimbursement Income</i> – Favourable year-to-date budget variance of \$44K mainly due to a lease document preparation legal reimbursement of \$19K, workers compensation reimbursements of \$7K, an insurance reimbursement of \$4K and higher than anticipated government paid parental leave \$14.6K being received. Forecast changes have been made and will be included in the February Budget Review.	\$75,161 14%

Operating Expenditure	
<p>Materials and Contracts <i>Material Expenditure</i> - Favourable year-to-date variance \$195K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p> <p><i>Contract Employment Expense</i> – Favourable year-to-date variance of \$35K, this expenditure has not been required to date. This will be monitored on a monthly basis.</p> <p><i>Consultants Expenses</i> - Favourable year-to-date variance \$300K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p> <p><i>Contractors Expenses</i> - Favourable year-to-date variance \$647K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p> <p><i>Software License or Maintenance Expenditure</i> - Favourable year-to-date variance \$52K, mainly due to the timing of operating expenditure. This will be monitored on a monthly basis.</p>	<p>\$1,260,978 19%</p>
<p>Utilities <i>Water Expenses</i> – Favourable year-to-date variance of \$32K mainly due to the timing of invoices. This will be monitored on a monthly basis.</p>	<p>\$116,750 8%</p>

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	<p>\$211,675 1.6%</p>
Operating Expenses	
Favourable variance. See explanation above included in the Statement of Comprehensive Income variances.	<p>\$2,031,813 9%</p>
Capital Expenses	
<p>Acquisition of Assets – The favourable year-to-date variance is mainly due to the timing of expenditure for the following projects:</p> <p>PR-2625 - Widen formation and reconstruct embankment Koombana Drive - \$2.94M</p> <p>PR-2288 - Replace corporate heavy plant 2016/17 - \$390K</p> <p>PR-4165 - Develop a detailed design for a Cultural Precinct - \$365K</p> <p>PR-2481 - Reconstruct and improve drainage in Spencer St - \$260K</p> <p>PR-4147 - Upgrade of parking machines - \$221K</p> <p>PR-1483 - Construct cycleway link Bussell Highway - \$152K</p> <p>PR-4149 - Implement State CCTV Strategy Infrastructure - \$111K</p> <p>PR-3647 - Renew drainage line Ecclestone St to Kelly St - \$102K</p> <p>PR-4012 - Upgrade and segmentation of network structure - \$100K</p> <p>PR-2104 - Reseal Blair Street Carpark - \$85K</p> <p>PR-3612 - Design and construct Bunbury SES headquarters - \$68K</p> <p>Refer to Capital Expenditure report for project details.</p>	<p>\$4,846,988 39%</p>

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications for the 2016/17 financial year. Any forecast changes noted will be included as part of the February 2017 Budget Review.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

Council's Executive Leadership Team, Department Managers and Finance staff monitor the City's monthly revenue and expenditure and (as required) refers any variances requiring remedial action to Council.

Approved budget amendments are recorded in the financial statements to reflect Council's current budget and financial position at all times.

10.2.4 Reporting of Council Policy – City Officer Infringement Withdrawal

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

Summary

The purpose of this report is for Council to be informed of any requests received that resulted in the withdrawal of an infringement relating to a City of Bunbury staff member or Elected Member in accordance with Council's Policy "Infringement Withdrawal".

Executive Recommendation

That in accordance with the Council Policy "Infringement Withdrawal", Council note the withdrawal of one (1) infringement issued to a City Officer employed at the South West Sports Centre.

Background

The Policy Review and Development Committee considered the Infringement Withdrawal policy at its meeting held on 21 April 2016, which was subsequently adopted by Council at the meeting of 17 May 2016.

Council Policy Compliance

This report is in accordance with the Council Policy.

Legislative Compliance

Division 2 of Part 9 of the Local Government Act 1995 deals with Enforcement and Legal Proceedings.

Section 9.10 of the Act enables a local government to appoint authorised persons to perform particular functions. The City's local laws define an authorised person as a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under the local law.

Officer Comments

Council's Policy requires that Council be notified where the application for the withdrawal of an infringement is from an Elected Member or a City Officer, and the determination made by the Chief Executive Officer or person authorised by the Chief Executive Officer to determine such applications is that the infringement be withdrawn.

The City received an appeal from a South West Sports Centre (SWSC) staff member to withdraw one (1) infringement received on 6 January 2017. The staff member was attending the Council Administration Building to conduct council-related business, and parked her vehicle in the Council allocated bays on Wittenoom Street.

The outcome of the investigation resulted in the infringement being withdrawn, as the infringement was issued incorrectly due to the staff member conducting council business at the time.

The SWSC staff member has been advised that the parking bays on Wittenoom Street are strictly allocated to operational vehicles belonging to departments from this building and requested that staff from outside areas utilise other parking facilities when attending the City Administration Building.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications arising from this report.

Community Consultation

There is no community consultation impacting on this report.

Councillor/Officer Consultation

This report emanates from compliance with Council's policy on the matter.

10.2.5 Camping Grounds Report

Applicant/Proponent:	Internal report
Responsible Officer:	Felicity Anderson, Manager Major Projects and Property
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-8: Report on Budget Camping Grounds

Summary

The Camping Grounds Working group was established in response to Council decision 129/16. Following a series of meetings to address the Terms of Reference, the report and recommendations as ***attached*** at Appendix CEO-8 has been completed for Council's review and consideration.

Executive Recommendation

That Council:

1. Notes the "Budget Camping" Report
2. Accepts the eight (8) Key Recommendations as identified within this report.

Strategic Relevance

Key Priority Area No. 3 Natural and Built Environment
Objective No. 3.4 Facilitate urban design, diversity of land uses and enabling infrastructure

Key Priority Area No. 4 Regional Economy
Objective No. 4.2 Create an environment that will attract new business.

Key Priority Area No. 4 Regional Economy
Objective No. 4.3 Promote Bunbury as a place that supports commercial, residential and social development.

Background

A request was received seeking the investigation into the establishment of budget caravan sites around the City that resulted in a report to Council 19 April 2016.

The April report noted there were a number of commercial operators within the City boundaries which provide a range of services from tent sites through to on-site cabins. However it was identified there was a growing trend for self-contained caravaners to look for free or budget priced caravans to enable them to travel at cheaper rates and for longer. This was noted as a growing market and whilst there were many free or cheaper camping areas outside of the City boundary, it was noted this does not assist in attracting additional tourism to the City.

The outcome of the April report recommended setting up a Working Group to investigate options.

The terms of reference identified for the Camping Grounds Working Group were:

1. Identification of the current situation and opportunities;
2. Review current legislative framework and opportunities;
3. Identify commercial benefits;
4. Address compliance and enforcement matters;
5. Identify implementation and marketing plan

Whilst much discussion was undertaken during meetings that fell outside of these terms of reference, this report focuses strictly on the identified terms

Council Policy Compliance

There is no relevant Council Policy.

Legislative Compliance

As part of investigations and discussions consideration was given to Section 11 of the Caravan Park and Camping Grounds Regulations 1997 (WA).

Officer Comments

The eight (8) Key recommendations are as follows:

Recommendation 1

The City of Bunbury request a Bunbury-Wellington & Boyup Brook regional review into caravan and RV friendly applications as well as free and low cost camping options through the Bunbury- Wellington & Boyup Brook Tourism Strategy and/or the Greater Bunbury Growth Plan. This should include:

- a. Identification of free and low cost camping sites within the region;
- b. Investigate and determine regional promotion of caravan parks and free/low cost camping sites within the region;
- c. Investigate and determine a collective Bunbury-Wellington & Boyup Brook position to address compliance and enforcement matters for illegal camping. This is to ensure consistency of message and visitor experience;
- d. Investigation and implementation of caravan and RV friendly day-time access, parking, information and signage throughout the Bunbury-Wellington & Boyup Brook region;
- e. Develop a Bunbury-Wellington & Boyup Brook Regional Marketing and Implementation Plan, to include a specific Bunbury-Wellington & Boyup Brook Regional Signage Strategy; and
- f. Support a review of perceived adverse regulations for park operators. That is regulations that do not take into consideration self-contained campers when applying ratio requirements for built infrastructure provision. e.g. showers/toilets.

Recommendation 2

The City of Bunbury consider its formal position in regards to free and low cost camping following the proposed Bunbury-Wellington & Boyup Brook review into caravan and RV friendly applications.

Recommendation 3

The City of Bunbury consider aligning its future marketing plans with the Wellington & Boyup Brook Tourism Strategy following the proposed Bunbury-Wellington & Boyup Brook review into caravan and RV friendly applications.

Recommendation 4

The City of Bunbury review its level of compliance and enforcement actions regarding free camping options following the proposed Bunbury-Wellington & Boyup Brook review into caravan and RV friendly applications.

Recommendation 5

The City of Bunbury allocate and mark up “RV –Friendly” parking bays at locations around Bunbury’s CBD to encourage visitation of this market segment to Bunbury’s CBD.

Recommendation 6

The City of Bunbury further investigate and report the options (including partnerships with agencies or private sector)and including costs associated with the establishment and ongoing management of “Turkey Point” as a low cost camping option with basic infrastructure based on DPaW’s “Camp Host” model.

Recommendation 7

The City of Bunbury to further investigate and prepare a detailed concept report and plan addressing operational application, infrastructure needs and costs associated for “limited” and “restricted” low cost self-contained only camping at Cobblestone Carc . The report should include any known or perceived impact upon the existing nearby residents and businesses including Koombana Bay Caravan Park.

Recommendation 8

The City of Bunbury acknowledge that existing regulations may appear to adversely impact on opportunities for existing caravan park operators to diversify and economically adapt to market forces e.g. self-contained campers. The City will participate in discussions with operators and support them in working with the existing Legislation.

On a number of occasions the members of the working group held differing opinions and positions during discussion. It is fair to say whilst there was open and at times robust discussion; there was rarely overall agreement or consensus.

What was identified and agreed was that the City of Bunbury should not consider the establishment of free or low cost camping options in isolation from the broader Bunbury-Wellington & Boyup Brook Tourism Region.

With the Greater Bunbury Growth Plan and new Bunbury-Wellington & Boyup Brook Regional Tourism Strategy, this is one project for the Greater Bunbury region and regional tourism that should be addressed by working together to leverage opportunity and maximise economic returns to the region, in a cost effective manner.

Analysis of Financial and Budget Implications

The noting of this report has no cost implications however officers may be required to provide further resource time to participate in and further investigate matters relating to the recommendations made.

Community Consultation

The working group included representative from the following businesses and organisations.

South West Development Commission (SWDC)
Bunbury Chamber of Commerce and Industries (BCCI)
Glade Caravan Park
Koombana Bay & Bunbury Village Caravan Parks
Caravan Industry Association of WA (CIAWA)
Campervan and Motorhome Club of Australia (CMCA)
City of Bunbury (Health)
City of Bunbury (Parking, enforcement and compliance)
City of Bunbury (Major Projects and Property)
City of Bunbury (Assets and Infrastructure)

A copy of draft report was provided to all working group participants for comment prior to the report being provided to Council for consideration, with only several minor amendments requested.

Councillor/Officer Consultation

The CEO and relevant officers have participated as part of the Working Group. This item seeks to inform Council.

10.3 Director Corporate and Community Services Reports

10.3.1 Bunbury Event Advisory Group Composition

Applicant/Proponent:	Internal Report
Author:	Lucy Wiseman, A/Manager Tourism, Events, Wildlife Park
Executive:	Stephanie Addison Brown, Director Corporate and Community Services
Attachments:	Nil

Summary

At its meeting on Wednesday 18 January 2017, Councillor Joel McGuinness resigned from his position as Councillor Representative and Chair of the Bunbury Event Advisory Group (BEAG). This report seeks Council approval to not replace this position prior to the October 2017 election at which time member positions are to be reviewed as per the BEAG terms of reference.

Bunbury Events Advisory Group Recommendation

That Council:

1. Note the resignation of Cr McGuinness from the Bunbury Event Advisory Group.
2. Agree to maintain the vacant Councillor position on the Bunbury Event Advisory Group until the October 2017 election.

Strategic Relevance

Key Priority Area 1: Community and Culture
Objective 1.4: Increase participation in sport and leisure activities
Objective 1.5: Celebrate and recognise the richness of our arts, culture and heritage

Key Priority Area 4: Regional Economy
Objective 4.1: Maintain support for local business
Objective 4.2: Create an environment that will attract new business

Background

The BEAG was established by Council in February 2014 with the aim to attract, support and promote events that deliver community and economic benefit and add vibrancy to the Bunbury Geopraphe region. The BEAG is an advisory group of Council who report to the City's Chief Executive Officer.

The group comprises of the following representatives:

- Director Corporate and Community Services, City of Bunbury (non-voting member)
- Manager Tourism, Events and Wildlife Park, City of Bunbury (non-voting member)
- Senior Events Officer, City of Bunbury (non-voting member)
- Three (3) City of Bunbury Councillors (voting members)
- Bunbury Chamber of Commerce and Industries Representative (voting member)
- Bunbury Regional Entertainment Centre Representative (voting member)
- Tourism Representative (voting member)
- Four (4) Community Representatives (voting members)

At its meeting on Wednesday 18 January 2017, Councillor Joel McGuinness resigned from his position as Councillor Representative and Chair of the BEAG. The BEAG voted unanimously to recommend that the vacant Councillor Representative position not be replaced prior to the October 2017 election. Additionally, BEAG Members voted to recommend that the two remaining Councillor Representatives being Cr Sam Morris and Cr Monique Warnock rotate chairing the meetings until the October 2017 election.

Council Policy Compliance

There are no Council policies applicable to this report.

Legislative Compliance

Not applicable, as the BEAG is not a formally constituted Committee of Council.

Officer Comments

The BEAG meets quarterly, with only three meetings remaining prior to the October 2017 Council elections. As per the BEAG terms of reference adopted by Council on 26 July 2016 (Council Decision 248/16), membership composition is to be reviewed every second year in line with Council elections.

Due to the upcoming Council election and considering two Councillors are still members of the BEAG, the remaining BEAG Members consider it appropriate for the third Councillor Representative position to remain vacant at this time.

Community Consultation

This agenda item was discussed at the BEAG meeting on Wednesday 18 January 2017 with a unanimous vote in favour of not replacing the position, and the remaining Councillor Representatives rotating the Chair position until the October 2017 elections.

10.4 Director Planning and Development Services Reports

10.4.1 Retrospective Application for Solar Panels and Solar Hot Water System at Lot 54, #49 Stirling Street, Bunbury

File Ref:	5/2016/274/1
Applicant/Proponent:	Gerard Michael and Kelly Lee Murphy
Responsible Officer:	Teshome Tadesse, Planning Officer
Executive:	Mal Osborne, Director Planning and Development Services
Attachments:	Appendix DPDS-1: Development Plans/Photographs/Stirling Street Heritage Area Map

Summary

A retrospective application for development approval has been received for the retention of solar panels (5.95m x 3.28m) on the primary street elevation of Lot 54 #49 Stirling Street, Bunbury. The proposal also includes a hot water system on the side (west) roof (2.43m x 2.63m). The lot is located within the Stirling Street Heritage Area.

The position of the solar panels on the primary elevation represents a variation to the existing and draft Local Planning Policy for the Stirling Street Heritage Area, and hence, the Heritage Advisor considers that the development does not comply with the intent of either of the adopted or draft policy position. The application was therefore referred to the Heritage Advisory Committee, which recommends approval in this particular case.

On balance, having regard to the length of time the solar panels have been in situ (four years), the fact that the solar panels are flush with the roof plain and north facing to maximise the efficiency of the panels, and that the dwelling is setback when viewed from the street, the development can be recommended for approval.

Executive Recommendation:

That Council, in accordance with the Planning and Development Act 2005 (as amended), resolves to approve the retrospective development application for solar panels and hot water system at Lot 54, #49 Stirling Street, subject to all development being in accordance with the approved development plans (***attached***) which form part of this development approval.

Strategic Relevance

Key Priority Area 1: Community and culture
Objective 1.5: Celebrate and recognise the richness of our arts, culture and heritage.

Key Priority Area.3: Natural and built environment
Objective 3.2: Mitigate and adapt to the possible impacts of climate change

Background

A summary table of details relating to the subject site is as follows:

Property Address:	Lot 54 (#49) Stirling Street, Bunbury
Zoning:	Residential Zone (R15/40)
Existing Land Use:	Single House
Lot Area:	610m ²
Heritage	Located within the Stirling Street Heritage Area, as defined in the Local Planning Policy.

The subject property is characterised by a well maintained front garden, including two large trees at the front. The dwelling is setback from the primary street further than adjacent properties reducing its prominence in the streetscape. It is noted that the dwelling to the east of the lot also features solar panels on the north primary street elevation. The City has no record of a development approval for the installation of the panels.

The development plans and photographs accompanying the application together with a map of the Stirling Street Heritage Area are **attached** at DPDS1.

The applicant has provided the following information to support the development:

'I have found out recently (after reviewing the Draft East Bunbury Heritage Plan) that I was required to apply to put the panels onto the roof prior to them being installed.

They were placed on the roof facing the street on advice from the installer to enable the best access (north face) for the panels to work to their optimum, providing extra energy for our house and exporting power back into the South West Grid. This in turn has significantly cut our power use and carbon footprint'

The applicant has confirmed to the City of Bunbury at a site meeting that moving the solar panels to an alternative siting would not be viable and the application should be determined in its current form.

Council Policy/Legislative Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are applicable to the assessment of this application for development approval:

- *Planning and Development Act 2005 (as amended);*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Bunbury Town Planning Scheme No.7 (TPS7);*
- *Local Planning Policy: Stirling Street Heritage Area; and*
- *Draft Local Planning Policy: East Bunbury Heritage Area.*

Officer Comments

The main issue for consideration is whether the installed solar panels would adversely affect the heritage value of the Stirling Street Heritage Area.

Residential Design Codes (R-Codes)

Outside of heritage areas the deemed-to-comply provision of the R-Codes (clause 5.4.4, C4.1) permits solar panels on the roof of dwellings and does not prohibit solar panels on the primary street elevation. This is made clear in the explanatory text (clause 7.4) which states:

‘The location of solar collectors determines their efficiency; hence their positioning needs to be site-specific and is therefore permitted as of right.’

The R-Codes therefore encourages the efficiency of solar collectors where maximum benefits can be achieved.

However, in this case the environmental benefits need to be balanced against the heritage value of the area and identify whether the degree of impact is acceptable.

Local Planning Policy: Stirling Street Heritage Area and Draft Local Planning Policy (LPP): East Bunbury Heritage Area

The current policy does not explicitly reference solar panels; however, the development would be considered under the following broad requirement:

‘To ensure that new buildings, alterations and additions can be accommodated within the area without adversely affecting the Stirling Street Heritage Area’s cultural significance’.

The City of Bunbury is currently finalising a draft local planning policy now referred to as East Bunbury Heritage Area. The draft policy proposes to include a performance based assessment and deemed-to-comply provisions. One of the requirements (clause 9.12), which is also relevant to the current retrospective application, states in the following terms:

‘Desired Development Outcomes:

Incidental items such as television aerials, satellite dishes, solar panels (or solar collectors etc.) should be located away from the primary street in order to minimise their impact on heritage buildings and the wider East Bunbury Heritage Area.’

The proposal is therefore inconsistent with the draft policies deemed-to-comply requirements and the variation is to be considered on its merits.

Comments from Heritage Advisor

The Heritage Advisor is of the view that the retrospective application cannot be supported at the current location for the reason that it would set a precedent in the Stirling Street Heritage Area. The heritage advisor argues that if the City of Bunbury were to approve solar panels on the primary street frontage then the cumulative impact of solar panels on the Stirling Street Area would be noticeable in the long run; and therefore the heritage value of the area would be diminished.

During a site visit at the property, the Heritage Advisor suggested the possibility of alternative locations to the applicant and the use of brackets set further back from the primary street to raise the solar panels so as to achieve a maximum benefit. During discussions, the applicant maintained that he is not willing to relocate the solar panels from where they are located at present due to the cost and because they are sited to achieve maximum efficiency.

Heritage Advisory Committee

In accordance with the section 3.5 of the City of Bunbury's Local Planning Policy: Development Assessment Process for Heritage Areas, an application that is not consistent with the relevant design guidelines shall be referred to the Council's Heritage Advisory Committee for comment to assist in the decision-making process. The Heritage Advisory Committee met on 13 January 2017 and resolved to recommend retrospective development approval.

In accordance with the policy the application is now referred to Council for determination as the Committee's recommendation is different to the advice of the Heritage Advisor.

Conclusion

The inconsistency with the local planning policy and the concerns of the Heritage Advisor are acknowledged. However, in this particular case it should be noted that the solar panels were installed over four years ago without any complaint. The location of the solar panels is installed to maximise the efficiency of a green technology and the dwelling is setback further than adjacent properties such that the proposal is not prominent in the wider streetscape. Therefore, on balance the recommendation is for approval.

Analysis of Financial and Budget Implications

This application for development approval relates to private property, and therefore, the effect of the recommendation has no direct budgetary or financial implications for the City of Bunbury.

If the applicant is aggrieved by Council's decision they may apply for a review of the decision through SAT which may result in legal costs to the City of Bunbury.

Community Consultation

The proposal was advertised for public comment from 21 December 2016 to 4 January 2017.

Public consultation measures included the following:

- letters sent to the adjoining landowners and occupiers;
- public notice of proposal published in a locally circulated newspaper (two consecutive editions);
- public notice of proposal posted on the City of Bunbury website; and
- copies of plans and supporting information made available at the City of Bunbury administration office.

One submission was received stating no objection to the proposal.

Councillor/Officer Consultation

The application for development approval has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report.

Consultation with the applicant

The officer's draft recommendation has been shared with the applicant.

Delegation of Authority

This retrospective development application is referred to Council as the Heritage Advisor considers that the application is not consistent with the intent/requirements of the Local Planning Policy.

10.4.2 Final Approval of Proposed Scheme Amendment 92 – Rezoning Lot 37 Nuytsia Avenue and Lot 656 Barr Road, Carey Park, Bunbury from ‘Special Use Zone No. 22’ to ‘Development Zone – Residential’

File Ref:	A06619
Applicant/Proponent:	Internal Report
Responsible Officer:	Kelvin Storey, Team Leaders Strategic Planning
Executive:	Mal Osborne, Director Planning and Development Services
Attachments:	Appendix DPDS:2: Scheme Amendment 92 Report Appendix DPDS-3: Schedule of Submissions

Summary

At its meeting on 12 July 2016, Council resolved to prepare and initiate Scheme Amendment 92 to the City of Bunbury Town Planning Scheme No.7 (TPS7). This scheme amendment proposes to rezone Lot 37 (#57) Nuytsia Avenue and Lot 656 (Reserve Number: 38150) Barr Road, Carey Park, from ‘Special Use Zone No. 22’ to ‘Development Zone – Residential’.

Currently operating over the two lots is the City of Bunbury’s works/maintenance depot, with ‘Council Depot’ being the only authorised land use permitted under the special use zoning. The rezoning proposed in this scheme amendment, should it be approved, would allow alternative land uses to be considered for the site.

Public advertising and consultation with relevant stakeholders was conducted over the period 12 October 2016 to 13 December 2016. City of Bunbury officers have reviewed all submissions and the scheme amendment proposal (***attached*** at DPDS-2) is now returned to Council for its further consideration and final endorsement, following which it will be referred to the Western Australian Planning Commission (WAPC) for determination by the Minister for Planning.

Executive Recommendation

That Council:

1. In accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to support without modification Scheme Amendment 92 to the City of Bunbury Town Planning Scheme No. 7 by amending:
 - (a) the Scheme Text by deleting ‘Special Use Zone No. 22’ provisions from the table within ‘Schedule 2 – Special Use Zones’; and
 - (b) the Scheme Map by rezoning Lot 37 Nuytsia Avenue and Lot 656 Barr Road, Carey Park, Bunbury from ‘Special Use Zone No. 22’ (denoted as ‘S.U.22’) to ‘Development Zone – Residential’,as depicted within the scheme amending pages of the Local Planning Scheme Amendment 92 Report.
2. Request that officers notify the Western Australian Planning Commission of Council’s resolution and refer the Scheme Amendment 92 documentation to the Commission.
3. Request that officers advise the submitters of Council’s decision.

Strategic Relevance

Key Priority Area 3:	Natural and Built Environment
Objective 3.1:	Undertake assessments of the City's key natural areas, activity centres and streetscapes to identify opportunities to improve biodiversity
Objective 3.3:	Improve public health and safety
Objective 3.4:	Facilitate urban design, diversity of land uses, and enabling infrastructure
Key Priority Area.4:	Regional Economy
Objective 4.2:	Create an environment that will attract new business
Objective 4.3:	Promote Bunbury as a place that supports commercial, residential and social development

Background

The subject site is situated between the Bunbury Turf Club and the Bunbury Trotting Club racecourses, and bounded by Nuytsia Avenue to the north, Ecclestone Street to the east and Barr Road to the south. It lies approximately three kilometres south-east of Bunbury's Central Business District (CBD).

Both Lot 37 Nuytsia Avenue and Lot 656 Barr Road, Carey Park, are currently included in 'Special Use Zone No. 22' under the existing Scheme. The subject site has been used as a works depot by the City of Bunbury for approximately 60 years. However, the intended relocation of existing depot activities effectively frees up this land for consideration of alternative uses. The proposed rezoning will allow the opportunity for future redevelopment of the site for residential purposes and/or other compatible uses.

At its meeting on 12 July 2016, Council resolved to prepare and initiate Scheme Amendment 92 in conjunction with the commencement of a local area planning exercise in the racecourses area. The Racecourses Local Area Plan (LAP) project will be progressed over the coming months and will incorporate studies and management plans to establish a coordinated future planning framework for the area. Land use alternatives and redevelopment opportunities for the Council depot site will be investigated as a key part of this broader project.

Council Policy Compliance

Scheme Amendment 92 proposes to rezone the subject lots to 'Development Zone – Residential' under TPS7. While it may be anticipated that the gazettal of the scheme amendment will occur prior to that of Local Planning Scheme No. 8 (LPS8), it is to be noted that the advertised draft of LPS8 includes the subject site within an 'Urban Development Zone'. Whilst the terminology may have changed, the 'Urban Development Zone' in LPS8 essentially represents the same zoning as 'Development Zone – Residential' does in TPS7, and hence, is consistent with the Scheme Amendment 92 proposal.

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 *Planning and Development (Local Planning Schemes) Regulations 2015*.

In keeping with requirements of the relevant legislation, in this instance, public advertising of Scheme Amendment 92 was conducted over a period of not less than 60 days, and this concluded at close of business on 13 December 2016.

At the conclusion of the submission period, the City of Bunbury is required to consider any submissions received and must pass a resolution:

- (a) to support the amendment without modification; or
- (b) to support the amendment with modification; or
- (c) not to support the amendment.

The resolution of Council together with the scheme amendment documentation and schedule of submissions is then referred to the WAPC for recommendation to the Minister for Planning, who makes the final decision to approve prior to gazettal.

Officer Comments

Currently Lot 37 Nuytsia Avenue and Lot 656 Barr Road are included in 'Special Use Zone No. 22', with the only permissible land use being 'Council Depot'. The primary purpose of the scheme amendment proposal is to facilitate a rezoning that will remove the single land use limitation and afford the opportunity for alternative development to occur, subject to structure planning.

The scheme amendment, should it be gazetted, will not allow for any immediate redevelopment of the site. Rather, 'Development Zone – Residential' requires a structure plan to be prepared and then endorsed by the WAPC prior to any subdivision or development occurring on the land. The specific objective of the existing Scheme's 'Development Zone – Residential' is "*to facilitate the comprehensive planning and development of future urban areas in accordance with adopted structure plans*".

Once endorsed, the structure plan will influence subsequent zoning and development patterns and will also have a bearing on the ultimate range and form of future land uses in this instance the structure plan is intended to be produced as an output of the broader Racecourses Local Area Planning Project, and supported by a number of site investigations and studies (e.g. associated with the provision of roads and drainage infrastructure, traffic management, and potential remediation works to address site contamination) carried out in a comprehensive and coordinated manner.

Analysis of Financial and Budget Implications

There are no unfunded financial or budgetary implications associated with this stage of the scheme amendment procedure. Should the scheme amendment be approved, the subject site will require a structure plan, the preparation of which will have financial and budgetary implications, particularly in relation to the completion of site investigations and studies, and which may also flag the need for remediation works prior to redevelopment of the subject site. The provisional costs associated with preparing a structure plan and supporting investigations have been captured and allocated to the Racecourses Local Area Plan project in Council's adopted Annual Budget.

Community Consultation

Public advertising occurred over a 60 day period from 12 October 2016 to 13 December 2016 and involved the following:

- notification letters to nearby landowners;
- notification letters to relevant government agencies and service providers;
- public notification signs on-site;
- public notices published in a locally circulated local newspaper; and
- public notices posted on the City of Bunbury's website.

In total, nineteen submissions were received; of which seven were received from government agencies/service providers and twelve were private submissions.

The submissions received from the government agencies and service providers did not raise any objections to the proposal. The comments that were provided have been noted, and most will feed into/have greater relevance during subsequent phases of the planning process (notably at the structure planning and subdivision stages) when further input and comment from these government agencies and service providers will be sought.

Of the twelve private submissions received, five submissions were objections, with the major concern relating to potential undesirable impacts of introducing public/social housing into the area. Concern was also raised regarding increasing volumes of traffic along local roads. At this stage no decision has been reached regarding the most appropriate use for the land (residential or otherwise), with the scheme amendment proposal simply opening up the opportunity for an alternative to 'Council depot' to be investigated. The preparation of a structure plan will allow further consideration to be given to the future zoning and use of the land, and entail the undertaking of a number of supporting studies including an assessment of potential traffic impacts.

The Schedule of Submissions (**attached** at DPDS-3) provides further detail.

Councillor/Officer Consultation

Officers from the City of Bunbury's Sustainability, Planning and Development department collaborated on the preparation of the scheme amendment proposal and technical input was also sought from members of the Development Control Unit (DCU) during that time.

10.5 Director Works and Services Reports

Nil

11. Applications for Leave of Absence

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

12. Motions on Notice

12.1 Motion on Notice – Cr Steck

Author:	Councillor Michelle Steck
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Cr Steck has submitted the following motion for the Ordinary Council Meeting of 7 February 2017:

1. *That Council be provided with a report prior to budget workshops showing the complete list of vehicles within the corporate fleet detailing the model, age, make and kilometres used.*
2. *That Council be provided with the accumulative costs of repairs, maintenance and servicing of each vehicle.*
3. *That Council be provided with the cost of insurance for the fleet of vehicles.*
4. *That Council be provided with the average cost per kilometre per vehicle.*
5. *That Council be provided with a list of how many vehicles within the fleet are being either salary sacrificed or monies paid for private use of any vehicle.*
6. *That the report also indicate what arrangements if any does Council have with the supply of fleet vehicles from car dealers?*

Comments – Cr Steck

Reading the November 2016 schedule of accounts paid I became very concerned with the constant high level of repairs on council vehicles.

After calculating all of the listed figures for repairs and maintenance, the amount of money spent was a staggering \$86,867.80. This figure is exceptionally high for the cost of one month and given council is likely to approve the listed vehicle fleet renewal for 2016-17 to be budgeted at \$1,075,058 Council should be informed and aware of the fleet details before approving the fleet renewal.

Further, the integrated financial plan is also showing council fleet of vehicles to cost over a million dollars every year. Given the amount of money spent annually, it is prudent to know what actual vehicles are being replaced and what age they are.

Executive Comment

It should be noted that the majority of this information is already available in Council's adopted budget papers and the asset management plan for plant and fleet and therefore is readily available to summarise should Council so desire. The only specific request that will take some work would be in relation to the average cost per km per vehicle. The request for supply of the information was offered to Elected Members when the draft motion on notice was submitted however it was requested that it be tabled through this process.

Expenditure on corporate vehicles during November 2016 totalled \$9,545.39 for operating expenses (servicing, maintenance, repairs etc), and \$23,596.80 on capital acquisition. The balance of costs as quoted by Cr Steck were for expenditure on a combination of heavy plant and waste plant and were all within adopted budgets.

13. Questions on Notice

13.1 *Response to Previous Questions from Members taken on Notice*

Nil

13.2 *Questions from Members*

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

15. Meeting Closed to Public

15.1 *Matters for which the Meeting may be Closed*

Nil

15.2 *Public Reading of Resolutions that may be made Public*

16. Closure