

# Shire *of* Capel

## MINUTES

ORDINARY COUNCIL MEETING  
Wednesday, 20 February 2013



*Experience the*  
Shire of Capel



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**SHIRE OF CAPEL**  
**ORDINARY COUNCIL MEETING – 20.02.13**  
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SHIRE OF CAPEL

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 20 FEBRUARY 2013 COMMENCING AT 4.33PM.

PRESENT:	President	MT Scott
	Deputy President	GJ Norton
	Councillors	BW Bell
		KD Gibson
		BW Hearne
		SC Manley
		PK McCleery
		JA Scott
		BH Smith
	Chief Executive Officer	PF Sheedy
	Director Corporate Services	PJ Anastasakis
	Director Engineering & Operations	W Butler
	Director Planning & Development Services	C Burwood
	Director Community Services	MI Plume
	Manager Health Services	CR Dent
	Minute Secretary	AD Evans

PUBLIC GALLERY: 2 members

**RESPONSE TO PREVIOUS PUBLIC QUESTIONS  
TAKEN ON NOTICE**

Nil

**PUBLIC QUESTION TIME**

Nil

**OC0201 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Hearne, Seconded Cr Bell**

**That Cr K Gibson be granted Leave of Absence for the Council meeting on 20<sup>th</sup> March 2013.**

Carried 9/0

**VOTING REQUIREMENTS**

Simple majority

**DECLARATIONS OF INTEREST**

Nil

**NOTICE OF ITEMS TO BE DISCUSSED BEHIND  
CLOSED DOORS**

Nil

**OC0202 CONFIRMATION OF MINUTES – 23.01.13**

**Moved Cr J Scott, Seconded Cr Smith**

**That the minutes of the Ordinary Council meeting held on 23<sup>rd</sup> January 2013 be confirmed as printed.**

Carried 9/0

**VOTING REQUIREMENTS**

Simple majority

<b>ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION</b>	Nil
<b>PETITIONS/DEPUTATIONS/PRESENTATIONS</b>	Nil
<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	Nil
<b>QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	Nil
<b>CHIEF EXECUTIVE OFFICER REPORTS</b>	Nil
<b>HEALTH SERVICES REPORTS</b>	Nil

Mrs Evans left the Chambers at 4.35pm and returned with two members of the public at 4.36pm.

### **PLANNING AND DEVELOPMENT SERVICES REPORTS**

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#### **OC0203 (15.1) Draft Policy 15.15 – Road and Reserve Names**

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Location:	Shire of Capel
Applicant:	Nil
File Reference:	C5.9
Disclosure of Interest:	Nil
Date:	04.02.13
Author:	Project Planner, T Shingles
Senior Officer:	Director Planning and Development Services, C Burwood
Attachments:	A. Draft Policy 15.15 - Road and Reserve Names B. Proposed Park Names – Capel and Boyanup

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#### **MATTER FOR CONSIDERATION**

Consideration of adoption of draft Policy 15.15 – Road and Reserve Names (*the draft Policy*) as a town planning scheme policy following community consultation. The draft Policy was advertised for 30 days to 8th February 2013 and no submissions were received.

The draft Policy is intended to establish standards in relation to the naming of roads, parks, reserves, memorials and places in the Shire. It revises 'Policy 15.15 – Road Naming' by including provisions relating to the naming of parks and reserves but does not impact on the current road naming standards, guidelines or procedures.

#### **BACKGROUND/PROPOSAL**

Section 26A of the Land Administration Act 1997 requires all persons who are subdividing land which includes the creation of a public road to submit proposals to the Shire for the naming of roads within the subdivision.

It is considered that the Shire should also require subdividers to submit proposals for the naming of any reserves or parks to be created within the subdivision pursuant to the requirements of the Geographic Names Committee and Shire policy. In addition, the Shire may determine at any time that an unnamed road, park or other place should be formally provided with an appropriate name (as foreshadowed in the adopted Capel and Boyanup Public Open Space Strategies).

**STATUTORY ENVIRONMENT****Town Planning Scheme No. 7**

Gazetted in March 1998, the Shire of Capel Town Planning Scheme No. 7 (*'the Scheme'*) is the primary statutory planning instrument for guiding land use and development in the Shire.

Clause 8.9 of the Scheme provides the head of power to prepare and adopt town planning policies *"in order to achieve the objectives of the Scheme"* e.g. *"to provide standards to secure and maintain the orderly and properly planned development of land..."*. It is considered that the naming of roads and reserves pursuant to the Land Administration Act is related to the orderly and proper planning of land in the Shire.

Policies and strategies adopted pursuant to clause 8.9 of the Scheme have status in relation to supporting the planning decisions of the Shire. Once adopted, the Shire is required to consider Scheme policies in assessing planning applications and making planning decisions e.g. in relation to the subdivision of land.

**POLICY IMPLICATIONS****Shire of Capel Strategic Plan 2009-2020**

The Strategic Plan "Towards 2020 – a vision for the Shire of Capel" establishes the long-term directions for the Shire. The Strategic Plan 'Vision' is to *"Encourage community diversity, sustainability and growth without compromising our rural and coastal lifestyle."*

There are a number of strategies adopted pursuant to the five key focus areas of Leadership; Community; Environment; Economic; and Infrastructure Experiences. Infrastructure Experience Strategy 'I1' seeks to *"...undertake a strategic review of public open space needs, usage, distribution and level of development"* and 'I4' to *"...provide and maintain a safe and efficient road system"*.

The revised Policy reflects these strategies as it is important for road safety to have clear and legible road names without duplication, and park and reserve names should preferably reflect the cultural and heritage background of the district where appropriate.

**Policy 15.15 - Road Naming**

In 2007 Council adopted a town planning Policy to clarify the Shire's preference for the origins of road names and the approach to be undertaken by applicants in providing road name proposals to the Shire.

The draft Policy retains the relevant principles and provisions in relation to road naming and introduces new provisions for the naming of parks and reserves.

**Policy 15.18 - Capel Town Public Open Space Strategy****Policy 15.20 - Boyanup Public Open Space Strategy**

Policies 15.18 and 15.20 reflect Council's adoption of the Capel Town Public Open Space Strategy on 9 February 2011 and the Boyanup Public Open Space Strategy on 26th October 2011. The Strategies were formulated to guide the provision and development of all public open space in the towns of Capel and Boyanup between 2011 and 2021.

The Strategies indicate that the appropriate naming of reserves and parks can contribute to, and reflect, local character. While some parks are already named, others are unnamed and would benefit from appropriate, sign-posted naming. The Strategies include appendices with suggestions for park names however the actual naming of reserves requires further consideration.

The Strategies recommend that existing and future parks and reserves be provided with suitable names and appropriate signage that reflects the character of the local area or adjacent street, or honours a prominent citizen in accordance with the requirements of the Geographic Names Committee guidelines.

### **FINANCIAL IMPLICATIONS**

There are no immediate financial implications in relation to adoption of the draft Policy for the purpose of final approval. The proposed names of parks will need to be subsequently advertised to the community for comment however a town planning budget is available for this purpose.

### **SUSTAINABILITY IMPLICATIONS**

The draft Policy has no sustainability implications as it does not impact directly on physical land use or development outcomes. It does however ensure an efficient and consistent approach to the naming of places in the Shire.

### **STRATEGIC IMPLICATIONS**

The draft Policy will become a component of the Shire's policy framework influencing decision-making in relation to the naming of roads, parks and reserves etc in the Shire.

### **CONSULTATION**

The Policy was formally advertised to the community, relevant agencies and other stakeholders for 30 days to 8 February 2013. No submissions were received in this time.

The consultation process in relation to the advertising reflected the requirements of clause 8.9 of the Scheme relating to the adoption of Town Planning Policies and included:

- notices in local print media and Shire newsletters.
- notices at Dalyellup, Capel and Boyanup Libraries.
- copy of draft Policy on the Shire web page for reference and downloading.
- hard copies of the draft Policy at the Shire office.
- an advertising period of 30 days.

As no submissions were received, it is considered appropriate to adopt the Policy without modification.

### **COMMENT**

The draft Policy is aimed at achieving an appropriate and consistent approach to the naming of roads, streets, parks, reserves, buildings, memorials and other places within the Shire.

The stated objectives of the draft Policy are to:

- indicate the Shire's preference for the origins of road, reserve and place names.
- clarify the approach to be undertaken in determining road, reserve and place name proposals.

The draft Policy is intended to apply to both the urban and rural areas of the Shire including land in the *Residential, Urban Development, Town Centre, Rural and Special Rural* zones.

In order to achieve an appropriate and consistent approach to road and reserve naming the draft Policy promotes a process which:

1. recognises the significance of individual achievements or historic events in the Shire;
2. promotes the relevance of history and the cultural heritage of the locality;
3. avoids duplication of names within the Shire or adjacent municipalities in order to avoid misdirection of emergency services, visitors and others;
4. uses names which provide simplicity in pronunciation and which benefit mapping requirements;
5. gives regard to road and reserve sign maintenance; and
6. generally reflects the "*Principles, Guidelines and Procedures*" of the Geographic Names Committee of Western Australia.

Any proposals submitted by a subdivider or member of the community for the naming of a road, park, building or other place will be required to be in accordance with the Policy provisions and any associated procedures/guidelines. In some circumstances, the Shire may determine that an unnamed road, reserve or place should be named and these proposals should also be considered in accordance with the Policy provisions.

The draft Policy proposes that road and reserve names shall be generally related to the following:

- the names of early pioneers, settlers or prominent families;
- the names of former residents who were war casualties or noteworthy persons;
- Aboriginal names that are significant or shown to be relevant to particular localities; and
- where road naming is not achievable in accordance with the above, a themed approach may be considered, provided the approach has some relationship to the locality.

The draft Policy provides for parks less than one (1) hectare in area to be named after living benefactors or persons except for those persons holding any public office, subject to demonstrated community support. Community facilities and buildings including pavilions, spectator stands and ovals may also be named in honour of persons or organisations that have made significant contributions toward the establishment of the facility, or to the community generally.

The Policy provisions are anticipated to ensure that the naming of roads, parks, reserves and other places occurs in an appropriate and consistent manner. It is therefore recommended that draft Policy 15.15 be adopted for final approval.

Also, staff have been investigating the naming of existing parks/reserves and have found that many parks are not named at all, or have yet to be officially named (although they may have a name that is being used informally). Accordingly, staff have addressed the naming of parks in Capel and Boyanup as identified in the attachment and it is intended that these names will be applied pursuant to Delegation 144, following the appropriate procedures including advertising the proposals to the community and seeking approval from the Geographic Names Committee. In addition, investigations are currently progressing in relation to the naming of parks in Dalyellup, Gelorup and Peppermint Grove Beach.

**VOTING REQUIREMENTS**

Simple majority

**OC0203 OFFICER'S RECOMMENDATIONS – 15.1/COUNCIL DECISION**

**Moved Cr McCleery, Seconded Cr Hearne**

**That Council:**

- 1. Adopts '*Policy 15.15 – Road and Reserve Names*' as detailed in the attachment pursuant to clause 8.9 of the Shire of Capel Town Planning Scheme No. 7.**
- 2. Modifies Delegation 144 'Road Names' to refer to 'Naming of Roads and Parks' in order to delegate authority to the Chief Executive Officer for undertaking all road and park naming actions.**

Carried 9/0

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**OC0204 (15.2) Amendment Number 53 to Town Planning Scheme No. 7**

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Location:	Capel
Applicant:	Harley Global
File Reference:	C5.37.053
Disclosure of Interest:	Nil
Date:	07.01.13
Author:	Senior Planning Officer – Statutory, C Muller
Senior Officer:	Director Planning and Development Services, C Burwood
Attachments:	A Location Plan
	B Structure Plan – Advertised (13631 – 02E dated 09.03.12)
	C Structure Plan – Modified (13631 – 02G dated 06.12.12)
	D Schedule of Submissions

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**MATTER FOR CONSIDERATION**

Consideration of submissions received during the advertising of the proposed Scheme Amendment and determination of whether to proceed to seek the final approval of the Minister of Planning and Infrastructure.

**BACKGROUND / PROPOSAL****Background**

December 2011 Minute OC1203 refers – Council resolved to initiate the proposed Scheme Amendment to facilitate recoding Lot 226 Range Road, Capel from R10/15 density code to R20 and R30 density code in accordance with the draft Structure Plan 13631-02D dated 15/08/11; and amending the Scheme Map to include Lot 225 and 226 within the boundary of the Residential Precinct and applying the Precinct No. 7; and Amending “Residential Precincts – Appendix 15” and adding Precinct No. 7 and nominating Lots 225 and 226 Range Road, Capel in the Description of Land and Precinct Number column and to specify the Development Standards.

**Proposal**

The Amendment can be described as rezoning Lot 226 Range Road, Capel to increase the residential density code from R10/15 to R20/30 to facilitate a residential subdivision of 48 lots. Lot 226 adjoins Lot 225 being the Shire works depot site. The Amendment does not change the zoning of the depot land.

The Amendment also involves the inclusion of provisions in Appendix 15 of the Scheme by introducing a new Residential Precinct No. 7 relating to the subdivision and development of Lots 225 and 226. A draft Structure Plan over Lots 226 and 225 shows coordinated subdivision development will be achieved between the two lots.

**STATUTORY ENVIRONMENT**

Lot 226 is currently zoned Residential with a density dual coding of R10/15 and connection to deep sewer is available. This could allow subdivision to a density incorporating lot sizes to a minimum of 580m<sup>2</sup> averaging 666m<sup>2</sup>.

**Residential Zone**

The proposed amendment is consistent with the intent and objectives of the Residential zone being:

Clause 5.3.1 - Council's objectives in controlling development in the Residential Zone are to:

- (a) Provide sufficient zoned land in appropriate locations to meet the needs of the anticipated population without restricting the choice of sites; and
- (b) Promote and safeguard the health, safety, convenience, general welfare and the amenities of residential areas and their inhabitants.

Clause 5.3.2 - Council's policy in carrying out the objectives for land zoned Residential are as follows:

- (a) Subdivisions shall have regard to any overall structure plan adopted by Council; and
- (b) The Residential Planning Codes shall apply to all residential development as provided for in this Scheme.

Clause 5.3.7 – Residential Precinct Standards

In addition to any provisions which are more generally applicable to land zoned Residential, Appendix 15 sets out specific standards for the development of land within particular Residential Precincts which are identified on the Scheme Map sheets.

#### Greater Bunbury Region Scheme (GBRS)

The lot is zoned Urban under the GBRS and the proposal to increase the residential density coding and provide for coordinated subdivision outcomes is consistent with the intent of the zoning.

To the west of Lot 266 is a Strategic Minerals and Basic Raw Minerals Resource Policy Area and consideration of the Amendment in the context of potential land use conflicts will need consideration.

#### Planning and Development Act and Regulations

Having initiated a scheme amendment Council is required to comply with the procedural requirements of the Planning and Development Act 2005 and the Town Planning Regulations 1967 (as amended).

#### Planning and Development Act 2005 (The Act)

Section 87 (1) Subject to compliance with the consultation requirements of Sections 83, 84, 85 and 86 of the Act, a local planning scheme amendment prepared or adopted by a local government is to be submitted to the Minister for the approval of the Minister.

Section 87(2) The Minister may, in relation to a local planning scheme amendment submitted to the Minister under subsection 87(1):

- (a) approve of the amendment;
- (b) require the local government concerned to modify the amendment in such a manner as the Minister specifies before the amendment is resubmitted for the Minister's approval; or
- (c) refuse to approve of the amendment.

#### Town Planning Regulations 1967

17(1)(a) Within 42 days (or such period as approved by the Minister) of the closure of the advertising of the amendment Council is required to consider all submissions and in respect of

each submission consider whether the amendment should be modified or whether the submissions should be rejected.

17(2) After considering the submissions received or if no submissions, Council is required to pass a resolution to either:

- (a) Adopt the amendment with or without modification; or
- (b) That it does not wish to proceed with the amendment.

Where no submissions are received, and Council resolves to adopt an amendment without modification it may proceed to execute the documents in accordance with Regulation 22.

Regulation 22(1) states that the three copies of the amendment submitted for final approval shall be executed by the responsible authority by affixing of the seal.

### **POLICY IMPLICATIONS**

#### State and Regional Planning

The proposal has been considered in the context of the following state policies and due regard given to the intent of these policies:

- State Planning Policy No.1 – State Planning Framework
- State Planning Policy No.3 – Urban Growth and Settlement
- State Planning Policy No. 3.1 – Residential Design Codes

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The applicant has paid the assessment fee (\$3,776.30 on 13/03/12) and will be required to meet all advertising costs.

#### **Long Term**

The resulting subdivision of the land at an increased density will achieve additional housing development and the ultimate demand on community services and facilities will therefore increase above that provided by the current density. It is intended that some of these costs will however be recovered by appropriate subdivision conditions and contributions to Community Facilities Plans.

New land owners can also currently seek a part reimbursement to the costs incurred in developing crossovers to new dwellings. This aspect of the Shire budget will need to be increased as housing growth is experienced as with the whole Shire.

Urban consolidation and growth such as that facilitated by the proposed amendment will still have broader financial implications associated with responding to the increasing population. It will be critical that any development within the scheme amendment area equitably contribute towards a Development Contribution Plan (DCP) for the Capel townsite in addition to other directly attributable infrastructure such as paths, drainage and road. Council staff are in the process of preparing a DCP to ensure the facilitation and requirements for such contributions.

#### **Whole of Life**

The subdivision will also create additional POS, drainage infrastructure and roads which will require maintenance and therefore will have associated ongoing costs, although it is to be noted that this cost would have also been experienced under the current subdivision coding.

There is also a need for Council to determine its future role in the management of the proposed Public Open Space for recreation and maintenance of the secured development of the public open space in a manner which will reduce maintenance burdens.

### **SUSTAINABILITY IMPLICATIONS**

The proposed subdivision will not have any major environmental implications in the long term if appropriately developed. The only remnant native vegetation existing on the subject lot will be located within the proposed POS area with the balance of the lot presently cleared of native vegetation.

While there are small lot (R30 and R40 zoned) areas in the town there has not as yet been any significant development of these areas. The need to maximise such diversity and density of land in close proximity to the facilities and services of the town centre has important social benefits and one which the subject proposal does contribute to.

From an economic point of view the existing local businesses and education services will benefit from the wants and needs of the new ratepayers and landowners.

### **STRATEGIC IMPLICATIONS**

#### Shire of Capel Strategic Plan 2009-2020

The vision of the Strategic Plan is to: "Encourage community diversity, sustainability and growth without compromising our rural and coastal lifestyle".

To achieve this vision some of the principles that have been embraced are:

- To maintain and enhance the quality of our environment; and
- To contribute to sustainable development of the region.

The Strategic Plan provides for a number of objectives and strategies to achieve the intended vision of the strategy. All development proposals should have regard to the Strategic Plan. The objectives and strategies relevant to the proposal were listed in the previous report which adopted the Scheme Amendment documents as it was found to be generally consistent with the objectives and broader strategic aims.

#### Town Planning Scheme

The proposal has also been considered in the context of the following policies which form part of Town Planning Scheme No.7 and which have been explained in detail in the previous report at the stage when the Scheme Amendment documents were adopted:

- Capel Townsite Strategy 2008
- Capel Town Public Open Space Strategy
- Capel Townsite Transport Study
- Urban Landscape Strategy
- Draft Capel Urban Water Management Strategy.

### **CONSULTATION**

The amendment was referred to the Environmental Protection Authority (EPA) in accordance with Section 82 of the Planning and Development Act. The EPA determined that the amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act (1986) and that it was not necessary to provide any advice or recommendations.

After receipt of advice from the EPA and in accordance with Sections 83 and 84 of the Planning and Development Act, the amendment was advertised for a minimum period of 42 days which concluded on 6 July, 2012. The amendment was referred to all landowners adjoining the

scheme amendment area and a number of government agencies. In addition to notification in the *South West Times* newspaper, 2 signs (in different locations) were erected on the subject site, a copy was also available at the Shire office and details were placed on the Shire website.

A total of 13 submissions were received, 11 of these were from government agencies and 2 from nearby landowners. The Government Agencies responded with no objections and provided advisory comment as a result the Structure Plan layout and Scheme Text has been amended. The 2 submissions from landowners, objected to the provisions and requirements of the proposed amendment and these with the other submissions are commented on in the Schedule of Submissions and the following report.

## **COMMENT**

Whilst the Schedule of Submissions attached to this report identify the matters raised and provide response it is important that Council in particular note that the original advertised Structure Plan and Scheme Amendment Legal Text are proposed to be modified due to submissions and advice received from the Department of Fire and Emergency Services and the Department of Environment and Conservation.

### Department of Fire and Emergency Services (DFES)

The applicant appointed Tony Moran from FirePlan WA to determine the ability of the Structure Plan (as amended) to comply with the fire planning policies. FirePlan has discussed with DFES the rating of the site and its surrounds and has concluded that it will be possible to adopt a 14m separation requirement between adjoining vegetation areas and the building line for habitable buildings.

The Structure Plan was also modified by providing the link road to the south of the Scheme Amendment Area along the western boundary so as to provide sufficient fire separation between Lot 14 and the forest to the west. This affects the proposed neighbouring subdivision to the south on Lot 1 (37) Prowse Road (this subdivision approval has lapsed and will have to comply with DFES requirements should the landowner wish to proceed with the subdivision in future). The adjoining owner of Lot 1 (37) Prowse Road was requested to provide comment - no comment was received.

The DFES officer advised that the proposed vegetation buffer (intended to provide separation to adjacent Rural Activities) along the western boundary should be removed to enhance fire separation distances and the Structure Plan has been modified accordingly. As a result it is also necessary that Appendix 15 be modified by deleting proposed Development Standards 9, 10 and 13.m relating to the vegetation buffer.

### Department of Environment and Conservation (DEC)

The DEC suggested that the proposed POS area be extended to include remnant vegetation to the west of the proposed POS.

The Structure Plan has as a result been modified to include large trees on the proposed public open space (POS) where possible and the POS is now linked with vegetation to the west.

The DEC recommends that a habitat assessment be done for Western Ringtail Possums (WRP) and Black Cockatoos. This is not deemed necessary as the Structure Plan has been modified to retain significant trees on the POS. Based on the modifications made to the Structure Plan it is likely that a habitat assessment will not be required. The applicant is therefore to discuss with the DEC the need for a Black Cockatoo and Western Ringtail Possum habitat management plan and if required the matters are to be dealt with at the subdivision stage.

A requirement for investigations in accordance with the Contamination Sites Act 2003 was advised by DEC in relation to the Shire Depot site Lot 225. Lot 225 is only being included into the residential precinct; it is not being rezoned at this stage. Development Standard 4 already

relates to an environmental investigation in accordance with the Contaminated Sites Act 2003; and no modification is required to this condition at this stage.

In addition to the above the following submissions are brought to Council's attention:

#### Adjoining Landowners' Comments

Objections were received from two of the adjoining landowners. The Schedule of Submissions summarises the concerns raised and contains Shire Staff response to these matters. Council should however take note of the fact that one of the objectors is the owner of the adjoining Lot 2048 that operates a "Pet Resort" from the lot. The initial application for a boarding kennel raised issues of proximity to a range of developed residential and potential subdividable residential areas. At the application stage an assessment of the recommended buffer distance (500m) indicated that portions of land zoned for residential development to the northeast will be within the 500m radius. These concerns were discussed in length with the owner of the "Pet Resort" and approval was issued in 2004 with the kennel being limited to 8 dogs kept in association with dog training courses and a grooming service.

The owner of the "Pet Resort" has always been aware of the fact that it is in close proximity to land that will eventually be developed for residential purposes. A condition of approval of the Pet Resort gives Council the right to withdraw the approval for the overnight use of the dog kennels after review of any persistent complaints relating to noise nuisance arising from the use of the dog kennels from existing or future occupants of residential areas in the locality.

Although the landowner is responsible to manage the "Pet Resort" in such a manner to not become a nuisance to the residents in the area the proposed Development Standard 12.i relates to the lodgement of a memorial on the title of all lots advising that the lot is located in a region that may have amenity and other issues associated with adjoining land uses such as the existing dog kennels.

The adjoining landowner requested the vegetation buffer to be extended to 15m. However based on advice from DFES the Structure Plan has been modified by removal of the vegetation strip. It is therefore recommended that Development Standard 13.f be modified requiring the provision of screen fencing along boundaries of adjoining farmland.

#### Applicant's Submission

The applicant Harley Global were also concerned about the setback requirements for Lot 13 and 14 relating to the vegetation buffer strip along the western boundary of the lots. The Structure Plan modifications to address DFES and DEC matters now eliminate the grounds for concern.

Harley Global also requested that the provision of the POS for Lot 226 be reconsidered in light of the Shire's decision in relation to Lot 225 (Lot 225 does not require the provision of POS given the close proximity of the land to the Capel Recreation Ground); and that cost sharing arrangements be prepared and agreed to by the landowners of Lot 226 and Lot 225 in relation to the construction and maintenance of the Public Open Space. It is clear that the applicant is under the wrong impression with regard to the POS requirement for Lot 225. Lot 225 is not being rezoned as part of this proposal and therefore is not open to subdivision. Lot 225 if ever rezoned or subdivided will need to address its own POS requirements and obviously this would be cash-in-lieu under the current structure plan; funds would most probably be utilised on the nearby active recreation area. Lot 225 is a Crown Reserve and if ever developed it is possible that it would be a State initiative and not a Council initiative. There are obviously a lot of issues to address with Lot 225 before a subdivision could proceed.

It is a standard requirement that the developer will be responsible to develop the POS on Lot 226 and attend to the maintenance of the POS for at least the first 2 years where after it is handed over to the Shire for the ultimate management (assuming the developer has undertaken acceptable maintenance).

As a result of the submissions in summary the following modifications are required:

### **Specific provisions pursuant to Appendix 15**

- Reference to Structure Plan – Modify Proposed Development Standard No. 1

This Development Standard incorrectly refers to Plan 13631-02D dated 15/08/11 which has since been modified. The provisions should be modified to refer to the most recent updated plan.

- Vegetation Buffer – Delete Proposed Development Standard No. 9, 10 and 13.m

The DFES officer advised of the proposed vegetation buffer along the western boundary to be removed to enhance separation distances. As a result Appendix 15 is to be modified by deleting proposed Development Standards 9, 10 and 13.m relating to the vegetation buffer.

- New Proposed Development Standard No. 11

Notwithstanding comment received from Department of Health it has become standard practice to have a memorial on the title of land advising of issues relating to mosquitoes. It is therefore recommended that the following provision be included:

*"11. The Health Department of WA may request as a condition of subdivision that the subdivider lodge a memorial on the title of all lots advising that the lot is located in a region that experiences mosquito nuisance problems which may include mosquitoes which carry Ross River Virus and other diseases."*

- Renumbering of Proposed Development Standards

As a result of deleting proposed Development Standards No. 9, 10 and 13.m and inserting a new Standard No. 11 renumbering of the remaining provisions is required.

- Modify Proposed Development Standard No. 12.f

Based on advice from DFES the Structure Plan has been modified by removal of the vegetation strip. It is recommended that Development Standard 12.f be modified requiring the provision of screen fencing along boundaries of adjoining farmland and along the southern and western boundary of the depot Lot 225.

### **Structure Plan**

After comment was received from DEC and DFES the applicant was willing to undertake a preliminary site inspection by a fire consultant and environmental consultant to ascertain the significance of fire management issues or Black Cockatoo habitats on Lot 226.

The preliminary site inspection identified significant trees to be retained and the POS was modified accordingly. This however prompted a number of modifications to the Structure Plan also addressing fire management protection measures to be implemented. The most recent Structure Plan 13631 – 02G dated 6/12/12 reflects the following modifications:

- Removal of the road link to the west of the POS creating a link with the vegetation to the west;
- Inclusion of a 14.2m road reserve between Lots 11-13 and 23-26 as well as to the west of Lot 14;
- Inclusion of the 14m fire setback line for Lot 10 - 13;

- The inclusion of some lot dimensions for clarity;
- The inclusion of a reference to 'BAL 29 for Lots 10-14' in point 9a of the Structure Plan provisions;
- The inclusion of a reference to 'detailed area plans' in point 12n of the Structure Plan provisions; and
- The inclusion of a temporary hammerhead vehicle turnaround in the south western corner of the POS to allow for rubbish trucks to turn around as an interim measure prior to the completion of the subdivision to the south (Lot 1).

The following further amendment is required to the most recent Structure Plan 13631-02G dated 6/12/12 dated 6/12/12 to bring it in line with the new amended and proposed Development Standards:

Structure Plan Provisions to be deleted from the Structure Plan and replaced with the following wording: "Specific Provisions pertaining to Residential Precinct No. 7 contained in Appendix 15 of The Shire of Capel Town Planning Scheme No. 7 form part of this plan".

**CONCLUSION**

In conclusion it is to be noted that Lot 226 has been zoned Residential R10/15 since 1984 (under an earlier Town Planning Scheme). The change of coding for the land to R20 and R30 continues to allow the underlying Residential zoning to exist and is consistent with the intent of the Capel Townsite Structure Plan.

Although Lot 225 Reserve 14054 is included in the residential precinct the zoning of Lot 225 remains Public Purpose Depot Site. Inclusion of Lot 225 in Residential Precinct No. 7 achieves a better outcome for this Structure Plan area however prior to the subdivision of Lot 225 a further rezoning will have to be done to obtain the required Residential zoning pursuant to the Shire of Capel Town Planning Scheme No. 7. DEC advised that prior to subdivision of Lot 225 an investigation for soil and groundwater contamination shall be carried out in accordance with the Department of Environment and Conservation's Contaminated Sites Management Series guidelines; and remediation including validation of remediation of any contamination identified shall be completed prior to the issuing of titles to the satisfaction of WAPC on advice from the DEC to ensure that the lots created are suitable for the proposed use.

**VOTING REQUIREMENTS**

Simple majority

**OC0204 OFFICER'S RECOMMENDATIONS – 15.2/COUNCIL DECISION**

**Moved Cr J Scott, Seconded Cr Hearne**

**That Council resolves:**

- 1. Pursuant to Regulation 17(2)(a) of the Town Planning Regulations 1967 (as amended) to adopt the Scheme Amendment No. 53 to Town Planning Scheme No. 7 with the following modifications:**
  - (a) The Structure Plan 13631-02D dated 15/08/2011 appurtenant to Amendment No. 53 being modified by replacing this SP with Plan 13631 – 02G dated 6/12/2012 and also requiring the following modification deleting all Structure Plan Provisions from the Structure Plan and replacing it with the following wording: "Specific Provisions pertaining to Residential**

**Precinct No. 7 contained in Appendix 15 of The Shire of Capel Town Planning Scheme No. 7 form part of this plan”.**

**(b) Appendix 15 of Amendment No. 53 to Town Planning Scheme No. 7 (relating to Lots 225 and 226 Range Road, Capel Residential Precinct No. 7) being modified by the following:**

**(i) Provision No 1 to replace the Structure Plan number 13631-02D dated 15/08/2011 with Structure Plan number 13631-02G dated 6/12/2012 referred to in (a) above.**

**(ii) Delete Provision No. 9, 10 and 13.m relating to the vegetation buffer.**

**(iii) Renumbering of the following provisions:**

**Development Standard 9 (previously 11);  
Development Standard 10 (previously 12);  
Development Standard 12 (previously 13);  
Development Standard m (previously n);  
Development Standard n (previously o).**

**(iv) Insert a new provision at No. 11 which states:**

**11. The Health Department of WA may request as a condition of subdivision that the subdivider lodge a memorial on the title of all lots advising that the lot is located in a region that experiences mosquito nuisance problems which may include mosquitoes which carry Ross River Virus and other diseases.**

**(v) Provision 12.f be modified to include the word “...screen...” before the word “...fencing...” and include the words “...and the Shire Depot...” after the word “...roads...”.**

**2. In accordance with Regulation 17(1)(a) to adopt the staff comments and recommendations for Amendment No. 53 to Town Planning Scheme No. 7 as contained in the Schedule of Submissions.**

**3. In accordance with Regulation 17(2)(a) of the Town Planning Regulations 1967 (as amended) to proceed with Amendment No. 53 to Town Planning Scheme No. 7 by:**

**(a) Recoding Lot 226 Range Road, Capel from R10/15 density code to R20 and R30 density code in accordance with Structure Plan DP159979 dated 6/12/2012 and amending the Scheme Map accordingly;**

**(b) Amending the Scheme Map to include Lot 225 and 226 within the boundary of the Residential Precinct and applying the Precinct No. 7; and**

**(c) Amending “Residential Precincts – Appendix 15” and adding Precinct No. 7 and nominating Lots 225 and 226 Range Road, Capel in the Description of Land and Precinct Number column and to specify the Development Standards to read as follows:**

**NOTE: Additional modifications underlined  
Deletions shown with strike through**

**APPENDIX 15**

**RESIDENTIAL PRECINCTS – SPECIFIC PROVISIONS (CLAUSE 5.3.7)**

Description of Land and Precinct Number	Development Standards
<p><b>Lots 225 and 226 Range Road, Capel. Precinct No. 7</b></p>	<ol style="list-style-type: none"> <li data-bbox="783 257 1449 510">1. Subdivision shall generally be in accordance with the Structure Plan <u>13631-02G dated 6/12/2012</u> included within Scheme Amendment Report (Amendment No. 53) or any modification to the Structure Plan as endorsed by the Local Government and the WAPC.</li> <li data-bbox="783 546 1449 640">2. Subdivision and development shall have regard to the WAPC’s Liveable Neighbourhoods policy.</li> <li data-bbox="783 676 1449 898">3. Any application for subdivision and development of Lots 225 and 226 Range Road, Capel shall be accompanied by a Local Water Management Strategy prepared in accordance with the Capel Townsite District Water Management Strategy.</li> <li data-bbox="783 934 1449 1122">4. An appropriate environmental investigation will be required for Lot 225 in accordance with the Contaminated Sites Act 2003 and relevant Department of Environment and Conservation Guidelines.</li> <li data-bbox="783 1158 1449 1541">5. Land shown on the Structure Plan as POS shall be transferred to the Crown free of cost and can be used for a combination of recreation and drainage management needs of the site. The subdivider shall demonstrate to the satisfaction of the Shire of Capel and the WAPC that a minimum proportion of 10% of the subdividable area of the precinct will be contributed as useable POS consistent with WAPC Policy DC 2.3.</li> <li data-bbox="783 1576 1449 1928">6. Remnant trees and bushland within identified POS areas on the Structure Plan shall generally be protected. Where possible, the protection of remnant trees and bushland outside of the POS will be encouraged as a result of subdivision. POS areas, streets (including Range and Prowse Roads) are to be developed in accordance with the Shire’s POS Strategy and Urban Landscape Policy.</li> <li data-bbox="783 1964 1449 2045">7. The Shire of Capel shall prepare and adopt a community facilities development plan for the Townsite of</li> </ol>

	<p>Capel and make available details of the estimated costs equitably apportioned to the residential subdivision within Capel Residential Precinct No. 7 facilitated by Amendment No. 53.</p> <p>8. Land owners shall at the time of creating new lots or new residential units contribute to a community facilities development fund, such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted Community Infrastructure Plan.</p> <p><del>9. The western boundary of Lots 1 to 14 shown on the Structure Plan shall be planted with a 5 metre wide vegetation buffer strip and all housing developments on these lots shall be setback a minimum of 10 metres from the western boundary.</del></p> <p><del>10. No clearing of vegetation is permitted within the 5 metre wide vegetation buffer area of Lots 1 to 14 of the Structure Plan without the written approval of the Shire of Capel and such clearing shall only relate to dead, diseased or dangerous trees and the removal of such vegetation shall be replaced to the satisfaction of the Shire of Capel</del></p> <p><u>9.</u> <del>11.</del> Prior to subdivision, subdividing land owners are to provide and implement a Sustainability Outcomes and Implementation Plan as relates to the subdivision development and the future development of lots within the subdivision.</p> <p><u>10.</u> <del>12.</del> An appropriate investigation will be required prior to subdivision to be undertaken by subdividing land owners to determine whether ground water resources available to the future owners of lots resulting from the subdivision of Lots 225 and 226 are of an acceptable standard for residential domestic use, to the satisfaction of the Department of Environment, Department of Water and Department of Health.</p> <p><u>11.</u> The Health Department of WA may</p>
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	<p><b><u>request that the subdivider lodge a memorial on the title of all lots advising that the lot is located in a region that experiences mosquito nuisance problems which may include mosquitoes which carry Ross River Virus and other diseases.</u></b></p> <p><b><u>12.</u></b></p> <p><b><del>13.</del> The Shire of Capel may request the WAPC to impose conditions at the time of subdivision requiring:</b></p> <ul style="list-style-type: none"> <li><b>a. The connection of all lots to reticulated sewerage, scheme water, natural gas, telecommunications and underground power.</b></li> <li><b>b. Contribution to the upgrading of Prowse and Range Roads.</b></li> <li><b>c. Contribution to the construction of a dual use path that will link the subdivision area to community facilities.</b></li> <li><b>d. Construction of footpaths on subdivisional roads as depicted on the Structure Plan.</b></li> <li><b>e. Preparation and implementation of a Landscape Plan and Public Open Space Management Plan to the Council’s satisfaction for the Public Open Space, streets (including Range and Prowse Roads), drainage areas and buffer areas identified on the Structure Plan.</b></li> <li><b>f. The installation of <u>screen</u> fencing along boundaries of adjoining farmland and roads <u>and the Shire Depot</u> to the specification and satisfaction of Council.</b></li> <li><b>g. Preparation and implementation of an Urban Water Management Plan to the satisfaction of the Shire of Capel and Department of Water.</b></li> <li><b>h. Preparation and implementation of a Fire Management Plan.</b></li> <li><b>i. Lodgement of a memorial on the title of all lots advising that the lot is located in a region that may have amenity and other issues associated with adjoining land uses being Shire Depot, Shire Transfer Station, Shire Dog Pound, dog kennels, future mineral sands mining and agricultural land uses.</b></li> <li><b>j. The submission and implementation of a Sustainability</b></li> </ul>
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	<p><b>Outcomes and Implementation Plan as relates to the subdivision development and the future development of lots within the subdivision.</b></p> <p><b>k. The imposition of a Restrictive Covenant along the Range Road boundary of all adjoining lots prohibiting vehicle access.</b></p> <p><b>l. The undertaking of a traffic management assessment to confirm road reserve widths and intersection alignments and treatments.</b></p> <p><del><b>m. The imposition of a Restrictive Covenant over the 5 metre wide buffer strip on Lots 1 to 14 of the Structure Plan, prohibiting clearing of vegetation.</b></del></p> <p><u><b>m.</b></u></p> <p><del><b>n.</b></del> <b>The lodgement of a memorial on the title of all lots advising that no ground water abstraction is permitted without the approval of the Department of Water and the Department of Health due the potential contamination of ground water in the locality.</b></p> <p><u><b>n.</b></u></p> <p><del><b>o.</b></del> <b>The provision of design guidelines in respect to the R30 coded lots.</b></p>
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4. Pursuant to Regulation 22(1) authorise the President and Chief Executive Officer to execute the modified documents by signing and affixing the Shire’s seal on receipt of the required assessment fee; and
5. Forward the amendment to the WA Planning Commission for endorsement and subsequent forwarding to the Minister for Planning for final approval.

Carried 9/0

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**OC0205 (15.3) Town Planning Scheme Policy Review**

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Location: Whole of Shire  
Applicant: Shire of Capel  
File Reference: C5.9 File 2  
Disclosure of Interest: Nil  
Date: 06.02.13  
Author: Director Planning & Development Services, C Burwood  
Senior Officer: Chief Executive Officer, P F Sheedy  
Attachments: 1. Policy 15.1 – Assessment of Tree Farming Projects  
2. Policy 15.6 – Subdivision Fire Management Requirements  
3. Policy 15.8 – Dalyellup Future Regional Park

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**MATTER FOR CONSIDERATION**

Council to consider rescinding a number of outdated Town Planning Policies.

**BACKGROUND / PROPOSAL**

**Background**

In order to achieve the objective of the Scheme, the Council may make, amend and rescind Town Planning Policies relating to part or all of the Scheme area and relating to development control.

**Proposal**

A review has been conducted of Town Planning policies to assess whether they remain relevant. This review has resulted in three policies requiring rescission by Council.

**STATUTORY ENVIRONMENT**

Clause 8.9.3 of Town Planning Scheme No. 7 provides that:

“A Town Planning Scheme Policy may only be amended or rescinded by:

- (a) Preparation and final adoption of a new policy pursuant to Clause 8.9.2, specifically worded to supersede or amend an existing policy; or
- (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area”.

**POLICY IMPLICATIONS**

Policy 15.1 – Assessment of Tree Farming Projects  
Policy 15.6 – Subdivision Fire Management Requirements  
Policy 15.8 – Dalyellup Future Regional Park

**FINANCIAL IMPLICATIONS**

**Budget**

There are no budget implications.

### **Long Term**

There are no long term financial implications

### **Whole of Life**

There are no whole of life financial implications

### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications

### **STRATEGIC IMPLICATIONS**

#### Shire of Capel Strategic Plan 2009 to 2020

Key Focus Area Leadership – Objective 1.3 – provides that the intent to “Ensure continuous improvement of the organisation”.

Strategy L5 – provides for the “establishment and maintenance of best practice”.

The review of Shire policies to establish relevance and improvement is consistent with the strategic objectives and strategies.

### **CONSULTATION**

No external consultation is required.

### **COMMENT**

A review of the Town Planning Scheme No. 7 policies has determined that the following three (3) policies are no longer relevant for the reasons mentioned below:

#### Policy 15.1 – Assessment of Tree Farming Projects

This policy was adopted in response to the intense focus on the establishment of Blue Gum Plantations. The policy is no longer relevant or necessary and future proposals will be considered as part of the development assessment process. Components of the policy will be incorporated into Planning guidelines.

#### Policy 15.6 – Subdivision Fire Management Requirements

This policy was introduced at a time when larger residential lots and Special Rural Zones were prevalent and improvements to fire facilities were essential. Since this time the Western Australian Planning Commission is no longer supportive of conditions which require developers to make financial contributions through the stated subdivision condition. There also has been the introduction of an annual fire levy by FESA (DFES) which is applied to land owners which assists with funding of fire service equipment.

#### Policy 15.8 – Dalyellup Future Regional Park

At the time of adopting this policy the land was zoned Rural. Since this time the land has been Reserved for Recreation under the Greater Bunbury Regional Scheme and the function of the policy is no longer required.

A Town Planning Policy may only be rescinded by publication of a formal notice of rescission by Council twice in a newspaper circulating in the area.

**VOTING REQUIREMENTS**

Simple majority

**OC0205 OFFICER'S RECOMMENDATIONS – 15.3/COUNCIL DECISION**

**Moved Cr Gibson, Seconded Cr Manley**

**That Council resolves:**

- 1 Pursuant to clause 8.9 of Town Planning Scheme No. 7 to rescind the following policies:  
  
Policy 15.1 – Assessment of Tree Farming Projects  
Policy 15.6 – Subdivision Fire Management Requirements  
Policy 15.8 – Dalyellup Future Regional Park; and**
- 2 To publish a formal notice of rescission by the Council as required by clause 8.9.3(b) of Town Planning Scheme No. 7.**

Carried 9/0

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**OC0206 (15.4) Delegations – Building Act 2011**

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Location: Capel  
Applicant: Shire of Capel  
File Reference: C5.29.6  
Disclosure of Interest: Nil  
Date: 11.02.13  
Author: Director Planning and Development Services, C Burwood  
Senior Officer: Chief Executive Officer, P Sheedy  
Attachments: Nil

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**MATTER FOR CONSIDERATION**

Delegating to the Chief Executive Officer (CEO) the powers and duties of the Building Act 2011 (the Act).

**BACKGROUND / PROPOSAL****Background**

A new Building Act (the Act) was passed on 23 June 2011 and came into operation from 2 April 2012.

The Act has recently been amended to allow the Council to provide authorisation to the Chief Executive Officer (CEO) to delegate the powers and authorities specified under the Act to employees of the Shire of Capel.

21 March 2012 (OC0311) – Council made various resolutions concerning building service delivery, appointment of delegated officers and setting of fees and charges.

At this time Council granted delegated authority pursuant to Section 127 to the following staff the powers of the Act subject to any conditions/direction of the CEO:

- CEO;
- Director Planning and Development Services;
- Senior Development Officer (Building Services);and
- Development Officer (Building Services).

**Proposal**

To provide the CEO with the authority to delegate and appoint various officers to perform the various powers and duties of the Shire required under the Building Act 2011. This authority will provide administrative flexibility in delegating powers required from time to time to implement the provisions of the Act.

**STATUTORY ENVIRONMENT****Building Act 2011**

The new Section 127 (6A) provides that:

“The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such power or duty –

- (a) The CEO’s power under this subsection to delegate the exercise of that power or the discharge of that duty; and
- (b) The exercise of that power or the discharge of that duty by the CEO’s delegate,

are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.

**POLICY IMPLICATIONS**

There are no current policies relevant to this matter

**FINANCIAL IMPLICATIONS**

**Budget**

There are no budget implications.

**Long Term**

There are no long term financial implications.

**Whole of Life**

There are no whole if life financial implications.

**SUSTAINABILITY IMPLICATIONS**

The Delegation to the CEO will provide a more sustainable administrative process reducing time and costs in appointment of employees to implement the provisions of the Act.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Plan 2009 to 2020

Strategic Vision: To encourage community diversity, sustainability and growth without compromising our rural and coastal lifestyle.

In the context of the Strategic Plan the actions of officers required under the legislation have a relevance to the health and safety of the community as provided under Strategy C6

**CONSULTATION**

No consultation with the community or others is required.

**COMMENT**

Since the introduction of the new Act, Section 127 of the Act has been amended by introducing Section 127(6A) which allows the Council to delegate the powers and duties under the Act to the CEO and then in turn the CEO may sub delegate these to other employees.

The Act previously required Council to delegate to all employees individually, as was the case with the report submitted to Council in March 2012 (refer Background section of this report). This previous arrangement has administrative burdens and causes delays such as with the recent appointment of a new Manager of Building Services who cannot be provided delegated authority without a report to Council or as is now possible by the CEO being delegated authority which he can in turn sub delegate to the Manager.

To date the Director Planning and Development Services has exercised the above Delegations.

It is proposed that Delegations will be required at least in respect to the following:

- Buildings Orders – Sections 110, 117 and 127 of the Act;
- Grant of Demolition Permit – Sections 21, 22 and 127 of the Act;
- Grant of occupancy permit – Sections 58 and 127 of the Act;
- Grant of Building Approval Certificate – Sections 58 and 127 of the Act;
- Grant of Building permit – Sections 20, 22 and 127 of the Act;
- Extension of Period of Occupancy and Building approval Certificate – Sections 65 and 127 of the Act.

It is likely that the Conditions of sub delegation issued by the CEO would include:

- A delegate is to be employed by the Shire of Capel in accordance with Section 5.36 of the Local Government Act 1995;
- Be authorised in writing by the CEO prior to exercising the delegated authority and this authorisation may include other limitations based on the delegates experience and demonstrated competencies;
- Have where required the appropriate qualifications as set out under Regulation 6 of the Local Government (Building Surveyors) Regulations 2008; and
- In respect to Building Orders delegates may determine how long an order is to remain in effect as per section 117(2) of the Act.

Council is requested to agree to the proposed Delegation of Powers and duties under the Building Act to the CEO.

### **VOTING REQUIREMENTS**

Absolute majority

<b>OC0206 OFFICER'S RECOMMENDATIONS – 15.4/COUNCIL DECISION</b>
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**Moved Cr Gibson, Seconded Cr J Scott**

**That Council pursuant to Section 127 of the Building Act 2011 delegate to the Chief Executive Officer its powers and duties as a permit authority; which include but are not necessarily limited to:**

- **Building Orders – Section 110, 117 (includes authority to determine how long an order is to remain in effect);**
- **Grant of Demolition Permit – Section 21, 22;**
- **Grant of Occupancy Permit – Section 58;**
- **Grant of Building Approval Certificate – Section 58;**
- **Grant of Building Permit – Section 20, 22;**
- **Extension of Period of Occupancy and Building Approval Certificate – Section 65.**

Carried with an Absolute majority 9/0

## **ENGINEERING AND OPERATIONS REPORTS**

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### **OC0207 (16.1) Extractive Industry – Loc 677/679 Calinup Road, Gelorup**

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Location:	Gelorup
Applicant:	Carbone Bros Pty Ltd
File Reference:	C5.2.N.91 / EC.6.4.5
Disclosure of Interest:	Nil
Date:	06.02.13
Author:	Engineering Technical Officer – Development, A Coulson
Senior Officer:	Director Engineering and Operations, W Butler
Attachments:	1 - Location Plan 2 - CK01 Feature Plan 3 - CK02 Development Plan 4 - CK03 Excavation & Staging Plan 5 - Covenant Buffer Plan 6 - Draft Licence and Conditions

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### **MATTER FOR CONSIDERATION**

Issuing of a Planning Consent and Extractive Industry Licence for the extraction of sand from Lots 677 and 679 Calinup Road, Gelorup.

### **BACKGROUND / PROPOSAL**

#### **Background**

The applicant operates an extractive industry located on Lot 679 Calinup Road, Gelorup. The licence was first issued 28 June 1990 following a successful appeal to the Minister for Local Government.

As a result of complaints from nearby residents with regard to dust created by the transport task, mainly from Giacci's Pit further east, Calinup Road was sealed by Giacci's in 2000 and Carbone Bros Pty Ltd contributed \$3,000 toward the cost of the work.

The licence was renewed in June 2000 with an expiry date of 30 April 2005.

The licence was renewed in April 2005 with an expiry date of 30 April 2010.

The licence was renewed in April 2010 with an expiry date of 30 April 2015.

#### **Proposal**

The applicant has submitted plans indicating the proposed location of the extractive industry and a summary of the proposal is as follows:

- The sand operation has been conducted on the site since 1990.
- The two lots together form a sandy site sloping from east to west at an approximate grade of 1:9. Cokelup Road (a partly gravelled track) is located along the eastern boundary and ridgeline. Calinup Road is immediately to the north and provides road access via a locked gate.
- This application extends the current EIL on Lot 679 in a southerly direction and incorporates a 5.4 ha area which crosses the lot boundary into Lot 677.

- The excavation is to proceed southwards in three stages extracting an estimated 202,000m<sup>3</sup> of sand over a five year period.
- The post excavation landform is designed with maximum batters of 1:6 and maintains a pit floor in excess of 3m from the Annual Average Maximum Groundwater Level.
- A Flora and Vegetation Survey was conducted over the extraction area and identified vegetation complexes of Serpentine River and Karakatta Central and South in good to excellent condition. No Declared Rare or Priority Flora was recorded from the site.
- The Department of Environment and Conservation (DEC) initially refused to grant a clearing permit which was subsequently overturned by the Minister of Environment on appeal after a covenant on 10.8ha of the vegetation buffer within Lots 677 and 679 together with a detailed rehabilitation plan was accepted by the DEC.
- The extraction area will be cleared, excavated and rehabilitated in stages no larger than 2 hectares with exposed areas being no larger than 4 hectares at any one time.
- The extraction area will be re-contoured to achieve slopes no steeper than 1:6 and will be rehabilitated back to native vegetation. In addition a total of 0.5ha of degraded areas within Lots 677 and 679 (such as tracks and old fence lines) will be rehabilitated.
- The rehabilitation plan prepared by environmental consultants sets out methodologies and standards for rehabilitation according to best management practice to return the area to similar species composition and density as it was prior to clearing.
- Noise generated from previous operations on the site has not proven to be a problem in the past, so no significant noise issues are anticipated.
- Dust has been adequately managed during current extractive operations with no complaints received due to successful implementation of the Dust Management Plan.
- Access to the site will be via Calinup Road which is a sealed 6.2m wide road in good condition.
- The expected amount of sand to be removed annually is 40,000 m<sup>3</sup>. With the employment of semi-trailer configurations (20m<sup>3</sup>/load) it is anticipated that a maximum of 12 trips per day can be expected from the site.
- The hours of operation are to be between 7.00am to 6.00pm Monday to Friday and 7.00am to 12.00pm on Saturday only.
- EPP, Conservation and Multiple Use Category Wetlands are located west of the proposed excavation area. The current extractive industry on Lot 679 is 89m from the wetland boundary. The proposed works will be no closer than 169m.
- A Dieback Interpretation Report and Dieback Management Plan have been submitted for the site which identifies a small area of infestation on the eastern firebreak with the remainder of the site deemed protectable. Hygiene Management recommendations must be adhered to in order to maintain the status of protectable areas.

## **STATUTORY ENVIRONMENT**

### Town Planning Scheme No. 7 (TPS No. 7)

Both lots are zoned Rural and have a combined area of 49.32 hectares (Lot 677 - 35.12ha, Lot 679 - 14.2ha.)

An Extractive Industry is not permitted unless Council grants Planning Consent. Public advertising of the matter may be undertaken prior to making a determination of the

application. Public and government consultation has been undertaken and comments are made in respect to this matter under the Consultation section of this report.

The following clauses of the Scheme apply to the consideration of this application:

#### 1.6 Scheme Objectives

1.6.1 To direct and control the development of the Scheme area in such a way as shall promote and safeguard the health, safety, economic and general welfare of its inhabitants and shall conserve the natural values of the District.

1.6.4 To provide standards to secure and maintain the orderly and properly planned development of land with the Scheme Area.

#### 5.7 Rural Zone

5.7.1 Council's objective in part in the management of land uses in the Rural Zone is to preserve the character of the rural area, discourage the removal of prime agricultural land from agricultural production and prevent adverse effects on the continuation of established or potential agricultural industries.

8.3.2 In determining an application for planning consent the Council shall have regard to, in part the following;

- (a) The purpose for which the subject land is reserved, zoned or approved for use under the Scheme;
- (b) Any approved Statement of Planning Policy of the Western Australian Planning Commission;
- (c) Any policy of the Western Australian Planning Commission or any planning policy adopted by the Government of the State of Western Australia;
- (d) The size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;
- (e) The provisions of the Scheme and any Council policy affecting the land;
- (f) Any comments received from any authority consulted by the Council;
- (g) Any relevant submissions received in response to giving public notice of the application;
- (h) The orderly and proper planning of the locality;
- (i) The preservation of the amenity of the locality; and
- (j) Any other planning considerations which the Council determines to be relevant.

8.3.3 In determining an application for planning consent the Council may refuse its consent or grant its consent subject to such conditions as it deems fit.

8.3.5 States in part that, Where the Council grants planning consent, it (the planning consent):

- (a) Continues in force for two years, or such other period as specified in the planning consent, after the date on which the application is approved; and
- (b) Lapses if the development has not substantially commenced before the expiration of the period.

8.3.10 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

#### Greater Bunbury Region Scheme – October 2007

The GBRS identifies both lots 677 & 679 as Rural.

The purpose of the Rural zone is "to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments."

The proposal is consistent with this purpose as it will enable the extraction of basic raw materials while ensuring the long terms landscape setting and environmental values in the locality are enhanced. In addition, the GBRS also identifies the site within the Strategic Minerals and Basic Raw Materials Resource Policy area. During past extraction activity on the site, no mineral strata have been encountered. It is acknowledged, that in the unlikely event that minerals be encountered, work will be stopped to ensure protection of this resource and contact be made with the relevant authority. On this basis, the proposal is consistent with the intent to realise the basic raw materials from the site.

#### Extractive Industry Local Laws

Under the Shire of Capel Extractive Industry Local Laws (clause 5):

'A person shall not carry out an extractive industry –

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of the licence.'

Under the Shire of Capel Extractive Industry Local Laws (clause 6):  
Limits On Excavation Near Boundary

- 6.1 Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within –
- (a) 20 metres of the boundary of any land on which the excavation site is located;
  - (b) 20 metres of any land affected by a registered grant of easement;
  - (c) 40 metres of any thoroughfare;
  - (d) 50 metres of any watercourse, wetland, swamp or other water reserve; or
  - (e) 2 metres of the estimated water table level as determined from time to time by the Waters and Rivers Commission or otherwise as adopted by the local government.

#### **POLICY IMPLICATIONS**

There are no current Policies relevant to this item.

#### **FINANCIAL IMPLICATIONS**

##### **Budget**

The applicants' proposal will have no implications on the Council budget for 2012/13.

## **Long Term**

### Road Deterioration

Extractive Industries within the Shire of Capel create a concentration of heavy vehicles accessing local roads to traverse from the site entrance to the closest arterial main road. This concentration of heavy vehicles causes considerable road damage to the local roads and the cost of the deterioration must be passed on to the Extractive Industry as they are the source of the heavy traffic.

The Shire of Capel Extractive Industries Local Laws 3.1(5) (q) require the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the Licence.

In order to provide a consistent and transparent process the Shire have reviewed the agreement to include industry standard formulas that can be used to calculate the value of deterioration of the pavement for a given number of truck movements. The value of the surface damage is calculated by subtracting the agreed average surface repair cost from the actual cost to the Shire for the section of road for a 12 month period.

An agreement signed between the applicant and the Shire based on these calculations will result in a road damage contribution of approximately \$1,637 for every 40,000 m<sup>3</sup> of sand trucked along Calinup Road.

### Rehabilitation

Extraction industries are required to lodge a rehabilitation bond. The intent being that the retention bond is an incentive to rehabilitation performance or should the licensee fail to rehabilitate, the bond may be used by the Shire to undertake the required works. The Shire's *Schedule of Fees and Charges 2012/13* lists the minimum bond per hectare for sand extraction sites as \$14,685. A rehabilitation bond in the form of a bank guarantee for the amount of \$42,000 is currently held by the Shire to cover the existing licence area. Before the commencement of Stage 1 of the proposed licence area, Shire officers will evaluate the standard of rehabilitation reached in extracted areas and the increased area of stage 1 to determine a revised bond value required prior to clearing.

These requirements (road deterioration and rehabilitation) will be imposed on the applicant as a condition of approval should the proposal receive approval.

## **Whole of Life**

There are no whole of life financial implications.

## **SUSTAINABILITY IMPLICATIONS**

The extractive industry will have an environmental impact as it requires removal of vegetation in the extraction area. The permit to clear which is issued by the DEC is subject to the area cleared being restored to achieve best practice restoration criteria which should result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area.

Extractive industries can have impacts on the community by way of noise, dust and traffic. The current EPA buffer distance guidance notes now consider that an acceptable buffer distance between a sand quarry of this nature, and a residence should be 300 – 500 metres depending on the size. Although there are four surrounding residences within the 300 metre buffer, none have reported any negative impacts from being in close proximity to the extraction site which has operated for many years.

Truck traffic impacts are limited to Calinup Road being the only permissible route in and out of the quarry.

High quality building sand is an essential material in the construction of residential housing and batch plant concrete. Having a good distribution of sites from which sand may be obtained assists in reducing the cost of the material principally by reducing transport distances and associated costs.

## **STRATEGIC IMPLICATIONS**

### The State Planning Framework Policy

This policy unites existing state and regional policies, strategies and guidelines within a central framework to provide a context for decision making on land use and development in Western Australia.

This is a Section 5AA policy which requires Council to give regard to the provisions of the policy in its decision making on planning matters. The policy effectively requires the Council to consider the suitability of the proposed development in the context of relevant State Planning documents. The following sections provide additional details on policies and plans that have specific relevance to the proposal.

### Statement of Planning Policy No. 2 Environment and Natural Resources Policy

The objectives of this policy are:

- To integrate environment and natural resources management with broader land use planning and decision making;
- To protect, conserve and enhance the natural environment; and
- To promote and assist in the wise and sustainable use and management of natural resources.

Section 5.7 of the policy focuses on minerals, petroleum and basic raw material resources.

This section states that planning strategies, schemes and decision making should:

- Identify and protect important and economic mineral resources;
- Identify and protect important basic raw material resources and provide for their extraction.

The Greater Bunbury Region Scheme reflects the intent of this policy through the identification of strategic minerals and basic raw materials resource policy area.

This proposal reflects the intent to extract raw materials from a locality that has been strategically identified for promoting and protecting such activity.

### Statement of Planning Policy No. 2.4 Basic Raw Materials

While this policy relates specifically to the greater Perth Region, that extends to include the Shires of Murray and Serpentine - Jarrahdale, it does provide some principles that could be extrapolated into applicable and desirable considerations.

The purpose of this policy is to set out matters to be taken into account when considering zoning, subdivision and development applications for extractive industry with the intent to protect the declining resources close to Perth.

This proposal is consistent with the tenor of this policy as it seeks to extract basic raw materials that exist on the site. The proposed scale and future rehabilitation of the site indicate a sensitive approach to protecting rural amenity, landscape appeal and adverse intrusion into the amenity of adjoining landowners.

#### State Planning Strategy (1997)

This strategy identifies the Greater Bunbury Area as "Regional Urban Area". This includes the subject land and identifies the need for further strategic and structure planning in the area. Since the time of this strategy a number of more detailed studies have been undertaken, including the majority of the policies and plans listed below.

The Strategy identifies five key principle considerations in relation to land use planning and development. These principles are too detailed to set out in this report, but relate to matters such as protecting the environment, providing for future communities, supporting economic wealth, providing for infrastructure and managing growth pressures through regional development. In respect to Locations 677 and 679 they are identified within the South West Regional Urban Settlement Area.

More recent planning and environmental directions indicate that the natural environmental values (remnant vegetation) in this locality have taken priority and precedence over any potential achievement of urban settlements in this locality. This is reflected in more recent planning documentation, including the GBRS and the draft Greater Bunbury Strategy.

On this basis, the proposal does not propose outcomes contrary to the broad strategic statements of the State Planning Strategy.

#### Bunbury - Wellington Region Plan (1995)

This plan was endorsed in 1995 with the intent of representing the desires and aspirations of the local community, WAPC and the six local government authorities within the region. It provides a regional framework to guide detailed planning primarily at the local authority level. Implementation of this plan is now through the Greater Bunbury Region Scheme.

The land is identified within Planning Unit CA 1: Cokelup; a locality that is predominantly Rural and Special Rural. Opportunities for the locality acknowledge the existence of mineral sand deposits and the potential for future rural residential development subject to site rehabilitation.

The proposal is consistent with the intent of this plan as it seeks to remove basic raw materials and rehabilitate the landscape on completion of activities.

The plan also contains the Greater Bunbury Structure Plan map which identifies the land as being partly identified as being within the Special Development Area and portion under consideration for conservation.

The proposal has given high regard to conservation values. In particular, DEC has approved an offset which sets aside 10.8ha of land as a buffer, which is further enhanced by a rehabilitation plan for the cleared area.

In terms of potential for "Special Development", the prospect of this is increasingly remote due to the environmental values afforded to the locality.

On the above basis, the proposal complies with the intent and principles of the Bunbury Wellington Region Plan and the Greater Bunbury Structure Plan.

#### Shire of Capel Land Use Strategy (1999)

The subject land is contained within Planning Unit CA1 – Cokelup of the Shire of Capel Land Use Strategy. The objective is to conserve the Cokelup Swamp, manage existing and future

land use pressures on adjoining dune system land and provide for long term urban development. Undesirable uses within this precinct include the sand extraction industries which result in pits that cannot be rehabilitated and rural Residential subdivision.

The proposed rehabilitation plan and agreed environmental offsets ensure that the landscape values of the locality are retained and enhanced.

Strategic Minerals and Basic Raw Materials Resource Policy (2005)

This policy assisted in informing the Greater Bunbury Region Scheme mapping and methodology in defining areas that require long term security and access of minerals and basic raw materials. The subject land is identified within the Strategic Minerals and Basic Raw Materials Resource policy area. This proposal is consistent with the intent to realise the basic raw materials from the site.

Draft Greater Bunbury Strategy (2012)

This draft strategy is intended to guide urban and regional land-use planning growth and infrastructure delivery in the Greater Bunbury Sub - Region from 2011 to 2031 and beyond.

The objectives of the strategy are to identify:

- Locations for residential growth
- Areas for industry
- Locations for key infrastructure
- Priority areas for agriculture
- Potential urban infill areas
- Environmentally significant areas.

It contains four integrated layers that create the key structural elements, consisting of:

- Settlement hierarchy
- Activity centres network
- Movement network
- Green network.

The Greater Bunbury Strategy Map identifies the land as "Residual of study area: Rural (no change to land use). Given, the environmental works proposed, the limited extent of works and measures to ensure no adverse impacts on landscape values and adjoining landowners, the proposal is consistent with the intent of the plan.

Strategic Plan 2009 – 2020 - August 2009

Vision – Encourage community diversity, sustainability and growth without compromising our rural and coastal lifestyle.

Guiding Principles in Part:

- Foster / support economic development;
- Maintain / enhance quality of environment;
- Acknowledge part of a wider region and that we will work to share resources;
- Contribute to sustainable development of the region.

Environment in Part:

- 3.1 Protect and promote the natural and built environment;
- 3.3 Use and manage resources in a sustainable manner.

## **CONSULTATION**

The Environmental Protection Authority Guidance document for the Assessment of the Separation Distances between industrial and sensitive land uses recommends a buffer distance of 300 – 500 metres depending on the size of a sand extraction activity and identifies noise and dust as potential impacts.

Given the above recommendation, seventeen (17) adjoining nearby land owners were written to whose residence was located within 500 metres of the extractive industry. No submissions were received.

In addition the proposal was referred to 8 Government departments and the local Land Care District Committee (LCDC). A public notice was also placed in the *South Western Times* and the Shire of Capel Snippets as well as appearing on the Shire of Capel website.

The following comments were received:

### Department of Water

No objections but advised that any groundwater abstraction from this area is subject to licensing by the Department of Water. If the groundwater is found to be fully allocated, the proponent will need to attain water from alternative sources. They also advised that any stormwater runoff should be managed consistent with the Department's Water Quality Protection Note which will be forwarded to the proponent. The Department of Water also provided advice in respect to wetland buffer distances and separation from groundwater which were both within guidelines.

### Department of Mines and Petroleum (DMP)

No objections but advised that the proposal falls within the Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy 2005 Area that was intended to protect underlying titanium-zircon mineralisation. It is therefore important that the proponent is made aware that these sand resources may overlie titanium-zircon mineralisation. Any removal of sand containing potentially economic grades of this type of mineralisation must be authorised under the *Mining Act 1978*. Whilst information further to the south indicates that highest grades of mineralisation are deeper than the proposed sand mining plan, lower grade material could possibly be encountered. Advice should be sought from DMP should the company have any doubt about the presence of mineralisation during extraction.

### Department of Planning

No objection and advised that there is no need for the applicant to make an application under the Greater Bunbury Region Scheme or refer the proposal to the WAPC for comments as sand extraction is a compatible use on land designated Strategic Minerals and Basic Raw Materials Resource Policy Area.

### Department of Indigenous Affairs

Advised that there are no known or registered Aboriginal heritage sites within the proposed area but noted that this area has not been surveyed for Aboriginal Heritage values. It is therefore possible that there are places that have not yet been identified or entered on the Register of Aboriginal Sites. The land is described as uncleared bushland and there is the possibility of Aboriginal heritage values on the land that have not yet been identified.

All Aboriginal heritage sites whether known to the Department of Indigenous Affairs (DIA) or not, are protected under the *Aboriginal Heritage Act, 1972* (AHA). A copy of the State's Due Diligence Guidelines was also forwarded to help in identifying the likelihood that the proposed activities will impact adversely on Aboriginal heritage and assist in ensuring that the provisions of the AHA are met.

These Guidelines and a copy of the letter received from the Department of Indigenous Affairs will be forwarded to the proponent for advice.

Department of Environment and Conservation (DEC)

Advised that although the DEC had assessed the clearing permit application and the conditions were acceptable, they are unable to formally approve the permit until the proponent provides a copy of the approved Development Application and Extractive Industry Licence. This is usual practice for the DEC who are hesitant to permit clearing without proof of development approval.

Main Roads WA - No objection.

Telstra

No objection and advised that the mobile tower situated on the Lot is outside the extraction area.

Capel Land Conservation District Committee (LCDC)

The Capel LCDC is opposed to this application for the following reasons:

- The clearing of such a large area of high quality Banksia Woodland is detrimental to the environment.
- The Rehabilitation Plan whilst being comprehensive does not guarantee a good final result.
- The large old Jarrah trees can never be replaced.

The following advice was included for consideration for inclusion in the rehabilitation plan:

- The topsoil may require additional additives by way of mulch, woodchips etc.
- Weed control is critical, in particular relating to the introduction of weeds not already on site. Veldt Grass and Lupins can be difficult to eradicate.
- Weather conditions particularly relating to rainfall are an important factor relating to the success or failure of rehabilitation.
- Topsoil needs to be respread as soon as possible and not left for years to deteriorate.
- Kangaroos are known to be prevalent in the area, and based on the Capel LCDC's experience; a kangaroo exclusion fence is a must.
- There could be some consideration into the use of some coastal Acacia species to help increase the fertility of the site.
- The project needs to be rigidly policed by Shire staff to ensure there are no deviations from the conditions of the project.

The applicant was sent a copy of these submissions and asked to provide a response.

The applicant submitted a response to the main concerns as follows:

Aboriginal Heritage

The Cultural Heritage Due Diligence Guidelines contain a Heritage Risk assessment Matrix to maximise Aboriginal Site identification and protection. The completed matrix for the proposed EIL area indicates that the Heritage Impact is assessed as 'Moderate'. In accordance with this assessment it is recommended that the following be included in the EIL conditions in order to preserve and manage Aboriginal Heritage:

*The Licensee shall have due respect to the Aboriginal Heritage of the area of the works and all workers shall be briefed accordingly prior to commencement of any works on site. The works may be in proximity of areas that were part of the Aboriginal culture and so there is the possibility that artifacts or remains may be in the area. All workers are to be advised of this possibility. Should the presence of a site of possible significance be discovered or if any artifacts or remains are discovered then any works in the vicinity are to stop immediately and be reported to the Department of Indigenous Affairs. If bones are discovered then Police are also to be advised immediately. The Licensee shall note that it is an offence under the WA Aboriginal Heritage Act to interfere with any Aboriginal site unless written permission is obtained from the Minister for Indigenous Affairs.*

Rehabilitation

- It is agreed that some mulching may be required during the rehabilitation process for soil surface stabilisation and to minimise erosion where appropriate. This is referred to in the submitted rehabilitation plan. However, it should be noted that research conducted by the Kings Park Botanical Gardens on rehabilitation in this type of environment indicates that wood chip mulching can lead to non-propagation of directly seeded areas due to over burial. Since it is the intention of Carbone Bros to prepare mulch from the cleared vegetation, large amounts will be available for use in the areas where mulching is required. This aspect will be monitored closely and the necessary actions taken as required by the on-ground situation as rehabilitation and monitoring progresses.
- Direct return of the topsoil is a key component of the submitted rehabilitation plan and the comments by the LCDC in this regard are very valid.
- The comments by the LCDC in regard to weed control are acknowledged and an intensive weed control management plan will be implemented.
- Weather conditions are indeed critical to the success of rehabilitation, as are a number of factors. Carbone Bros are committed to achieving certain completion criteria and if adverse weather conditions result in poor rehabilitation success rates, then remedial action, such as replanting, will be undertaken as described.
- Actions in regard to herbivore/kangaroo control are acknowledged as being important (such as fencing) and commitments in this regard have been included in the rehabilitation plan.
- The use of coastal *Acacia* species is not part of the rehabilitation plan due to issues of endemism. Fertility to the site by way of nitrogen fixing plants has been provided by the use of various pea species such as *Gompholobium tomentosum*. If it is found that a low success rate is achieved with the pea family, then coastal *Acacia*'s will be considered.

In respect to these concerns raised, the following comments are made:

- The clearing of the vegetation has been extensively investigated by the DEC and the Minister of Environment who have determined that this development including the suitable offset areas to be covenanted is environmentally justified.

- As stated in the rehabilitation plan, weed control is the single most important site preparation activity of any restoration project. The project area will be audited every three months during the first year to determine the required frequency of inspections and weed control will be carried out by suitably qualified and experienced weed control contractors. The submitted Weed Management Plan will be included in the EIL conditions.

## **COMMENT**

### Strategic Planning

Several of the studies referred to under the Strategic Implications Section of this report identify in the regional planning sense that future urban development is a possible consideration in the locality of the extractive industry.

This option can best be achieved by ensuring that the finished land form from the proposed sand extractive industry is acceptable for urban development land use. This will partly be determined by achieving an appropriate finished depth of the extractive industry from the water table and appropriate finished batter gradients of the earthworks. The Shire's usual requirement has been for a 2 metre separation to the highest known water table level and a batter gradient of 1:10 as a minimum.

More recent planning and environmental directions indicate that the natural environmental values (remnant vegetation) in this locality have taken priority and precedence over any potential achievement of urban development in this locality. This is reflected in more recent planning documentation, including the GBRS and the draft Greater Bunbury Strategy.

On this basis, the proposal to reinstate batter gradients to 1:6 rather than 1:10 on this extractive site is unlikely to restrict the likely future land use option of maintaining conservation values which will satisfy strategic objectives.

### Setback from property boundary

As mentioned above in the Statutory Environment, the Extractive Industries Local Law sets a setback of 20 metres for any extraction from a property boundary. Any approval to reduce this setback must be given in writing by the Local Government.

The extraction area crosses the boundary between the two lots which are owned and for which this extractive industry licence has been applied for by the one owner Carbone Bros. Therefore no issue should arise from allowing the extraction area up to the common property boundary in this case.

### Impact to nearby properties

During the advertising period for the previous EIL application for Lot 679 in 2010 two submissions were received. The main concerns were:

- Increased dust from pit activities impacting on household water supplies;
- Cyclists, pedestrians and horse riders will have to share the road with trucks.

The concerns about increased dust prompted the Shire to require the development and implementation of a Dust Management Plan by the proponent which is now a condition of licence. No dust complaints have been received since by the licensee or the Shire.

The concerns relating to road sharing resulted in the removal of overgrown vegetation along Calinup Road verge by the Shire with a commitment to maintaining a safe off-road passage.

No objections were received by nearby residents during the consultation period in 2012.

### Environmental Requirements

An application was made to the Department of Environment and Conservation to clear 17.1ha of native vegetation on Lots 677 & 679. This application was refused and an appeal was made to the Minister of Environment.

The appeal resulted in the approval by the Minister for the clearing of 5.4ha provided that a suitable offset proposal was provided and accepted by the DEC. The DEC has accepted a proposal that places a covenant on 10.8ha of the buffer within Lots 677 and 679 (Attachment 5) together with a detailed rehabilitation plan for the area to be cleared.

The extent of the operations will be confined to the cleared area approved by the Minister for Environment. Furthermore, the end landform will be sculpted and rehabilitated to ensure an appropriate end landscaped landform (with maximum 1:6 batters) that will improve the long term environmental outcomes for the site.

A dieback survey was undertaken of the site which concluded that *Phytophthora cinnamomi* is largely absent within Lots 677 and 679. The only infested areas within the properties were two small areas along the eastern firebreak outside the extraction area. Hygiene Management recommendations included in the Dieback Management Plan must be adhered to in order to maintain the status of the remainder of the property.

The proposed clearing of the extraction area has been referred to the Federal Department of Environment (DSEWPAC) for advice on whether an approval under the *Environmental Protection and Biodiversity Conservation Act 1999* is required. The advice received from the Minister was that the proposal could proceed without further assessment or approval under the EPBC Act.

EPP, Conservation and Multiple Use Category Wetlands are located west of the proposed excavation site and are beyond an acceptable buffer distance as advised by the Department of Water.

The comments submitted by the LCDC have been adequately addressed in the response from the applicant and Shire officers consider that the standard of rehabilitation planning for this site is at current best practice with substantial input from research conducted by the Kings Park Botanical Gardens on rehabilitating sand pits.

### Aboriginal Heritage Requirements

The applicant has acknowledged that items of Aboriginal heritage may be present within the extraction site. The applicant has suggested that an additional extractive industry licence condition be included to address the actions required of the licensee in regards to managing the risk of discovering heritage items. This condition is not considered appropriate for an extractive industry licence as the Local Law does not give the head of power for regulating matters of Aboriginal Heritage. The suggested condition will be included as an advice note on the extractive industry licence conditions.

### Licensee Compliance

Generally the licensee has operated the current sand pit on Lot 679 Calinup Road in a professional manner and has obtained pleasing results with revegetation of previous extraction areas.

During the clearing and stripping of overburden in 2009, the overburden stockpiles encroached beyond the approved extraction area by approximately 10 metres on the southern side. The applicant advised that this was accidental and proposed to use more permanent boundary stakes to mark out the extraction area boundary to ensure that this was not repeated.

Any future licence will include a condition that boundaries of approved excavation area stages be marked with permanent metal markers to clearly define the extent of the activity and indicate the final surface level. This is being included as a standard condition to extractive industry licences within the Shire of Capel.

During 2012, Shire officers observed small quantities of imported topsoil being placed in the rehabilitated areas prior to planting. The applicant advised that he was unaware of the practice of importing soil from other locations and burying it in the batter slopes by staff and vowed to stop the practice. The importation of soil is the quickest way of spreading exotic weeds to native bush areas.

Any future licence will include a condition that strictly prevents any material being brought onto site without prior approval of the Council. This will allow the Councils delegated authority to approve the importation of other sands for blending and small quantities of gravel and limestone for track building but will prohibit any other soils from being deposited there. This will be included as a standard condition to all future extractive industry licences within the Shire of Capel.

### Conclusion

The applicant has included many environmental management plans in this proposal and the staff are confident that based on the information contained in the proposal, the environmental risks will be well managed.

The current sand pit has been operated without incident or complaint and provides a local source for construction sand ensuring low cost development expansion in the Greater Bunbury Region.

An agreement to provide road deterioration funding will ensure Council is not liable for the road damage caused to Calinup Road by the heavy vehicles accessing the sand pit.

Provided the applicants adhere to the intended finished grades the future use of the land will not be jeopardised. Given the low impact nature of this activity due to its proximity to Bussell Highway and the relatively low rates of extraction it is considered that approval for the expansion of the extractive area will have no negative impacts on the community or environment as demonstrated by the operator's compliance with conditions to date and the absence of objections received from public consultation.

### **VOTING REQUIREMENTS**

Simple majority

**OC0207 OFFICER'S RECOMMENDATIONS – 16.1/COUNCIL DECISION**

**Moved Cr Gibson, Seconded Cr J Scott**

**STAFF RECOMMENDATION**

**That Council resolves the following regarding the application from Carbone Bros to extract sand from Lots 677 and 679 Calinup Road, Gelorup:**

- 1 Advise the applicants that subject to a vegetation clearing permit being issued by the Department of Environment and Conservation (DEC) for the area of extraction, Council would be prepared to grant conditional approval to the proposed extractive industry;**
- 2 Subject to the issue of the DEC vegetation clearing permit and Pursuant to Clause 8.3.3 and 8.3.10 of Town Planning Scheme No. 7 grant Planning Consent subject to the following conditions:**
  - (a) Development being limited to that detailed in the Approved Sand Extractive Industry Licence and Planning Consent Application dated November 2012 Version 3 (09026E), and the Approved Development Plan (09026E –CK02).**
  - (b) The approval being limited to 30 April 2018.**
  - (c) The issue of an Extractive Industry Licence in accordance with the Shire of Capel Extractive Industry Local Laws – February 2001 and compliance with the conditions of that licence; and**
- 3 Subject to the issue of the DEC vegetation clearing permit agree to issue an Extractive Industry Licence pursuant to the Shire of Capel Extractive Industry Local Laws – February 2001 be subject to, but not necessarily limited to, the conditions as detailed in the pages 1 to 4 of the attachments to this item report.**

Carried 9/0

Mr Dent left the Chambers with the two members of the public at 5.00pm.

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**OC0208 (16.2) Extractive Industry – Lot 2 Lillydale Road, North Boyanup**

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Location:	North Boyanup
Applicant:	Hanson Construction Materials Pty Ltd
File Reference:	EC.6.4.18 & C5.2.B.42/1
Disclosure of Interest:	Nil
Date:	06.02.13
Author:	Engineering Technical Officer – Development, A Coulson
Senior Officer:	Director Engineering and Operations, W Butler
Attachments:	1 - Location Plan 2 - Aerial Plan 3 - Extraction Stages 4 - Final Contour Plan 5 - Draft Licence and Conditions

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**MATTER FOR CONSIDERATION**

Renewal of Planning Consent and an Extractive Industries Licence (EIL) to extract basalt and sand from Lot 2 Lillydale Road, North Boyanup.

**BACKGROUND / PROPOSAL****Background**

The land in question was previously owned by Giacci Bros Pty Ltd who gained an Extractive Industry Licence for the site in February 1998. Granting of the licence took several years of negotiation with planning consent eventually being granted on appeal to the Minister.

Hanson Construction Materials later acquired the property and the EIL was subsequently transferred in August 2003.

The licence was renewed in October 2007 with an expiry date of 28 February 2013. Council also delegated authority to the CEO to issue conditional Planning Consent and an Extractive Industry Licence for a further five year term (lapsing 28 February 2018) on satisfactory compliance with the conditions of approval applicable to the first five year term.

The quarry utilises 'state of the art' processing plant and has been in production since late 1999. With the exception of some initial drainage issues there have been no other problems noted with the operation of this quarry to date.

**Proposal**

In summary the applicants advise:

- Planning Approval of 20 years is sought to provide long term security.
- An Extractive Industry Licence term of 10 years is requested.
- Excavation will progress north and east on Lot 2 around the processing and stockpile areas. Quarrying operations will continue on the same basis as the existing EIL conditions.
- A quarry floor level of minus 6 metres AHD will be maintained as currently approved.
- The proposed construction of the Bunbury Outer Ring Road within the next five years will require the relocation of the main access into the quarry which will be constructed from the south western corner of Lot 2 to link indirectly to the Ring Road.

- The projected life of this quarry is currently estimated at 40 years.
- An updated Environmental Management Plan has been submitted with technical detail about how the quarry is operated and addresses all requirements for the extractive industry licence application and demonstrates compliance with the Shire of Capel Extractive Industry Local Law.
- The plan also documents all the environmental objectives and how Hanson will manage its operations to mitigate any effects to the community. This document includes details on vegetation, fauna, noise, dust, waste, water, heritage aspects, visual amenity and weed management. For each area of interest there are management actions, monitoring requirements and contingency actions in case the initial management actions are not sufficient.

**STATUTORY ENVIRONMENT**

Town Planning Scheme No. 7 (TPS No. 7)

Lot 2 is zoned Rural and has an area of 76.33 hectares.

An Extractive Industry is not permitted unless Council grants Planning Consent. Public advertising of the matter may be undertaken prior to making a determination of the application. Public and government consultation has been undertaken and comments are made in respect to this matter under the Consultation section of this report.

The following clauses of the Scheme apply to the consideration of this application:

1.6 Scheme Objectives

1.6.1 To direct and control the development of the Scheme area in such a way as shall promote and safeguard the health, safety, economic and general welfare of its inhabitants and shall conserve the natural values of the District.

1.6.4 To provide standards to secure and maintain the orderly and properly planned development of land with the Scheme Area.

5.7 Rural Zone

5.7.1 Council's objective in part in the management of land uses in the Rural Zone is to preserve the character of the rural area, discourage the removal of prime agricultural land from agricultural production and prevent adverse affects on the continuation of established or potential agricultural industries.

5.7.2 Provides in part, that Council's Policy in assessing applications for Planning Consent will be to have regard to:

- (a) The objective of Clause 5.7.1;
- (d) The adequacy of roads to support the traffic generated by the development; and
- (e) The need to impose conditions to minimise any adverse affects the development may have on the environment of the area.

8.3.2 In determining an application for planning consent the Council shall have regard to, in part the following;

- (a) The purpose for which the subject land is reserved, zoned or approved for use under the Scheme;
- (b) Any approved Statement of Planning Policy of the Western Australian Planning Commission;

- (c) Any policy of the Western Australian Planning Commission or any planning policy adopted by the Government of the State of Western Australia;
- (d) The size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;
- (e) The provisions of the Scheme and any Council policy affecting the land;
- (f) Any comments received from any authority consulted by the Council;
- (g) Any relevant submissions received in response to giving public notice of the application;
- (h) The orderly and proper planning of the locality;
- (i) The preservation of the amenity of the locality; and
- (j) Any other planning considerations which the Council determines to be relevant.

8.3.3 In determining an application for planning consent the Council may refuse its consent or grant its consent subject to such conditions as it deems fit.

8.3.5 States in part that, Where the Council grants planning consent, it (the planning consent):

- (a) Continues in force for two years, or such other period as specified in the planning consent, after the date on which the application is approved; and
- (b) Lapses if the development has not substantially commenced before the expiration of the period.

8.3.8 Provides that Council may call for further application details as it thinks fit.

8.3.10 The Council may grant approval to a development already commenced.

#### Greater Bunbury Region Scheme (GBRS)

The GBRS includes the lot within a rural zone.

The Lot also falls within the "Basalt Extraction Area" of the Strategic Minerals and Basic Raw Materials Policy adopted under the GBRS.

This policy has the intent of achieving the following objectives:

- To identify land within the Greater Bunbury Region Scheme area which contains mineral basic raw materials of State and Regional Significance;
- To prevent basic raw materials from being sterilised from incompatible development and land uses;
- To encourage the extraction of basic raw materials in accordance with acceptable environmental standards;
- To promote rehabilitation and restoration of extraction sites, after works have been completed, in a way that is consistent with long term use of the land.

#### Extractive Industry Local Laws

Under the Shire of Capel Extractive Industry Local Laws (Clause 2.1):

'A person shall not carry out an extractive industry –

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of the licence.'

It is also to be noted that Clause 2.3 (1)(g) provides that it is a prerequisite that the activity have a planning consent prior to Council being able to grant an Extractive Industry Licence. It is important that Council note this law as if it chooses to refuse the application an EIL is not forthcoming or if the applicants choose to challenge the planning approval the outcome may impact on the EIL licence conditions.

In respect to the applicants' proposal for the term for which the EIL is to be valid, it is to be noted that Clause 3.1 (3) states where the local government approved an application for a licence, it shall:

- (a) "determine the licence period, not exceeding 21 years from the date issued of the licence".

It is also to be noted that Clause 4.3 requires an application to be made in writing at least 45 days prior to expiry for the renewal of a licence.

There are five requirements to be submitted for the renewal:

- 1 A renewal fee;
- 2 A copy of the current licence;
- 3 Adequate plans;
- 4 Details of excavation and rehabilitation; and
- 5 Any further detail required in an EIL application should it be seen as necessary.

The local government may waive items 4 and 5 above if:

- 1 The current EIL was issued less than twelve months previously; and
- 2 The works methods to be employed are identical to those currently used.

### **POLICY IMPLICATIONS**

There are no current Policies relevant to this item.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The applicants' proposal will have no implications on the Council budget for 2012/13 other than income received by application fees.

#### **Long Term**

##### Road Deterioration

Extractive Industries within the Shire of Capel create a concentration of heavy vehicles accessing local roads to traverse from the site entrance to the closest arterial main road. This concentration of heavy vehicles causes considerable road damage to the local roads and the cost of the deterioration must be passed on to the Extractive Industry as they are the source of the heavy traffic.

The Shire of Capel Extractive Industries Local Laws 3.1(5) (q) require the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses

incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the Licence.

In order to provide a consistent and transparent process the Shire have reviewed the agreement to include industry standard formulas that can be used to calculate the value of deterioration of the pavement for a given number of truck movements. The value of the surface damage is calculated by subtracting the agreed average surface repair cost from the actual cost to the Shire for the section of road for a 12 month period.

An agreement which has been signed between the applicant and the Shire based on these calculations will net a road damage contribution of approximately \$27,000 per annum. This contribution will be used towards the reconstruction of Lillydale Road in the future.

### Rehabilitation

A bank guarantee is currently held by the Shire for the sum of \$245,000 being the rehabilitation bond for Lot 2 Lillydale Road, North Boyanup. This bond was accepted by the Shire in February 2010 and will require review every five years.

### **Whole of Life**

There are no whole of life financial implications.

### **SUSTAINABILITY IMPLICATIONS**

The nature of hard rock quarrying makes it very difficult to manage the site in an environmentally sustainable manner. The amount of material removed cannot be replaced and ultimately the site is left with a sizable void which fills with rain and ground water. Management of fauna and potentially pests such as mosquitoes would require consideration.

Extractive industries of this type can have impacts on the community by way of noise, vibration, dust and traffic. There is also the question of how to ensure the voids remaining do not become a safety and health risk to the community.

Truck traffic impacts are limited to Hasties, Allenville and Lillydale Roads being the only permissible route in and out of the quarry.

Basalt is an essential material in the manufacture of concrete and roadbase. This site is one of only a few sources of basalt in the Greater Bunbury Regional Area and assists in reducing the cost of the material principally due to the accessibility of the resource and by reducing transport distances and associated costs.

### **STRATEGIC IMPLICATIONS**

#### Bunbury – Wellington Region Plan (WAPC 1995)

The Bunbury – Wellington Region Scheme 1995, sought to provide a regional planning framework up until the year 2011. This plan reflected the land use proposals and future land use and zoning including open spaces and major road proposals of the regional area.

The policy incorporated the *Greater Bunbury Structure Plan* that will in turn be superseded by the *Greater Bunbury Structure Plan 2011-2031* which forms part of the Greater Bunbury Strategy (see below).

The *Bunbury – Wellington Region Scheme 1995* was divided into a number of precincts that show Lot 2 as Rural Zone. The documentation acknowledges the presence of two basalt quarries and an additional proposed quarry. The proposed quarry is the Hanson Bunbury Quarry on Lot 2 that was originally opened by Giacci.

The *Greater Bunbury Structure Plan* also shows a primary distributor road (preplanning for the Bunbury Outer Ring Road), running along the north western corner and western edge.

The documentation is incorporated into the Greater Bunbury Land Release Plan 2002.

Lot 2 and the area covering the Bunbury Basalt are shown as continued Rural Land Use which is compatible with other planning and the proposed land-use.

#### State Planning Strategy – WAPC (December 1997)

The Western Australian Planning Commission (WAPC) released the State Planning Strategy in 1997. It comprises a range of strategies, actions, policies and plans to guide the planning and development of regional and local areas in Western Australia and assists in achieving a coordinated response to the planning challenges and issues of the future by State and Local Governments.

The State Planning Strategy contains the following five key principles. These are:

- Environment & resources: to protect and enhance the key natural and cultural assets of the State and to deliver to all Western Australians a high quality of life which is based on sound environmentally sustainable principles.
- Community: to respond to social changes and facilitate the creation of vibrant, accessible, safe and self-reliant communities.
- Economy: to actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles.
- Infrastructure: to facilitate strategic development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.
- Regional Development: to assist the development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.

The continuation of the Bunbury Quarry will provide construction materials to achieve sustainable development of the Greater Bunbury Region.

The resource is strategically located close to the Bunbury Regional Centre and therefore continuing to source hard rock from the quarry provides for significantly reduced transport costs, impacts and greenhouse gas emissions.

This is recognised by the State in the key regional planning document, *Greater Bunbury Region Scheme 2007*, in which the resource is identified and studies have been conducted on the required buffers which have been implemented to protect and permit the staged use of the resource.

The environmental management of the quarry has been developed to minimise short and long term impacts on the local community and environment.

#### Bunbury Basalt as a Basic Raw Material – Preliminary Assessment of Possible Sources and requirements -Department of Minerals and Energy (1997)

The release of this report highlighted the importance of the basalt resource in Gelorup and two additional areas, one south of Capel and one adjacent to the Whicher Scarp. Due to the impacts that the activity has on residential use the report at this time recommended that a

buffer zone of 2km be established around the outside of the basalt subcrop within which no further subdivision should occur.

The extent of the recommended buffer takes in Gelorup and South Bunbury and would have an impact on any thoughts of population increases in this locality and above existing densities.

Detailed geological knowledge about the basalt resource at this time was incomplete however the estimated life of the resource was between 70 and 150 years.

Environmental Code of Practice – Environmental Protection Authority

The following matters should be note:

- 1 It is imperative that when an extractive industry site is established, an adequate distance be maintained between the site and nearby homes or other sensitive areas. Careful planning can minimise the environmental effects. **A component of such planning is deciding on the end land use of the site that will develop at the completion of the industry.**
- 2 As long as quarries are located near population centres, complaints from blasting will persist, but the severity of the effects can be minimised by undertaking certain actions.

Environmental Management of Quarries – Department of Mines and Petroleum

The following matters should be noted:

- 1 The site planning: Surrounding the extraction site there should be an adequate buffer zone to accommodate present and anticipated future land uses, particularly where there is any possibility of residential or hobby farm encroachment. An adequate buffer is the most effective safeguard against noise and dust impacts on neighbouring property as well as assisting management of visual amenity.
- 2 **End Land Use: A key to the planning of quarry development and more particularly, to effective rehabilitation planning is advanced knowledge of the proposed end-use.** This should be determined as early as possible in the life of the quarry between management, the landowner and/or appropriate statutory authorities such as the local Council and the Department of Mines and Petroleum.
- 3 Noise and Vibration: Noise ranks with dust as the major environmental concern with quarry operations. As for dust the best protection against noise and vibration impact on the surrounding neighbourhood is an adequate buffer between the operational site and neighbouring properties.

Draft Greater Bunbury Strategy 2011-Western Australian Planning Commission (WAPC)

The Greater Bunbury Strategy 2011-2031 has been developed by the WAPC to guide urban and regional land-use planning, growth and infrastructure delivery in the Greater Bunbury sub-region from 2011 to 2031 and beyond. Implementation of the Greater Bunbury Strategy includes the preparation of a basic raw materials strategy for the Greater Bunbury sub-region, having due regard to the requirements of the South-west in the short to long term. It is likely that the study would be implemented with the WAPC and Department of Mines and Petroleum (DMP).

The Draft Greater Bunbury Strategy outlines the location of basic raw materials and their importance to the development of the south-west. To manage any potential constraints to extraction the WAPC will review the Strategic Minerals and Basic Raw Materials Policy 2005 and prepare a basic raw materials strategy that will inform a review of the Greater Bunbury Region Scheme – Minerals and Basic Raw Materials Policy.

Shire of Capel Land Use Strategy April 1999

The Shire of Capel Land-use Strategy was developed to provide a basis for a Local Rural Strategy. The Strategy divided the Shire into a number of precincts with specific consideration of the planning and environmental issues of each precinct, and guidelines on development.

Lot 2 straddles three precincts, BU8 Beridup, PI Preston – North Boyanup and BU6 Gelorup/Dalyellup.

Precincts BU8 and P1, are based on rural activities with provision for future expansion of the Greater Bunbury Area. The guidelines are directed towards those land-uses. There is recognition of the need to protect the Bunbury Basalt and allow for its staged use by allocating buffers until such time as the resource has been removed or land use conflicts resolved.

Even though BU6 only touches the north eastern corner of Lot 2 it is more relevant to the Quarry, because of the potential for expansion of the Gelorup urban centre. The extraction of basalt is listed as a desirable land use, being extracted in a “reasonable” timeframe and being provided with suitable buffers.

In further planning required for Precinct BU6, it is noted that the extent of the basalt and the required buffers are to be identified. Since the Strategy was prepared in 1999, the State has undertaken additional work in relation to the identification of the basalt resource, its protection and the recommended buffers.

This has mostly been completed under the umbrella of the Greater Bunbury Region Scheme 2007. In that Scheme a basic raw materials policy was prepared; *Basic Raw Materials Policy of the Greater Bunbury Region Scheme*.

The significance of the Bunbury basalt was assessed and emphasised in *Land Access Report EV 121 prepared by Mike Freeman, Department of Mineral and Petroleum Resources, 1997*. The buffers were considered in the report commissioned by the WAPC; *Gelorup Basalt Buffer Study – Bunbury WA* prepared by Orica in 2001 to inform the WAPC for planning purposes.

The WAPC have not formally released any of the findings of the study, however the results are used to determine the impact of the basalt extractive industry blasting activities on proposed new rural housing development on land adjacent to the basalt activities. The findings of the study also assisted in the refinement of blasting impacts imposed on the Gelorup residential community. The 2km buffer requirement has been relaxed by the WAPC for new residential subdivisions on existing zoned land in Gelorup but a notice on title is imposed warning of potential ground vibration impacts. The Department of Mines and Petroleum continues to prefer the 2km buffer requirement.

Shire of Capel Strategic Plan 2009 – 2020 - August 2009

Vision – Encourage community diversity, sustainability and growth without compromising our rural and coastal lifestyle.

## Guiding Principles in Part:

- Foster / support economic development;
- Maintain / enhance quality of environment;
- Acknowledge part of a wider region and that we will work to share resources;
- Contribute to sustainable development of the region.

## Environment in Part:

- 3.1 Protect and promote the natural and built environment;
- 3.3 Use and manage resources in a sustainable manner.

**CONSULTATION**

The proposal was referred to 8 Government departments, the local Land Care District Committee (LCDC) and 571 property owners. A public notice was also placed in the *South Western Times*, on the Shire website and the Shire of Capel Snippets.

The following comments were received:

Department of Planning

No objection but advised that a GBRS Development Application was required to be lodged for this proposal.

Department of Mines and Petroleum – No objection. The Geological Survey of Western Australia, which is a division of the Department of Mines and Petroleum, included the following submission.

"Hanson's Bunbury Quarry is one of only two current operations at Gelorup, and is of strategic importance for the entire Bunbury region. The significance of the Bunbury Basalt extraction area at Gelorup in general was documented by GSWA in 1997 (Freeman, 1997). The main findings of this report remain valid, and include:

- The Bunbury Basalt is used for a variety of purposes, but especially for general building and construction as well as precise specification, (unusually) high strength concrete aggregate, hard stand construction, road formation construction and has unusually favourable properties for top dressing of bitumen roads;
- Whilst the majority of basalt is consumed in the Bunbury-Busselton-Collie region, the high specification of the rock results in it being transported as far as Perth and Albany for certain projects;
- The Gelorup locality is the only area where the Bunbury Basalt is being extracted. Two other sites have been identified, although not evaluated, with one possibly having environmental concerns. No other alternative sites for other rock with similar specifications have been reported in the region; and
- The Gelorup locality has the lowest production costs of all of the possible alternative sites for Bunbury Basalt, in a large part due to the proximity to the market. As for all basic raw materials, the cost of transport is a significant component of the overall cost.

The wider community benefits from having a suitable, relatively low cost, long term supply of aggregate from the Gelorup locality. For example, savings from lower construction costs of infrastructure such as roads and public buildings can result in more public funds for other community projects or services. The key to ensuring that supply cost savings are passed onto consumers is to have a competitive marketplace with at least two operators in the same locality.

A further acknowledgement of the strategic importance specifically of Lot 2 is its inclusion in the 'Basalt Extraction Area' identified in the Greater Bunbury Region Scheme and the Strategic Minerals and Basic Raw Materials Policy 2005.

Several other issues have emerged in the time since the GSWA study (Freeman, 1997):

1. The increasing significance placed by the community on remnant native vegetation, and biodiversity in general has made it highly desirable to continue existing long life basic raw material extraction sites such as Gelorup, rather than develop alternative sites.
2. The possible consequences of global warming have become a planning consideration for all levels of government. Rising sea levels may require the construction of protective

walls, resulting in an increased demand for locally sourced rock. Again, proximity to the areas where rock may be required would help to minimise the cost of this type of operation should it be necessary.

3. It is also desirable to reduce greenhouse gas emissions. Road transport of aggregate over increased distances from alternative sources will inevitably result in an increase in greenhouse gas emissions as well as cost.

GSWA not only strongly supports the extension of current approvals for the basalt extraction activity on Lot 2, but also requests that favourable consideration be given to Hanson's request for planning approval of 20 years. Long term approval would assist both company and government planning, and is entirely consistent with the long term nature of this type of quarrying."

#### Department of Indigenous Affairs

Advised that there are no known or registered Aboriginal heritage sites within the proposed area but noted that the polygon on the Department of Indigenous Affairs (DIA) database of DIA 18884 (Bunbury Bypass Archaeological Site 1) intersects with Lot 2 Lillydale Road in the far south western corner. The status of this heritage place is 'lodged' meaning it has not yet been assessed whether it is a site to which section 5 of the *Aboriginal Heritage Act 1972* applies. It is possible that there is Aboriginal heritage within the land subject to the proposed development. This site has been identified in the proponents Excavation and Rehabilitation Management Plan.

All Aboriginal heritage sites whether known to the Department of Indigenous Affairs (DIA) or not, are protected under the *Aboriginal Heritage Act, 1972* (AHA). A copy of the States Due Diligence Guidelines was also forwarded to help in identifying the likelihood that the proposed activities will impact adversely on Aboriginal heritage and assist in ensuring that the provisions of the AHA are met.

These Guidelines and a copy of the letter received from the Department of Indigenous Affairs will be forwarded to the proponent for advice.

#### Department of Water (DoW)

No objection and advised that the operation holds a current water allocation licence to March 2015. The Department also advised it is important that should a constructed wetland be permitted to form, there is a need for Council and the proponent to be aware of the Department's *Interim Constructed Lakes policy* in relation to water sensitive design, construction and management and to ensure that it does not cause environmental, wildlife, human health, nuisance or other impacts. (Constructed lakes are defined as constructed, permanently inundated basins of open water, formed by simple dam walls or by excavation below ground level.)

The Department does not support unnecessary creation of large water bodies because of loss of this valuable resource through evaporation. The design should minimise surface area and use other methods to reduce water loss through evaporation. A water balance calculation should be undertaken to demonstrate that the net loss of water is acceptable.

The DoW supports the Hanson's commitment to continual research and modification to practices to achieve improved outcomes, particularly should they result in further water reuse and efficiency and water quality.

#### Main Roads WA

Main Roads has no objection in principle to the proposed extractive industry licence subject to continued compliance with conditions issued in 1999 for the current development as follows:

“Main Roads WA confirms that the western edge of the quarry excavation can be located no closer than 20m from the future Bunbury Outer Ring Road reserve with the following requirements;

- The proposed quarry bund is established within the 20m excavation offset and is constructed such that there is no negative impact on the future road reserve and no requirement for access from the road reserve for bund or general property maintenance,
- The stability and condition of the bund and excavation are regularly monitored by suitably qualified personnel to ensure that events such as, but not limited to, settlements and slip failures do not in any way impact on the future road reserve,
- As road development occurs in the area blasting operations are to be monitored and reviewed by suitably qualified personnel to ensure that there is no negative impacts on the safety of passing motorists. Please note that the temporary closing to traffic of Allenville Road or the future Bunbury Outer Ring Road will not be permitted as a solution to problems with flyrock.”

Main Roads also advise that the construction of the Bunbury Outer Ring Road adjacent to the quarry site may commence within the next five years subject to funding availability. It is anticipated that future access will be facilitated from the southern end of the site via a service road which will link to a local road which will then have access to the Bunbury Outer Ring Road.

#### Western Power

Did not object to the proposed activity however they did advise that there are overhead power lines and underground cables, adjacent to or traversing the property and all works must comply with *Worksafe Regulation 3.64 – Guidelines for Work in the vicinity of Overhead Power Lines*.

#### Residents

From the 571 letters sent to the residents of Gelorup, only 1 submission was received which did not object to the proposal, but suggested that the Shire consider adding a condition to the licence to have any single tone reversing alarms replaced with new generation multi frequency reversing alarms in an effort to reduce the impact of noise pollution to local residents from the quarries.

Hanson were sent a copy of these submissions and asked to provide a response.

Hanson submitted a response including calculations to demonstrate that the end use water body surface area would be substantially smaller than the final concept pit area due to the backfilling with overburden. The final concept pit area of 48 hectares will end up with a water body at the base of 17 hectares in area which will be balanced between rainfall and evaporation each year.

The design and planting of the water body are consistent with DOW guidelines. No surface water will flow in to the lake and the water level will not be sufficient to overflow.

Hanson also advised that their current practice is to phase out the high pitched single frequency alarms in favour of the “low frequency croaker” or similar reversing alarms. As machinery or beepers are replaced the alarms are being changed.

**COMMENT**Strategic Considerations

The subject lots and the associated land uses of basalt mining have received substantial mention within local and state strategic planning documentation (refer Strategic Implications section of this report) and there is considerable emphasis on the need to minimise the impacts of the activity on adjoining urban uses whilst recognising the importance of the resource to the region and preserving this resource.

The strategic documentation that has been referenced effectively indicates that in a Greenfields situation where a new proposal for a basalt extraction activity would be under consideration, the Gelorup residential interface scenario currently experienced would not be contemplated and there would be a requirement for more significant buffers to residential development. The emphasis of this government position has always been a concern in considering the expansion of basalt mining activities in this Gelorup locality and may only continue to successfully occur in such a situation if the operators maintain diligence in the way they undertake the activity, the Department of Environment continues to maintain diligence in licensing the activity and enforcing compliance, the operators commit to adopting technology improvements to continue to review and reduce the impacts and the community continues to be accepting of the situation.

Notwithstanding the above, in considering the application the Council should acknowledge that one of the key objectives of its local planning scheme is to control development in such a way as shall 'safeguard the health, safety, economic general welfare of its inhabitants'.

To achieve this objective in changing times of increased urban development, a changing population (with changing values), changing technologies and changing management or operators of business operations, the Council needs to ensure it has a regular opportunity to review its planning directions and extractive industry licence requirements and therefore any associated term of approval that is agreed to will need careful consideration.

Apart from the ongoing management of the interfacing of the extractive industry activity with its adjacent urban land uses and residential population, is the priority of establishing what will be the end use of the extraction site once the resource has been depleted. Rehabilitation and restoration of extraction sites rates as a high priority in most of the Strategic and guiding documents for an extraction activity yet it has for years had a low priority with the operators of this extractive industry. Whilst it is acknowledged that this industry has a 40 year predicted life span it is essential that Council continually review how the site will be rehabilitated if it is to ensure a satisfactory end land use outcome that is compatible with the adjacent urban uses.

Weighbridge Records

There is currently no condition for the licensee to provide the Shire with accurate details of the quantity of material being transported from the site. This makes it difficult for the Shire to apply the Road Deterioration Funding Agreement to this extraction site with any accuracy and to date volumes have been estimated.

The current Road Deterioration Funding Agreement is based on an estimated volume of material being dispatched from the site and does not allow for fluctuations in the market. All sales of material are weighed on the site weighbridge prior to dispatching as with neighbouring quarries of this nature.

The Shire recommends that a condition be added to the licence requiring the submission of weighbridge records annually to determine the accuracy of the agreed estimations of the Road Deterioration Funding Agreement. This is a current condition of licence for the neighbouring Holcim quarry.

Impact on nearby properties

The recommended buffer distance between this type of hard rock quarry and residences is 2 kilometres. The actual minimum distance between this quarry and surrounding residences is currently 400 metres to isolated dwellings and 1200 metres from the Gelorup Urban area.

Since 2008 only 2 complaints have been received relating to noise and vibration due to blasting.

Every complaint was investigated at the time, recorded and reported in the annual report. All blasts were within compliance.

The low number of objections to the proposal may indicate that the community is accepting of the occasional disruption caused by the quarrying activities.

Length of Planning Consent

The initial planning consent of 1998 for Lot 2 was for a period of five years. This planning consent was renewed in 2003 for a further five years and in 2007 was renewed for five years (28.02.2013) with delegation given to the CEO to consent to a further five years (28.02.2018) on satisfactory compliance with the conditions of approval applicable to the first five year term.

Hanson have applied for planning consent for a period of 20 years to provide long term security.

Whilst the importance of the basalt resource is acknowledged, as discussed above under the Strategic Considerations, it is important that Council maintain an opportunity to review its approval on a periodic basis to deal with changing circumstances that may be causing impacts on the safety and amenity of its community. This review can only be successfully and appropriately achieved by requiring a new application after or prior to the lapse of an approval as in this case.

It is acknowledged that the applicant sees commercial benefits in having a 20 year planning approval but there needs to be a balanced outcome achieved that provides benefits for both the applicant and the community. It is to be noted that this circumstance or need would have been different if the extractive industry was isolated from urban uses but the fact of the matter is that it is within 400 metres of some residences and 1200 metres from the Gelorup Urban area.

It has in the past been the view of Planning staff that extractive industries should only have an approval of five (5) years to allow for a review of planning directions and to review the performance of the operator. In respect to this Council is well aware of the issues associated with extractive industries and in particular over extraction of resources from sites (as previously experienced with this site) and poor rehabilitation outcomes or rehabilitation commitments not being adhered to. It is however acknowledged that a previous approval by a Minister specified a ten (10) year approval term for a neighbouring basalt activity which Council may wish to consider for this type of activity and given due regard to the resource importance. It is noted that the approval term also appears to have been supported by the Western Australian Planning Commission in its recent submission.

It is also the view of Planning staff that Town Planning Scheme No. 7 clause 8.3.5 (b) relating to the setting of the term of a planning approval is not intended to provide long term approvals. Pragmatically it is also found in instances such as this, there is a high probability that the activity or use does not achieve the intended development envisaged within the period of time and this results in the development being determined as not substantially commenced and the approval or planning consent then lapses.

In view of the above it is therefore considered that the applicants' proposal for a 20 year approval is inappropriate and unnecessary and will not provide Council with adequate ability to

review the current undesirable scenario of a hard rock quarry within the recommended buffer distance to an urban area. A ten (10) year planning approval term will be recommended by staff as a reasonable period of time for the commercial security of this type of activity and particularly given it has been indicated that the acquisition of new infrastructure is not proposed to operate the activity.

Council may also recall in July 2012 considering a similar request for the Holcim quarry on Lots 2644 and 348 Jules Rd, Gelorup, where it allowed ten (10) years only. It would be appropriate to maintain consistency between these two quarry approvals.

#### Length of Extractive Industry Licence

The initial extractive industry licence of 1998 for Lot 2 was for a period of five years. This licence was renewed in 2003 for a further five years and in 2007 was renewed for five years (28.02.2013) with delegation given to the CEO to issue a licence for a further five years (28.02.2018) on satisfactory compliance with the conditions of approval applicable to the first five year term.

The period of licence controls how often the operator must submit a fresh application to the Shire, which is subjected to rigorous assessment and public consultation to ensure that up to date methods and controls are in place to limit the impact on the environment, community and public infrastructure. The requested period of 10 years is acceptable for this type of extraction site.

It is also to be noted that administratively and practically, Council should align the planning consent expiry with the extractive industry licence expiry so as to allow the Shire to holistically review the compliance of the activity under both areas of legislation. Often the conditions of both approvals are connected to achieve the desired outcomes. It is therefore recommended that a ten (10) year licence be accepted.

#### Additional Licence Conditions

During 2012, Shire officers observed small quantities of imported topsoil being placed in the rehabilitated areas of some other extraction sites prior to planting. The importation of soil is the quickest way of spreading exotic weeds to native bush areas.

Any future licence will include a condition that strictly prevents any material being brought onto site without prior approval of the Council. This will allow the Councils delegated authority to approve the importation of other materials for blending and small quantities of gravel and limestone for track building but will prohibit any other soils from being deposited there. This will be included as a standard condition to all future extractive industry licences within the Shire of Capel.

### **VOTING REQUIREMENTS**

Simple majority

Mr Dent returned to the Chambers at 5.03pm.

**OC0208 OFFICER'S RECOMMENDATIONS – 16.2/COUNCIL DECISION**

**Moved Cr Gibson, Seconded Cr Bell**

**That Council resolves the following regarding the application from Hanson Construction Materials Pty Ltd to extract basalt and sand from Lot 2 Lillydale Road, North Boyanup:**

- 1 Pursuant to Clause 8.3.10 of Town Planning Scheme No. 7 grant Planning Consent subject to the following conditions:**
  - (a) Development being limited to that detailed in the approved Bunbury Quarry Excavation and Rehabilitation Management Plan dated November 2012, and the Approved Development Plan (Figure 23);**
  - (b) The approval being limited to the 28 February 2023;**
  - (c) An agreement being entered into regarding the maintenance of Lillydale Road for the life of the extractive industry to the satisfaction of the Director Engineering and Operations; and**
  - (d) The issue of an Extractive Industry Licence in accordance with the Shire of Capel Extractive Industry Local Laws – February 2001 and compliance with the conditions of that licence.**
- 2 Agree to issue an Extractive Industry Licence pursuant to the Shire of Capel Extractive Industry Local Laws – February 2001 with the conditions as detailed in pages 1 to 4 of the attachment.**
- 3 To advise the applicant that Council's approvals do not negate the need to obtain any other relevant approvals required under State or Federal Government Legislation and associated Regulations or any requirement to comply with such regulatory control during the operation of the activity.**

Carried 9/0

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**OC0209 (16.3) Extractive Industry – Lot 101 Weld Road, Capel**

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Location: Capel  
Applicant: DL & HR Payne  
File Reference: EC 6.4.23  
Disclosure of Interest: Nil  
Date: 06.02.13  
Author: Engineering Technical Officer – Design, D McKenna  
Senior Officer: Director Engineering and Operations, W Butler  
Attachments: 1. Locality Plan  
2. Extraction/Rehabilitation Plan  
3. Draft Extractive Industries Licence & Conditions

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**MATTER FOR CONSIDERATION**

Renewal of Planning Consent and Extractive Industries Licence to extract sand and gravel from Lot 101 Weld Road, Capel River.

**BACKGROUND / PROPOSAL****Background**

The land in question is owned by I & P Sharpe who were the previous licensees for this extractive industry. The original licence was issued in March 1999 for a period of 12 months to remove a gravel stockpile. This material had previously been moved in order to gain access to the underlying clay which was being used for a pasture improvement project. With the ever increasing demand for gravel within the district the opportunity has been taken to exploit the gravel resource on this portion of the property. The licence was renewed for short periods on several occasions until March 2004 when a five year licence was issued.

The licence was transferred to DL & HR Payne in 2007.

The licence was renewed in 2008 for a period of 5 years. The current licence expires on 28 February 2013.

**Proposal**

DL & HR Payne wish to continue the extraction of sand and gravel on Lot 101 Weld Road, Capel for an additional 5 years.

**STATUTORY ENVIRONMENT****Town Planning Scheme No. 7**

Lot 101 is zoned Rural under Town Planning Scheme No. 7 and has a lot size of 41.2239ha.

An Extractive Industry is not permitted unless Council grants Planning Consent. Public advertising of the matter may be undertaken prior to making a determination of the application. Public and government consultation has been undertaken and comments are made in respect to this matter under the Consultation section of this report.

The following clauses of the Scheme apply to the consideration of this application:

## 1.6 Scheme Objectives

Clause 1.6.1 of the Scheme provides in part, that the scheme objectives are to promote and safeguard the economic and general welfare of the inhabitants and conserve the natural values of the District.

1.6.4 To provide standards to secure and maintain the orderly and properly planned development of land with the Scheme Area.

## 5.7 Rural Zone

Clause 5.7.1 provides in part, that Council's objective in the management of land uses in the Rural Zone is to preserve the character of the Rural Zone.

Clause 5.7.2 provides in part, that Council's Policy in assessing applications for Planning Consent will be to have regard to:

- (a) The objective of Clause 5.7.1;
- (d) The adequacy of roads to support the traffic generated by the development; and
- (e) The need to impose conditions to minimise any adverse affects the development may have on the environment of the area.

8.3.2 In determining an application for planning consent the Council shall have regard to, in part the following;

- (a) The purpose for which the subject land is reserved, zoned or approved for use under the Scheme;
- (b) Any approved Statement of Planning Policy of the Western Australian Planning Commission;
- (c) Any policy of the Western Australian Planning Commission or any planning policy adopted by the Government of the State of Western Australia;
- (d) The size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;
- (e) The provisions of the Scheme and any Council policy affecting the land;
- (f) Any comments received from any authority consulted by the Council;
- (g) Any relevant submissions received in response to giving public notice of the application;
- (h) The orderly and proper planning of the locality;
- (i) The preservation of the amenity of the locality; and
- (j) Any other planning considerations which the Council determines to be relevant.

8.3.5 States in part that, Where the Council grants planning consent, it (the planning consent):

- (a) Continues in force for two years, or such other period as specified in the planning consent, after the date on which the application is approved; and
- (b) Lapses if the development has not substantially commenced before the expiration of the period.

Clause 8.3.8 provides that Council may call for further application details as it thinks fit.

Clause 8.3.10 provides in part, that Council may grant approval to a development already commenced.

#### Local Laws

The Shire of Capel's Extractive Industry Local Laws (February 2001) – Section 4.3 require an application to be made in writing at least 45 days prior to expiry.

There are five requirements to be submitted for the renewal:

- 1 A renewal fee;
- 2 A copy of the current licence;
- 3 Adequate plans;
- 4 Details of excavation and rehabilitation; and
- 5 Any further detail required in an EIL application should it be seen as necessary.

The local government may waive items 4 and 5 above if:

- 1 The current EIL was issued less than twelve months previously; and
- 2 The works methods to be employed are identical to those currently used.

#### Extractive Industry Local Laws

Under the Shire of Capel Extractive Industry Local Laws (clause 2.1):

'A person shall not carry out an extractive industry –

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of the licence.'

#### **POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

#### **FINANCIAL IMPLICATIONS**

##### **Budget**

There are no financial implications to the Council budget apart from income received by application fees.

##### **Long Term**

##### Road Deterioration

Extractive Industries within the Shire of Capel create a concentration of heavy vehicles accessing local roads to traverse from the site entrance to the closest arterial main road. This concentration of heavy vehicles causes considerable road damage to the local roads and the cost of the deterioration must be passed on to the Extractive Industry as they are the source of the heavy traffic.

The Shire of Capel Extractive Industries Local Laws 3.1(5) (q) require the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the Licence.

In order to provide a consistent and transparent process the Shire have reviewed the agreement to include industry standard formulas that can be used to calculate the value of deterioration of the pavement for a given number of truck movements. The value of the surface damage is calculated by subtracting the agreed average surface repair cost from the actual cost to the Shire for the section of road for a 12 month period.

An agreement has been signed between the applicant and the Shire based on these calculations which resulted in a road damage contribution of \$6173 for the removal of 8431 m<sup>3</sup> along Weld Road in 2011. The agreement signed will result in a road damage contribution of approximately \$750 for every 1000 m<sup>3</sup> of material moved along Weld Road.

### Rehabilitation

Extraction industries are required to lodge a rehabilitation bond. The intent being that the retention bond is an incentive to rehabilitation performance or should the licensee fail to rehabilitate, the bond may be used by the Shire to undertake the required works. The Shire currently holds a bond to the value of \$10,000 as a performance guarantee for the rehabilitation of the site back to pasture.

### **Whole of Life**

There are no whole of life financial implications.

### **SUSTAINABILITY IMPLICATIONS**

Gravel is an essential material in the construction of roads, both public and private. Having a good distribution of sites from which gravel may be obtained assists in reducing the cost of the material principally by reducing transport distances and associated costs.

The removal of the gravel stockpiles and rehabilitation of the site back to pasture will allow for the resumption of the rural land use of grazing livestock.

### **STRATEGIC IMPLICATIONS**

#### Shire of Capel Land Use Strategy April 1999

The Shire of Capel Landuse Strategy was developed to provide a basis for a Local Rural Strategy. The Strategy divided the Shire into a number of precincts with specific consideration of the planning and environmental issues of each precinct, and guidelines on development.

Lot 101 is contained within Planning Unit CA5 of the Land Use Strategy which has the objective of allowing for the continued mining of valuable mineral deposits, protect the regional water source recharge zone, conserve foresting land and protect good quality horticultural land. One of the desirable uses within the unit is mining with rehabilitation of the land for use for grazing.

#### Strategic Plan 2009 – 2020 - August 2009

Vision – Encourage community diversity, sustainability and growth without compromising our rural and coastal lifestyle.

Guiding Principles in Part:

- Foster / support economic development;
- Maintain / enhance quality of environment;
- Acknowledge part of a wider region and that we will work to share resources;
- Contribute to sustainable development of the region.

Environment in Part:

- 3.1 Protect and promote the natural and built environment;
- 3.3 Use and manage resources in a sustainable manner.

### **CONSULTATION**

The proposal was referred to 4 Government departments and 7 property owners. A public notice was also placed in the *South Western Times* and the Shire of Capel internet site.

The following comments were received;

Telstra – No objection.

Western Power – No objection. Advice offered with respect to height of trucks permitted on roads and the height of any conductors on the site.

Department of Environment and Conservation – No objection and have given advice on standard management practices for Extractive Industries.

Residents – from the 7 letters sent to the residents, 2 submissions were received.

The first submission stated:

*"I refer to your letter C5.2.S.45 Dated 10<sup>th</sup> January 2013.  
This quarry is 20 metres from my boundary.  
The first application by Ken Sharpe in February 1999 stated that the project would finish within 6 months. It has continued, sometimes without my knowledge until January 2013.  
I do not want the licence to be extended for another five years.  
If the extractors are to finish on Lot 101 when the present site i.e. Extractive Industry Licence Area, as detailed on the Extraction Plan, is cleared, surely this can be achieved in 12 months".*

A second submission was received raising the following concerns:

- Will the licence be further renewed beyond what is proposed
- Dust and Noise levels
- Hours of operations
- Costs of road damage

Based on the above concerns the applicant was contacted to determine if future proposals were planned for this site. The applicant's response was that extraction will cease and rehabilitation be completed within the 5 year proposed licence period.

### **COMMENT**

The initial application was advertised in 1999 as a 12 month licence. No submissions were received due to the proposed short length of the licence. As a result of the lack of submissions, the subsequent licence applications of 2000, 2001, 2002 and 2004 were not advertised for comment.

The licence application in 2007 was advertised for comment and one submission was received which objected to the proposal, stating concerns with the maintenance of Weld Road and the extended duration of the licence period, which was originally only envisaged to be short term. This proposal has attracted the stated submission above from the same neighbouring property owner.

Since the introduction of the Road Deterioration Funding agreement, the applicant has made substantial contributions to the cost of maintaining Weld Road based on their actual usage.

The applicant has indicated that the site is to be finished and fully rehabilitated within the next 5 years. Although there is an existing gravel stockpile the applicant acknowledges that the

market can be fickle and has committed to restoring the site to pasture regardless of whether all the gravel is utilised.

The site has operated for many years without any cause for concern and continuing with the objective of completely restoring the site within 5 years will satisfy those concerned.

#### Additional Licence Conditions

During 2012, Shire officers observed small quantities of imported topsoil being placed in the rehabilitated areas of some other extraction sites prior to planting. The importation of soil is the quickest way of spreading exotic weeds to native bush areas.

Any future licence will include a condition that strictly prevents any material being brought onto site without prior approval of the Council. This will allow the Council's delegated authority to approve the importation of other materials for blending and small quantities of gravel and limestone for track building but will prohibit any other soils from being deposited there. This will be included as a standard condition to all future extractive industry licences within the Shire of Capel.

#### **VOTING REQUIREMENTS**

Simple majority

<b>OC0209 OFFICER'S RECOMMENDATIONS – 16.3/COUNCIL DECISION</b>
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**Moved Cr McCleery, Seconded Cr J Scott**

**That Council resolves the following regarding the application from DL & HR Payne to extract gravel and sand from Lot 101 Weld Road, Capel River:**

- 1 Pursuant to Clause 8.3.10 of Town Planning Scheme No. 7 grant Planning Consent subject to the following conditions:**
  - (a) Development being limited to that detailed in the approved Extractive Industry Licence Plan (dwg no. 121001-0-1) dated 30 October 2012.**
  - (b) The approval being limited to the 28 February 2018;**
  - (c) An agreement being entered into regarding the maintenance of Weld Road for the life of the extractive industry to the satisfaction of the Director of Engineering and Operations; and**
  - (d) The issue of an Extractive Industry Licence in accordance with the Shire of Capel Extractive Industry Local Laws – February 2001 and compliance with the conditions of that licence.**
- 2 Agree to issue an Extractive Industry Licence pursuant to the Shire of Capel Extractive Industry Local Laws – February 2001 with the conditions as detailed in pages 1 to 4 of the attachment.**
- 3 To advise the applicant that Council's approvals do not negate the need to obtain any other relevant approvals required under State or Federal Government Legislation and associated Regulations or any requirement to comply with such regulatory control during the operation of the activity.**
- 4 To advise the applicant that further licence applications beyond 2018 will not be considered by Council.**

Carried 9/0

**17 CORPORATE SERVICES REPORTS****OC0210 (17.1) Mid Year Budget Review**


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Location:	Capel
Applicant:	Shire of Capel
File Reference:	
Disclosure of Interest:	Nil
Date:	05.02.13
Author:	Director Corporate Services, P Anastasakis
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	1. Financial Statement Variance Report 2. Updated Capital Works Programme 3. Monthly Financial Statements – January 2013 (refer Attachment to Item 17.2 Financial Statements for 31 January 2013)

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**MATTER FOR CONSIDERATION**

Council to consider adopting the results of the mid year Budget review.

**BACKGROUND / PROPOSAL****Background**

The Local Government (Financial Management) Regulations 1996 (as amended) require local governments to conduct a budget review between 1 January and 31 March each year and to report the results of the review to Council. After Council has made their determination a copy is to be provided to the Department of Local Government.

**Proposal**

A mid year Budget review has been conducted with staff reviewing actual expenditure at 31 January 2013, compared to the budget for the year and assessing whether the remaining budget for the year needs to be amended. This review has resulted in forecasts for the end of the financial year being prepared and the monthly financial statements being updated with these forecasts.

Council needs to consider and adopt the Budget Review as presented in the Financial Statement Variance Reports, Monthly Financial Report for January 2013, and updated Capital Works Programme for the period 1 July 2012 to 31 January 2013.

**STATUTORY ENVIRONMENT**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* outlines the requirements for the conduct of a budget review. These include:

1. Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
2. Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
3. Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.

4. A Council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.
5. Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.

### **POLICY IMPLICATIONS**

The budget is based on the principles contained in the Strategic Plan and Plan for the Future. There are no Council Policies relating to this report.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets. The Mid Year Budget Review provides this monitoring, while also enabling the forecast expenditure to the end of the financial year to be reviewed and adjusted if necessary.

#### **Long Term**

Expenditure is covered in the current annual budget allocation, or is identified as unbudgeted expenditure or over expenditure. Where unbudgeted or over budget expenditure has occurred, forecast savings have been identified where possible to assist in offsetting these additional costs. This will therefore minimise any long term financial implications.

#### **Whole of Life**

As no assets/infrastructure is being created, there are no whole of life costs relevant to this item.

### **SUSTAINABILITY IMPLICATIONS**

The Mid Year Budget Review includes the financial details of a number of projects that have a positive environmental impact and a direct social benefit for the community.

The mid year budget review ensures that the Shire's finances are on target economically to achieve budget projections.

### **STRATEGIC IMPLICATIONS**

The Budget Review has been developed based on existing strategic planning documents adopted by Council. The Strategic Plan 2009 to 2020 includes the following strategy which has relevance:

- Economic strategy of reviewing financial management practices to ensure best practice.

### **CONSULTATION**

The budget review was conducted with the assistance and input of finance staff and Directors who determined expenditure needs and revenue expectations for the remainder of the financial year based upon actual performance compared against budget.

**COMMENT**

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Council adopted a plus or minus 10% for the reporting of variances to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue in the monthly report of financial activity, which is the basis of reporting for the mid year budget review.

The results of the mid year budget review are included within the format of the monthly financial report for January 2013. The inclusions of the "YTD Budget" and "Forecast" columns in the Statement of Comprehensive Income by Nature and Type and Rate Setting Statement form part of a recent Financial Report Policy change by Council.

A Financial Statement Variance Report is also provided to Council and shows forward estimates for each general ledger account, which are included in the column "Forecast EOY Balance". This can be compared against the original "Annual Budget" column, with variance percentages highlighted in the "Variance %" column. Variances of greater than 10% have been highlighted and comments provided by the relevant Director or Officer in the "Variances Explanation" column.

These Forecast EOY balances also include those items of unbudgeted expenditure, which are highlighted within the report.

While the detailed General Ledger report provides a listing of all budget, actual, and forecast figures with variances, the review has identified the following major variations between the expected end of year financial position and the adopted budget.

**General Purpose Funding**

- Total Budget Rate items have been reallocated based on when rates are raised at the start of the financial year, rather than being averaged over 12 months.
- The total forecast rate income is \$154,528 lower than the budget of \$7,740,411. Contributing to this reduction is the exemption of rates by the Bethanie Homes group for their aged care facility Dalyellup. This resulted in \$65,918.35 being removed from the 2012/13 rates.
- The Council's Federal Assistance Grants are now forecast to be lower than originally advised. \$429,800 is forecast for the General Purpose Grant, which is \$11,700 less than budgeted. \$234,518 is forecast for the Local Road Grant, which is \$20,482 less than budgeted.

**Governance**

- Resource Sharing & Regional Partnerships – Regional waste site \$10,000 and resource sharing investigations \$5,000 not required.
- Strategic Planning and Customer Surveys – Integrated planning and reporting printing, communication and promotion not expected to be finalised in 12/13 (only \$10,000 forecast) and funding to be carried forward (\$20,000).
- Organisational Training & Development - Training and development programmes (\$30,000) carried over from 2011/12 - EBA certificate courses.
- Information Systems Maintenance Expense - Annual maintenance payment for software and a backlog of software licenses resulting in an unexpected expense of \$67,698. Capital projects totaling \$42,507 plus reductions in IT operating expenses totaling \$22,690 have been forecast to offset the majority of this increase.

Law, Order & Public Safety

- Emergency Response including SES – this resulted from the storms that hit the Shire of Capel in May 2012. There was no budget allocation for this area and expenses incurred were approved by Council as unbudgeted expenditure (OC0815 15/08/12). Most of the costs incurred will be reimbursed to Council, with the breakdown as follows - WANDRA - (11/12 Staff Overtime \$7,976.61k Paid, Contractors \$19,132.18 Paid, 12/13 Staff Overtime \$5,480.30 Paid, Contractors \$1,415,480.96 Paid). MRWA – (12/13 \$92,246.15 – Outstanding, 11/12 \$42,841.83 Outstanding).

Health

- Mosquito Control expenses - \$127,600 in larvicide expenses is forecast due to increased usage, compared to the budget of \$108,390. Reduced staffing hours and materials costs forecast for the remainder of the budget.

Education and Welfare

- HACC Costs – A number of positive and negative variances affecting each cost area. An increased use of volunteers is occurring to assist in keeping employee costs within budget. Additional growth funding used to expand specific services.
- HACC - Grants for the Men’s Shed and Gated Compound were not successful.
- HACC - After non-cash adjustments, a net deficit of \$18,795 is forecast for HACC Operating and Capital expenditure. Increased leave accrual expenses have contributed to this current forecast.

Community Amenities

- Land Conservation Activities - Additional funding of \$6,000 was paid to the Capel LCDC from reserve. Council approved the addition funding of \$6,000 for projects undertaken in 2011/12 (OC1013 17/10/12).
- Climate Change - Council approved the reallocation of \$5,225 from the Climate Change budget to fund energy audits for designated buildings (OC1003 17/10/12). Council endorsed the unbudgeted expenditure and a change in the proposed sustainable energy action (OC0119 23/01/13) by deleting solar power systems until further investigation.

Recreation and Culture

- Capel Recreation Grounds - Capel Country Club storm damage repairs. Council approved the unbudgeted expenditure of \$5,000 associated with storm damage (OC1014 17/10/12).
- Dalyellup Parks, Gardens and Reserves. Forecast expense is under budget due to the budgeted handover of addition parks and gardens not occurring of \$217,500. Staff vacancies also resulted in lower staffing costs. This will result in the forecast expense being \$633,429 or 43.05% lower than budget.
- Additional costs forecast for the Dalyellup Sports Pavilion due to higher wages costs related to the startup of the facility.
- Interest on Loans – Lower interest cost than forecast of 24.62% due to the loan for the Capel Recreation Grounds Hard Court project not being drawn down until April 2013.
- Less expenditure and income is forecast for the Millennium disposal site investigation costs.

Transport

- Road Maintenance and works costs are forecast to be under budget. This is partly related to staff movements and salary costs as outlined later in this report, and partly with staff time being spent on other storm related cleanup works.
- Weed spraying on road reserves is forecast to be \$5,000 or 31.25% higher than budget.
- Bridge Maintenance – insurance costs are forecast to be \$11,490 compared to the budget of \$1,217, resulting in the overall bridge maintenance cost being higher than budget.

- Grants and Contributions – The Jamieson Road Boardwalk project of \$200,000 has been removed as it is not forecast that grant funding will be secured. An additional \$25,000 is forecast to be received from the SWCC for drainage works in Capel.

#### Economic Services

- Area Promotion – forecast funding towards Capelfest have been removed totaling \$19,420.
- Building Contractors cost are forecast to be 16.75% higher than budget due to the requirement to process building applications. There has been a difficulty in attracting a permanent staff member to this role, resulting in lower staffing costs.
- Swimming Pool Inspections – The cost of the contracted swimming pool inspections was less than forecast resulting in a \$10,200 saving.
- Building Permit income is \$50,000 or 24.34% less than originally budgeted. This is due to the volume of activity being over estimated.
- Kidsport expenses are less than budgeted with a portion of the grant expenditure carried forward to next year. Expenditure is matched by grant income but there may be a timing difference between expenditure and receipt of funds.
- Forecast Extractive Industry licences income (\$55,000) and Road Deterioration Charge income (\$30,000) is significantly higher than forecast due to the volume of applications received for extractive industries.

#### Other Property and Services

- Plant Repair and Maintenance costs are forecast to be \$38,036 or \$103.6% higher than budget. This is due to increase materials, contractor and wages expenses required to maintain the Council plant.

#### Capital Works Programme

- Some variances in the capital works program have occurred and are summarised in the **2012/13 Capital Works Program** update. Forecast figures have been included in the Rate Setting Statement. All of the major projects continue to remain in line with or close to the original budget, except where note or previously approved by Council.
- Capel Recreation Ground Hard Courts project. This project has had the original budget for 2012/13 increased from \$1,008,716 to \$1,205,435. This is a 19.5% or \$196,719 increase.  
Council approved \$59,128 from the Trust account as unbudgeted expenditure for Job XM142 (OC0903 19/09/12). Council approved the reallocation of \$74,000 from various capital projects to fund the additional cost related to the tender for the hard courts (OC0904 19/09/12).  
Council approved the reallocation of \$82,000 from the Prowse, Goodwood Road and Trigwell Road Dual Use Path project to fund the hard courts (OC0904 19/09/12). \$200k for the Jamieson Road footbridge project removed as grant funding was no longer anticipated.
- Drainage Infrastructure - Capel Townsite Drainage increased expenditure. Council approved the increased allocation of \$52,000 to Job XM45 for GPT's and drainage works in the Capel Townsite and to link in with GeoCatch and SWCC funding (OC1009 17/10/12). The revised forecast for the project is \$99,000.
- Dalyellup Sports Pavilion – forecast savings in capital expenditure due to reduced funds being required for the provision of temporary water and electricity. This has provided a forecast saving of \$44,000.
- Administration Building design and planning. The original budget of \$100,000 has been revised down to \$30,000 in 2012/13 as the project has not full commenced due to a review of the extent of works. This has provided a forecast savings of \$70,000 which has been carried forward into the 2013/14 draft budget.

New Loans and Repayment of Loan Principal

- Council has budgeted one loan for the sum of \$900,000 to draw down during 2012/13 for the Capel Recreation Grounds Hard Courts project. Due to the delay in the commencement of the project, it is now anticipated that the loan will be drawn down in April 2013.
- The later draw down of the loan will result in a budget saving of \$32,000 in interest payments.

Salaries & Wages

Total budgeted "Salaries and Wages" was \$5,990,046, while the forecast has been reduced to \$5,684,515. This is a reduction in expenditure of \$305,531 or 5.1%. There are a number of reasons to explain why this variance has occurred:-

- Staff Turnover resulting in vacancy periods i.e.: 3 months between a staff member resigning and a new person commencing
  - Environmental Health Officer
  - Organics Officer (Sustainability Officer)
  - Planning Officer
  - HACC Support Team Leader
  - HACC Gardener
  - Finance & Accounts Payable Officer
  - Engineering Tech Officer - Design
  - Parks Operator
  - General Hand - Works
  - Asset Management Engineer
  - Executive Assistant – Engineering & Operations
  - Development Officer Building
- Inability to attract new staff to vacant positions
  - Senior Planning Officer
  - Manager Building Services
  - Engineering Environmental Officer (NRM Officer)
- Changes to budgeted positions – minor structural changes
  - Projects & Contracts Officer
  - Strategic Planning Officer
- Delays in appointing newly budgeted roles
  - Information Systems Coordinator
- Annual Leave and Long Service Leave
  - Focus on staff taking their accrued leave from previous years.
 

This results in more of the salary and wages cost coming out of the leave expense provision (liability account), thereby reducing the cost allocated to salaries and wages (operating expense account). It is forecast that in the vicinity of \$120,000 leave will be taken during 2012/13 additional to the normal annual entitlement. The total "Employee Costs" remains the same, but the internal cost allocation has changed.
  - Change in method of distributing leave expenses and provisions
 

During the financial year the method of allocating leave provisions to each cost area was changed. In previous years and the original 2012/13 budget, only the net increase/decrease in leave provisions were allocated to each cost area's leave expense account. Actual leave taken by staff, whether the current year's allocation or additional leave would impact on the expense cost area.

The new method allocates only the current year's accrued leave expense, and when it is taken it then reduces the leave liability provision. This method matches the expense and liability with the period it is incurred and enables more consistent budgeting.

Each year a provision is made for staff to take their 4 weeks annual leave and a portion of their long service leave (subject to probability calculations). This generally results in between 4 and 5.3 weeks being expensed during the year or between \$460,000 and \$610,000 per annum.

The forecast leave provision as a result of the change in method and increase taking of leave for 2012/13 is \$542,852, while the original budget was \$153,151 (which only accounted for the net change).

“Employee Costs” as summarised in the Statement of Comprehensive Income by Nature & Type, have also decreased in line with the reduced salaries and wages cost.

“Employee Costs” consist of all expenditure related to the employment of staff and include salaries and wages, superannuation, leave provisions, staff allowances and benefits, workers compensation insurance, training and professional development, Fringe Benefits Tax, and uniforms. The total budgeted employee costs were \$7,151,500, while the forecast expenditure is \$6,665,565. This is a reduction in expenditure of \$485,935 or 6.8%.

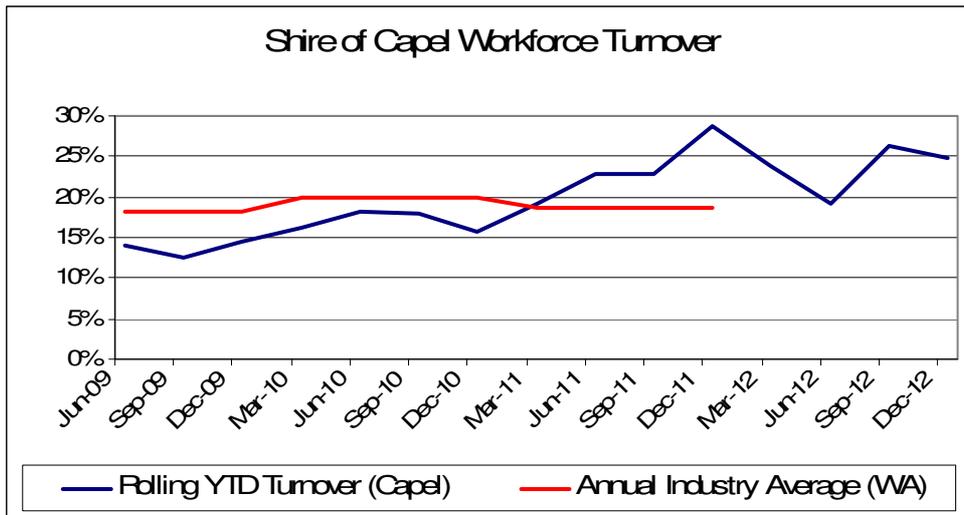
### Transfers to and from Reserves

- Various transfers to and from reserves have changed to reflect the above changes in income, expense or capital works forecasts.
- Due to the various operating and capital income and expenditure adjustments, there is estimated to be savings in the vicinity of \$689,500.
- A number of increased transfers to Reserves are proposed to utilise the forecast savings at the end of the financial year. These increased transfers are summarised as follows :
  - Plant Reserve - from \$122,500 (representing 50% of the plant depreciation) to \$257,000 (representing 100% of plant depreciation). This is an increased allocation of \$134,500. The additional funds will assist in providing cash backing for the future plant replacement program, and reflects 100% of the assets consumption.
  - Building Reserve - from \$5,000 to \$200,000, representing an increased allocation of \$195,000. Any additional funds allocated to this reserve will assist in funding future building projects and potentially reducing loans.
  - Furniture & Equipment Reserve - from \$40,000 to \$60,000, representing an increased allocation of \$20,000. Any additional funds allocated to this reserve will assist in funding future furniture and equipment requirements, not only for new buildings but as part of asset management and replacement programs.
  - Employees Leave Reserve - from \$10,000 to \$50,000, representing an increased allocation of \$40,000. Any additional funds allocated to this reserve will assist in funding future leave payments from the leave liability provision accounts. As at the 31<sup>st</sup> January 2013, Council had liability leave provisions totaling \$906,129. Up to the same period, the cash backed leave reserve balance is \$398,731. Any additional funds allocated to the leave reserve will assist in closing this gap.
  - It is also proposed to create a new Reserve called “Staff Attraction and Retention Reserve”. The purpose of this reserve would be to enable the implementation of the Attraction and Retention Strategy which is aimed at the attraction, retention and development of staff.

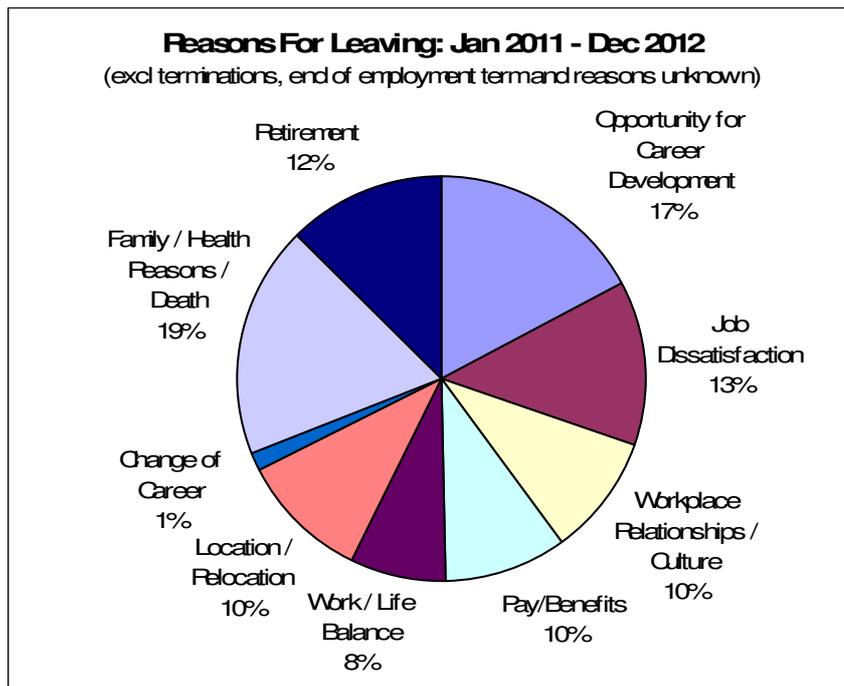
The following overview provides some explanation of the purpose of the Staff Attraction and Retention Strategy and Reserve:

Workforce turnover has increased above industry average over the last two years. Turnover poses significant cost to the organisation by way of recruitment expenses,

loss of productivity, places demand on existing staff resources and a loss of local and industry knowledge.



Analysis of the reasons for leaving cited by staff indicate that half of this turnover is able to be minimised. A reduction in turnover (and attraction to fill vacant positions) may be achieved with adopting attraction & retention strategies that engage and enhance our workforce.



The transfer of unspent salaries (up to a maximum of \$300,000 per annum) to an Attraction & Retention reserve fund for current and future employees, will allow the Shire to invest in strategies that develop and engage staff, provide for succession planning and improve workplace communication and culture.

The Shire’s return on investment for this strategy will directly impact staff turnover and associated costs and provide a market competitive attraction benefit.

Drafts of both the Attraction & Retention Reserve Fund Policy and the Attraction & Retention Strategy will be provided in a Council Report to be tabled at Council in March 2013. It is also recommended that the Strategy be incorporated into the

Shire's Workforce Plan currently under development, under the Integrated Planning Framework.

Due to the above adjustments the closing funds of (\$1,706) are equivalent to the budgeted breakeven position of \$0 and remains within the percentage variance set by Council in the 2012/13 adopted budget. At this stage a breakeven position is being forecast to be carried forward to the 2013/14 financial year. However, this forecast result will change each month as future expenditure and revenue expectations are refined and information is received on the likelihood of specific projects proceeding or not proceeding.

The budget has been reviewed to continue to deliver on other strategies adopted by the Council and maintains a high level of service across all programs.

### **VOTING REQUIREMENTS**

Absolute majority

<b>OC0210 OFFICER'S RECOMMENDATION – 17.1/COUNCIL MOTION</b>
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**Moved Cr J Scott, Seconded Cr Manley**

**That Council adopts the budget review of actual financial performance compared to the 2012/13 Budget with the following major variations contained within this report noted, and amend the budget to reflect those variations approved previously as unbudgeted expenditure plus the following noted budget review amendments :**

- **Increased / decreased grants and contributions income and project expenditure directly associated with the grants and contributions.**
- **Increases / decreases in employee costs.**
- **Increase allocation to Plant Reserve from \$122,500 to \$257,000.**
- **Increase allocation to Building Reserve from \$5,000 to \$200,000.**
- **Increase allocation to Furniture & Equipment Reserve from \$40,000 to \$60,000.**
- **Increase allocation to Employees Leave Reserve from \$10,000 to \$50,000.**
- **Create a new Reserve called "Staff Attraction and Retention Reserve" and allocate unspent salaries (up to a maximum of \$300,000 per annum). The purpose of this reserve is to enable the implementation of the Attraction and Retention Strategy which is aimed at the attraction, retention and development of staff.**

**and notes that based on this mid year review and the forecast variances and budget amendments, the anticipated end of year financial result is not expected to vary significantly to the budgeted result for the financial year.**

**OC0211 AMENDMENT**

**Moved Cr Manley, Seconded Cr Smith**

**That Council adopts the budget review of actual financial performance compared to the 2012/13 Budget with the following major variations contained within this report noted, and amend the budget to reflect those variations approved previously as unbudgeted expenditure plus the following noted budget review amendments :**

- **Increased / decreased grants and contributions income and project expenditure directly associated with the grants and contributions.**
- **Increases / decreases in employee costs.**
- **Increase allocation to Plant Reserve from \$122,500 to \$257,000.**
- **Increase allocation to Building Reserve from \$5,000 to \$200,000.**
- **Increase allocation to Furniture & Equipment Reserve from \$40,000 to \$60,000.**
- **Increase allocation to Employees Leave Reserve from \$10,000 to \$50,000.**

**and notes that based on this mid year review and the forecast variances and budget amendments, the anticipated end of year financial result is not expected to vary significantly to the budgeted result for the financial year.**

Amendment Carried 6/3

The Amendment became the Motion and was Carried with an Absolute majority 7/2

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**OC0212 (17.2) Financial Statements for 31 January 2013**

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Location: Capel  
Applicant: Shire of Capel  
File Reference:  
Disclosure of Interest: Nil  
Date: 07.02.13  
Author: Manager Finance, A Mattaboni  
Senior Officer: Director Corporate Services, P Anastasakis  
Attachments: Financial Statements for January 2013

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**MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for January 2013.

**BACKGROUND / PROPOSAL****Background**

Local Government (Financial Management) Regulations 1996 prescribe the requirement to prepare financial reports on a monthly basis and also prescribe their format and content.

**Proposal**

The financial statements provided to Council satisfy the requirements.

**STATUTORY ENVIRONMENT**

Section 6.4 of the Local Government Act 1995 specifies that a local government is to prepare such other financial reports as are prescribed.

Regulation 34 of the Local Government (Financial Management) Regulations 1996 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
  - (e) the net current assets at the end of the month to which the statement relates.

Sections 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

**POLICY IMPLICATIONS**

Policy 11.3 – Financial Reports.

**FINANCIAL IMPLICATIONS****Budget**

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

**Long Term**

As all expenditure is covered in the current annual budget allocation, there are no long term financial implications from this item.

**Whole of Life**

As no assets/infrastructure is being created, there are no whole of life costs relevant to this item.

**SUSTAINABILITY IMPLICATIONS**

The Monthly Financial Report includes the financial details of a number of projects that have a positive environmental impact and a direct social benefit for the community. Many of the projects and items included in the Monthly Financial Report have or will generate a significant economic benefit for the State and some businesses within the Shire of Capel have already shared in this benefit.

**STRATEGIC IMPLICATIONS**

The Strategic Plan 2009 to 2020 includes the following strategy which has relevance:

- Economic strategy of reviewing financial management practices to ensure best practice.

**CONSULTATION**

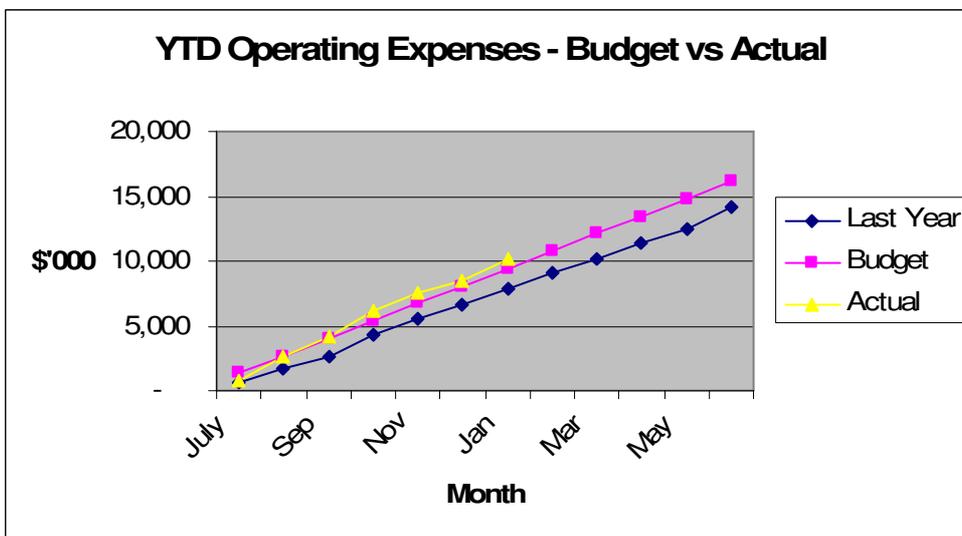
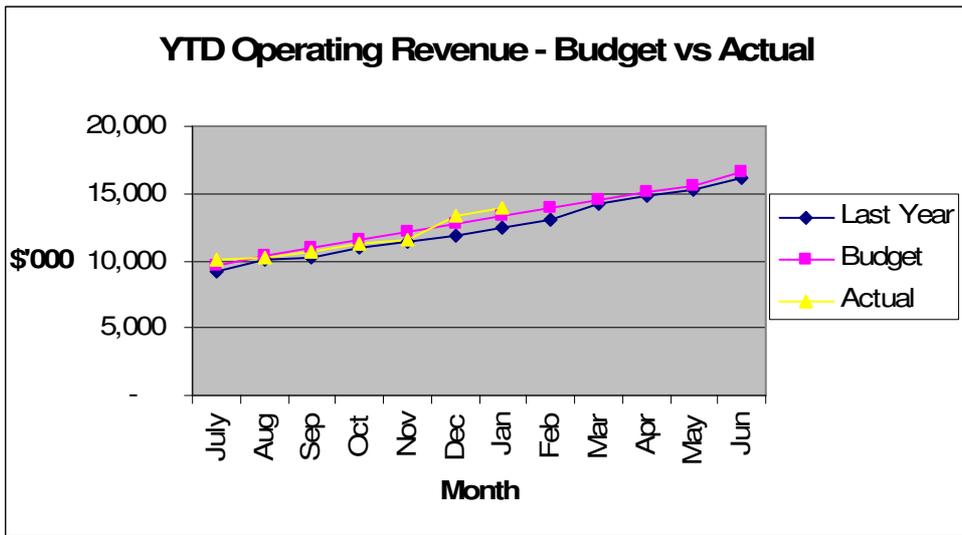
The monthly Financial Statement was developed with the assistance and input of staff who determined expenditure needs and revenue expectations for the remainder of the financial year based upon actual performance compared against budget.

**COMMENT**

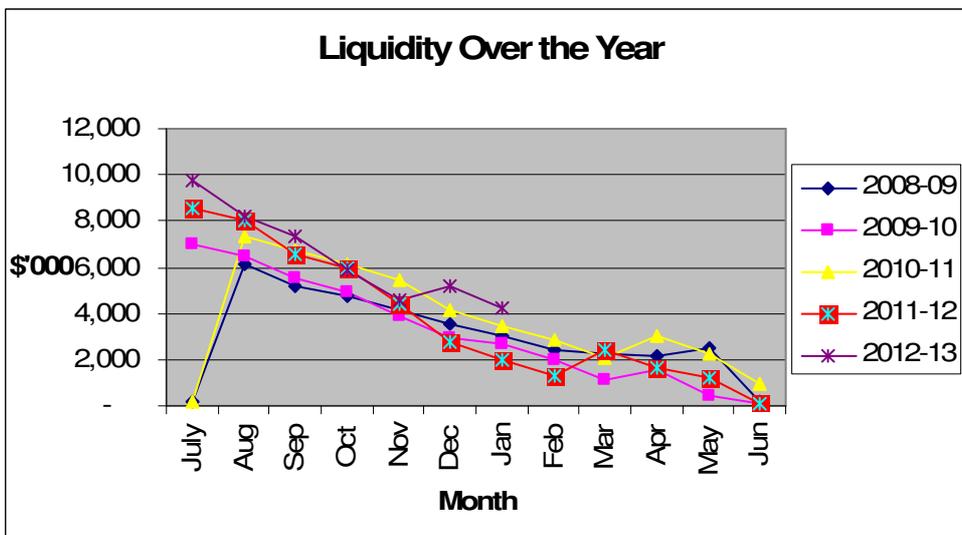
At 31<sup>st</sup> January 2013, Council's net current assets position was a surplus of \$4,252,929. This is a decrease of \$961,806 from the previous month. The actual surplus brought forward from the 2011/12 financial year has been calculated at \$2,559. The forecast end of year net current asset position is currently shown as a deficit of \$1,706. This amount should vary monthly as the forecast is updated.

Compared to the annual budget, 84% of Operating Revenue has been invoiced and 63% of the Operating Expenditure budget has been spent. Total actual operating revenue is above the year to date budget and total actual operating expenditure is above the year to date budget.

The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. Last year's actual is also included for comparative purposes. The year to date operating revenue is above budget and above last year's actual amount. The revenue graph excludes non-cash infrastructure revenue. The year to date operating expenditure is above budget and above last year's actual amount.

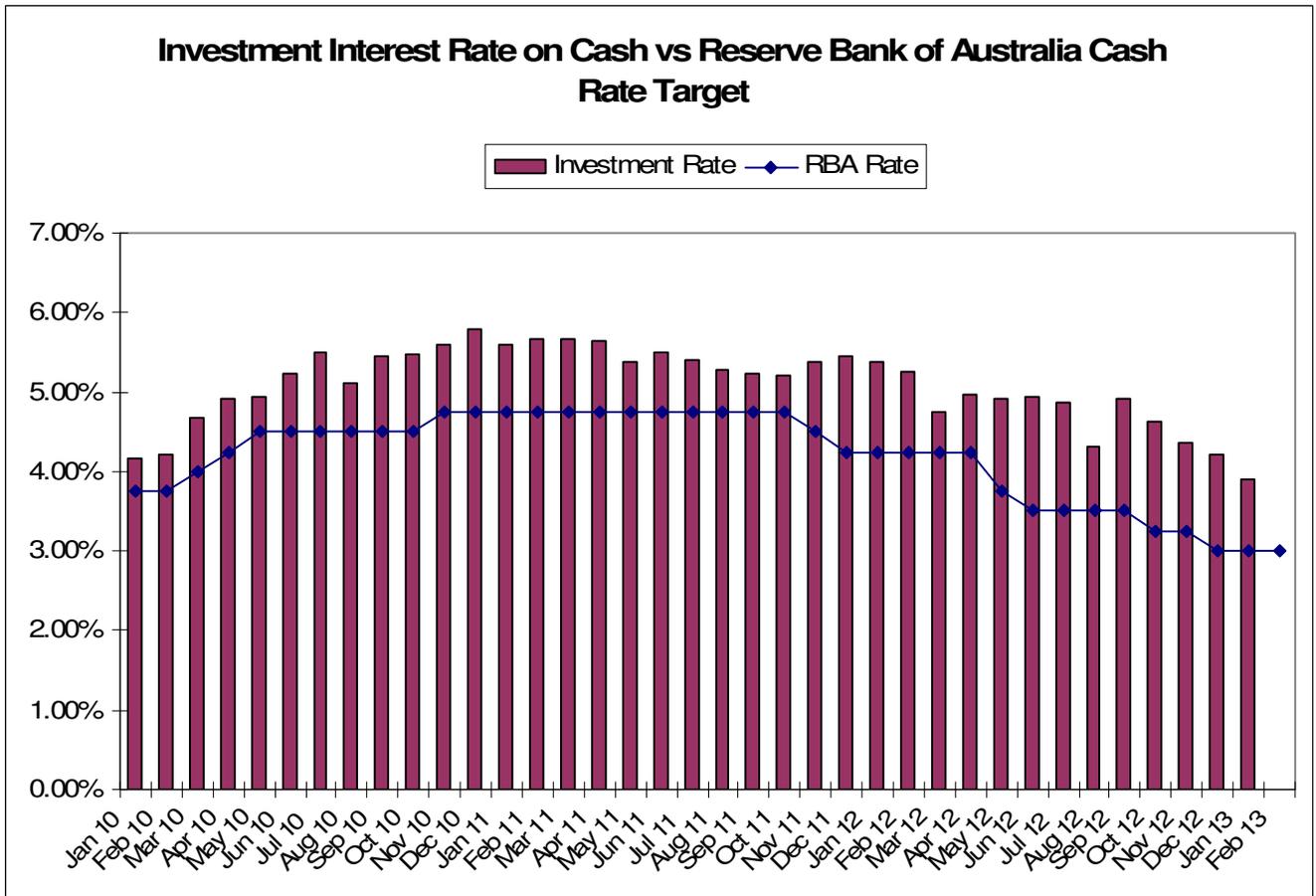


The liquidity graph compares the current year’s net current assets position against that of the four previous years. Liquidity should be at its highest point to coincide with the levying of rates.



Council’s municipal cash and investments position has decreased by \$431,477 compared to last month. The Municipal cash position is an amount of \$9,830,798 of which \$7,430,133 is restricted for specific purposes as shown at Note 3.

Total interest earned for the year is \$293,976 which is slightly above the year to date budget. This will change as existing term deposits mature. The average investment rate of return of 3.90% exceeds the Reserve Bank’s cash reference rate of 3.00%. The Reserve Bank on the 6<sup>th</sup> February 2013 maintained its cash rate target at 3.00%. Term deposits as they mature will have the amounts reinvested adjusted so as to comply with the Shire’s Investment of Funds policy. The forecast year end Statement of Comprehensive Income interest earnings amount will be adjusted with the change in market rates offered. The following graph compares the Shire’s interest rate earned on investments against the Reserve Bank’s reference rate.

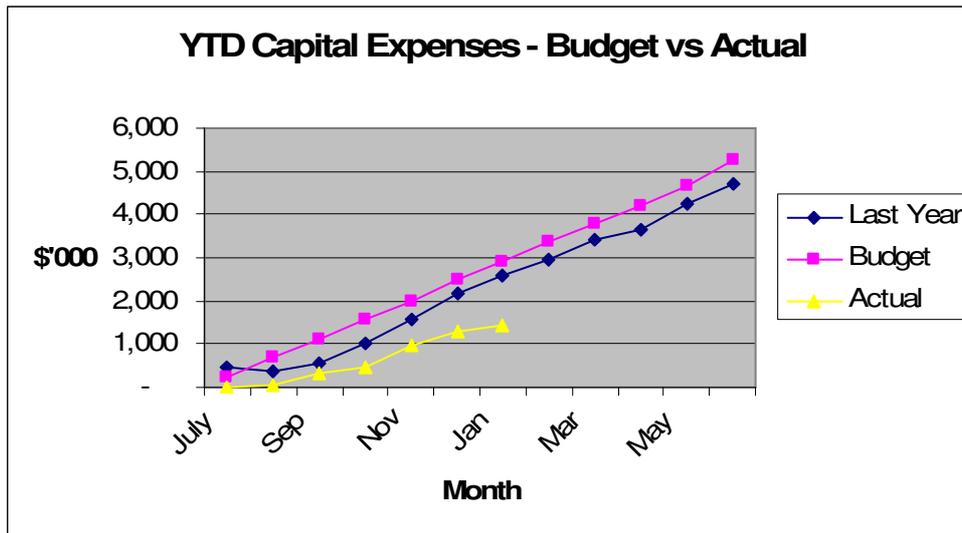


Capital works expenditure of \$138,418 was incurred during the month of which:

- \$36,665 for bitumen reconstruction on Lillydale Road, Weld Road, Ludlow Road and Boundary Road,
- \$12,900 for bitumen reseal on Ilmenite Crescent,
- \$1,160 for Hutton Road reconstruction,
- \$1,563 for specific remedial works,
- \$24,700 for carpark construction,
- \$618 for Capel townsite drainage,
- \$559 for staircase tread replacement,

- \$2,560 for the Capel Transfer Station shed,
- \$17,598 for a pump,
- \$39,028 for a vehicle,
- \$1,068 on the Geographical Information system.

The following graph compares actual capital expenditure against budget on a year to date basis. Last year’s actual is included for comparative purposes.



Council’s financial ratios are disclosed in Note 14. The Current ratio has decreased from 5.21 to 4.19 inline with the declining current asset amount. The Untied cash to trade creditors has decreased from 5.99 to 5.88. The Outstanding rates ratio has continued to decrease from 0.22 to 0.17.

A review of the Statement of Financial Position and the attendant notes indicates there are no adverse trends evident in the year to date financial statements as at 31<sup>st</sup> January 2013.

**VOTING REQUIREMENTS**

Simple majority

**OC0212 OFFICER’S RECOMMENDATION – 17.2/COUNCIL DECISION**

**Moved Cr Bell, Seconded Cr Hearne**

**That Council adopts the financial statements for the period ending 31 January 2013 as attached.**

Carried 9/0

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**OC0213 (17.3) Application To Keep 3 Dogs – Lot 1379 Gavins Road, The Plains**

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Location: The Plains  
Applicant: Shirley Lamb  
File Reference:  
Disclosure of Interest: Nil  
Date: 05.02.13  
Author: Customer Service Officer, M Blandford  
Senior Officer: Director Corporate Services, P Anastasakis  
Attachment: Location Map

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**MATTER FOR CONSIDERATION**

An application has been received to keep 3 dogs at Lot 1379 Gavins Road, The Plains.

**BACKGROUND / PROPOSAL****Background**

There are no previous decisions or history relevant to this matter.

**Proposal**

The applicant seeks Council's approval to keep three dogs at Lot 1379 Gavins Road, The Plains.

**STATUTORY ENVIRONMENT**

Council's Local Laws Relating to Dogs require a person wishing to keep more than two dogs on a property to apply for an approved kennel licence.

The provisions of Section 26 of the Dog Act 1976 however, allow Council to grant permission to keep additional dogs without the requirement of having a licensed kennel establishment.

Specifically, Section 26 (3) states:

*"(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in a specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to the approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –*

- (a) May be made subject to conditions, including a condition that it only applies to the dogs specified therein;*
- (b) Shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) May be revoked or varied at any time".*

Pursuant to Section 26 (5) a person who is aggrieved by the conditions imposed by an exemption or the refusal of a local government to grant an exemption, then that person may appeal to the State Administrative Tribunal.

**POLICY IMPLICATIONS**

There are no current policies applicable to this matter.

**FINANCIAL IMPLICATIONS****Budget**

The approval of a third dog will see a minor increase in the annual budget income.

**Long Term**

No long term financial implications with this application.

**Whole of Life**

As no asset/infrastructure is to be created there are no whole of life costs relevant to this item.

**SUSTAINABILITY IMPLICATIONS**

Social – Given the size of the property, the chance of any Social impact is minimal, and this is only for a temporary period.

**STRATEGIC IMPLICATIONS**

The consideration of this matter is consistent with Key Focus Area 2 – The Community Experience, Strategy C6 – Plan for the health and safety of the community in the Shire of Capel Strategic Plan.

**CONSULTATION**

A letter was sent to the owners of all adjoining land advising of the application and asking whether or not they had any objections to the proposal. A total of 7 letters were sent out with 4 replies received. Of these replies, the responses were as follows:

- 1) Do Not Object
- 2) Do Not Object
- 3) Do Not Object
- 4) Do Not Object

**COMMENT**

The application is to keep the following dogs on the property:

Shadow	14 Years Old	Sterilised Male	Labrador
Tai	6 Years Old	Sterilised Male	Kelpie Cross
Sparky	11 Months Old	Unsterilised Male	Jack Russell

Community Rangers have inspected the property and have advised that there are no fencing issues with the property and that the dogs are adequately contained on the premises.

Staff have not had cause to visit the applicant's property to deal with any claims of nuisance behaviour caused by the dogs.

In the application Ms Lamb has advised her reason for having more than 2 dogs on the property as having her daughter's dogs currently staying with them as they cannot have dogs in their rental property. Her daughter is looking to buy a house in Perth early this year and then the dogs will move to Perth with her.

Should the application for a permit be declined the applicants have a right of appeal to the State Administrative Tribunal (SAT). The Tribunal has shown in previous dealings that it is prepared to give the benefit of the doubt to the applicants unless there are specific examples of nuisance behaviour.

As there is no evidence to the effect of nuisance behaviour or complaints with the animals referred to in this application, it is recommended that Council grant approval. It is considered that the provisions contained in the recommendation will be sufficient to control any nuisance behaviour caused by the dogs.

The three dogs are all registered with Council.

**VOTING REQUIREMENTS**

Simple majority

**OC0213 OFFICER’S RECOMMENDATIONS – 17.3/COUNCI DECISION**

**Moved Cr Manley, Seconded Cr Hearne**

**That Council grants an exemption, in accordance with the provisions of Section 26 (3) of the Dog Act 1976, allowing Ms Shirley Lamb to keep three dogs at Lot 1379 Gavins Road, The Plains, subject to the following conditions:**

**1. That the exemption applies only to the following dogs:**

<b>Shadow</b>	<b>14 Years Old</b>	<b>Sterilised Male</b>	<b>Labrador</b>
<b>Tai</b>	<b>6 Years Old</b>	<b>Sterilised Male</b>	<b>Kelpie Cross</b>
<b>Sparky</b>	<b>11 Months Old</b>	<b>Unsterilised Male</b>	<b>Jack Russell</b>

**2. The exemption only applies to Lot 1379 Gavins Road, The Plains.**

**3. The exemption may be revoked or varied at any time if the animals, the subject of this exemption, contravene the Dog Act 1976;**

**4. The exemption is not transferable; and**

**5. Should any of the dogs die or be given away, the exemption no longer applies to the property.**

Carried 9/0

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**OC0214 (17.4) Application To Keep 3 Cats – 7 Austin Road, Capel**

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Location: Capel  
Applicant: Johanna Nordstrom  
File Reference:  
Disclosure of Interest: Nil  
Date: 05.02.13  
Author: Customer Service Officer, M Blandford  
Senior Officer: Director Corporate Services, P Anastasakis  
Attachment: Location Map

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**MATTER FOR CONSIDERATION**

An application has been received to keep 3 cats at 7 Austin Road, Capel.

**BACKGROUND / PROPOSAL**

**Background**

There are no previous decisions or history relevant to this matter.

**Proposal**

The applicant seeks Council’s approval to keep three cats at 7 Austin Road, Capel.

**STATUTORY ENVIRONMENT**

Council’s Local Laws relating to cats requires a person wishing to keep more than two cats on a property to apply for an approved permit, and also requires that the cats be confined to the property at all times.

**POLICY IMPLICATIONS**

There are no current policies applicable to this matter.

**FINANCIAL IMPLICATIONS**

**Budget**

The approval of a third cat will see a minor increase in the annual budget income.

**Long Term**

No long term implications with this application.

**Whole of Life**

As no asset/infrastructure is to be created there are no whole of life costs relevant to this item.

**SUSTAINABILITY IMPLICATIONS**

Council’s local laws are such that there would not be any foreseeable environmental impact as the cats are required to be confined to the property at all times.

**STRATEGIC IMPLICATIONS**

The consideration of this matter is consistent with Key Focus Area 2 – The Community Experience, Strategy C6 – Plan for the health and safety of the community in the Shire of Capel Strategic Plan.

**CONSULTATION**

A letter was sent to the owners of all adjoining land advising of the application and asking whether or not they had any objections to the proposal. A total of 5 letters were sent out with 4 replies received. Of the 4 replies received the responses are as follows:

- 1) Do Not Object
- 2) Do Not Object
- 3) Do Not Object
- 4) Do Not Object

**COMMENT**

The application is to keep the following cats on the property:

Missy	10 Years Old	Sterilised Female	Tortoiseshell
Pav	9 Months Old	Sterilised Male	Domestic Short Hair
Sandy	9 Months Old	Sterilised Male	Domestic Short Hair

Community Rangers have inspected the property and have advised that the enclosed area is adequately secure to confine the cats to the premises.

Staff have not had cause to visit the applicant’s property to deal with any claims of nuisance behaviour caused by the cats.

In the application Ms Nordstrom states her reasons for having the third cat as it belongs to one of her children, and that they have had the cat for many years prior to moving to Capel.

Should the application for a permit be declined the applicants have a right of appeal to the State Administrative Tribunal (SAT). The Tribunal has shown in previous dealings that it is prepared to give the benefit of the doubt to the applicants unless there are specific examples of nuisance behaviour.

As there is no evidence to the effect of nuisance behaviour or complaints with the animals referred to in this application, it is recommended that Council grant approval. It is considered that the provisions contained in the recommendation will be sufficient to control any nuisance behaviour caused by the cats.

**VOTING REQUIREMENTS**

Simple majority

**OC0214 OFFICER’S RECOMMENDATIONS – 17.4/COUNCIL DECISION**

**Moved Cr Smith, Seconded Cr J Scott**

**That Council grants an exemption, allowing Ms Johanna Nordstrom to keep three cats at 7 Austin Road, Capel, subject to the following conditions:**

**1. That the exemption applies only to the following cats:**

<b>Missy</b>	<b>10 Years Old</b>	<b>Sterilised Female</b>	<b>Tortoiseshell</b>
<b>Pav</b>	<b>9 Months Old</b>	<b>Sterilised Male</b>	<b>Domestic Short Hair</b>
<b>Sandy</b>	<b>9 Months Old</b>	<b>Sterilised Male</b>	<b>Domestic Short Hair</b>

- 2. The exemption only applies to 7 Austin Road, Capel.**
- 3. The exemption may be revoked or varied at any time if the animals, the subject of this exemption, contravene the Shire of Capel Local Laws relating to the Keeping and Welfare of Cats.**
- 4. The exemption is not transferable;**
- 5. Should any of the cats die or be given away, the exemption no longer applies to the property;**
- 6. The premises will during the currency of the permit remain adequately fenced (premises will be deemed not to be adequately fenced if there is more than one escape of a cat from the premises); and**
- 7. The applicant will have during the term of the permit adequate space for the exercise of the cats.**

Carried 9/0

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**OC0215 (17.5) Application To Keep 3 Dogs – 2 Digger Place, Boyanup**

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Location: Boyanup  
Applicant: Kelly Rogers & Josh Balodis  
File Reference:  
Disclosure of Interest: Nil  
Date: 05.02.13  
Author: Customer Service Officer, M Blandford  
Senior Officer: Director Corporate Services, P Anastasakis  
Attachment: Location Map

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**MATTER FOR CONSIDERATION**

An application has been received to keep 3 dogs at 2 Digger Place, Boyanup.

**BACKGROUND / PROPOSAL****Background**

There are no previous decisions or history relevant to this matter.

**Proposal**

The applicant seeks Council's approval to keep three dogs at 2 Digger Place, Boyanup.

**STATUTORY ENVIRONMENT**

Council's Local Laws Relating to Dogs require a person wishing to keep more than two dogs on a property to apply for an approved kennel licence.

The provisions of Section 26 of the Dog Act 1976 however, allow Council to grant permission to keep additional dogs without the requirement of having a licensed kennel establishment.

Specifically, Section 26 (3) states:

*"(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in a specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to the approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –*

- (a) May be made subject to conditions, including a condition that it only applies to the dogs specified therein;*
- (b) Shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) May be revoked or varied at any time".*

Pursuant to Section 26 (5) a person who is aggrieved by the conditions imposed by an exemption or the refusal of a local government to grant an exemption, then that person may appeal to the State Administrative Tribunal.

**POLICY IMPLICATIONS**

There are no current policies applicable to this matter.

**FINANCIAL IMPLICATIONS**

**Budget**

The approval of a third dog will see a minor increase in the annual budget income.

**Long Term**

No long term financial implications with this application.

**Whole of Life**

As no asset/infrastructure is to be created there are no whole of life costs relevant to this item.

**SUSTAINABILITY IMPLICATIONS**

There is the possibility of barking dog complaints in the future from the number of dogs at the property.

**STRATEGIC IMPLICATIONS**

The consideration of this matter is consistent with Key Focus Area 2 – The Community Experience, Strategy C6 – Plan for the health and safety of the community in the Shire of Capel Strategic Plan.

**CONSULTATION**

A letter was sent to the owners of all adjoining land advising of the application and asking whether or not they had any objections to the proposal. A total of 4 letters were sent out with 1 reply received. The response was as follows:

1. Do Not Object.

**COMMENT**

The application is to keep the following dogs on the property:

Boof	3 ½ Years Old	Sterilised Male	Bull Arab Cross Mastiff
Bella	3 Years Old	Sterilised Female	Labrador
Pepper	8 Months Old	Sterilised Female	Blue Heeler

Community Rangers have inspected the property and have advised that there are no fencing issues with the property and that the dogs are adequately contained on the premises.

Staff have not had cause to visit the applicant’s property to deal with any claims of nuisance behaviour caused by the dogs.

In the application Ms Rogers states the reason for having the additional dog as being that they have recently moved here from Cairns in Queensland, where they were living on 13 acres, and had the three dogs there. They have had to move here with Josh’s employment. In addition to having their property adequately fenced, they also have a small fenced area to contain the dogs in at night and when they aren’t home to further reduce any possibility of them getting out of the property.

Should the application for a permit be declined the applicants have a right of appeal to the State Administrative Tribunal (SAT). The Tribunal has shown in previous dealings that it is prepared to give the benefit of the doubt to the applicants unless there are specific examples of nuisance behaviour.

As there is no evidence to the effect of nuisance behaviour or complaints with the animals referred to in this application, it is recommended that Council grant approval. It is considered that the provisions contained in the recommendation will be sufficient to control any nuisance behaviour caused by the dogs.

The three dogs are all registered with Council.

**VOTING REQUIREMENTS**

Simple majority

**OC0215 OFFICER’S RECOMMENDATIONS – 17.5/COUNCIL DECISION**

**Moved Cr Hearne, Seconded Cr J Scott**

**That Council grants an exemption, in accordance with the provisions of Section 26 (3) of the Dog Act 1976, allowing Ms Kelly Rogers and Mr Josh Balodis to keep three dogs at 2 Digger Place, Boyanup, subject to the following conditions:**

**1. That the exemption applies only to the following dogs:**

<b>Boof</b>	<b>3 ½ Years Old</b>	<b>Sterilised Male</b>	<b>Bull Arab Cross Mastiff</b>
<b>Bella</b>	<b>3 Years Old</b>	<b>Sterilised Female</b>	<b>Labrador</b>
<b>Pepper</b>	<b>8 Months Old</b>	<b>Sterilised Female</b>	<b>Blue Heeler;</b>

**2. The exemption only applies to 2 Digger Place, Boyanup;**

**3. The exemption may be revoked or varied at any time if the animals, the subject of this exemption, contravene the Dog Act 1976;**

**4. The exemption is not transferable;**

**5. Should any of the dogs die or be given away, the exemption no longer applies to the property.**

Carried 9/0

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**OC0216 (17.6) Application To Keep 3 Dogs – 717 Ludlow North Road, Forrest Beach**

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Location: Forrest Beach  
Applicant: Shannon Roughan  
File Reference:  
Disclosure of Interest: Nil  
Date: 05.02.13  
Author: Customer Service Officer, M Blandford  
Senior Officer: Director Corporate Services, P Anastasakis  
Attachment: Location Map

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**MATTER FOR CONSIDERATION**

An application has been received to keep 3 dogs at 717 Ludlow North Road, Forrest Beach.

**BACKGROUND / PROPOSAL****Background**

There are no previous decisions or history relevant to this matter.

**Proposal**

The applicant seeks Council's approval to keep three dogs at 717 Ludlow North Road, Forrest Beach.

**STATUTORY ENVIRONMENT**

Council's Local Laws Relating to Dogs require a person wishing to keep more than two dogs on a property to apply for an approved kennel licence.

The provisions of Section 26 of the Dog Act 1976 however, allow Council to grant permission to keep additional dogs without the requirement of having a licensed kennel establishment.

Specifically, Section 26 (3) states:

*"(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in a specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to the approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –*

- (a) May be made subject to conditions, including a condition that it only applies to the dogs specified therein;*
- (b) Shall not operate to authorise the keeping of more than 6 dogs on those premises; and*
- (c) May be revoked or varied at any time".*

Pursuant to Section 26 (5) a person who is aggrieved by the conditions imposed by an exemption or the refusal of a local government to grant an exemption, then that person may appeal to the State Administrative Tribunal.

**POLICY IMPLICATIONS**

There are no current policies applicable to this matter.

**FINANCIAL IMPLICATIONS**

**Budget**

The approval of a third dog will see a minor increase in the annual budget income.

**Long Term**

No long term financial implications with this application.

**Whole of Life**

As no asset/infrastructure is to be created there are no whole of life costs relevant to this item.

**SUSTAINABILITY IMPLICATIONS**

Given the size of the property, 120 acres, the chance of any social impact is minimal.

**STRATEGIC IMPLICATIONS**

The consideration of this matter is consistent with Key Focus Area 2 – The Community Experience, Strategy C6 – Plan for the health and safety of the community in the Shire of Capel Strategic Plan.

**CONSULTATION**

A letter was sent to the owners of all adjoining land advising of the application and asking whether or not they had any objections to the proposal. A total of 2 letters were sent out with 2 replies received. Of these replies, the responses were as follows:

1. Do Not Object
2. Do Not Object; provided dogs are kept on the owner’s property.

**COMMENT**

The application is to keep the following dogs on the property:

Milli	13 Years Old	Sterilised Female	Labrador Cross
Dobi	11 Years Old	Sterilised Male	Kelpie Cross
Tina	11 Years Old	Sterilised Female	Kelpie Cross

Community Rangers have inspected the property and have advised that there are no fencing issues with the property and that the dogs are adequately contained on the premises.

Staff have not had cause to visit the applicant’s property to deal with any claims of nuisance behaviour caused by the dogs.

In the application Ms Roughan has advised her reason for having more than 2 dogs as having a 120 acre property with race horses; the dogs patrol the property as guard dogs.

Should the application for a permit be declined the applicants have a right of appeal to the State Administrative Tribunal (SAT). The Tribunal has shown in previous dealings that it is prepared to give the benefit of the doubt to the applicants unless there are specific examples of nuisance behaviour.

As there is no evidence to the effect of nuisance behaviour or complaints with the animals referred to in this application, it is recommended that Council grant approval. It is considered that the provisions contained in the recommendation will be sufficient to control any nuisance behaviour caused by the dogs.

The three dogs are all registered with Council.

**VOTING REQUIREMENTS**

Simple majority

**OC0216 OFFICER’S RECOMMENDATIONS – 17.6/COUNCIL DECISION**

**Moved Cr J Scott, Seconded Cr Gibson**

**That Council grants an exemption, in accordance with the provisions of Section 26 (3) of the Dog Act 1976, allowing Ms Shannon Roughan to keep three dogs at 717 Ludlow North Road, Forrest Beach, subject to the following conditions:**

**1. That the exemption applies only to the following dogs:**

<b>Milli</b>	<b>13 Years Old</b>	<b>Sterilised Female</b>	<b>Labrador Cross</b>
<b>Dobi</b>	<b>11 Years Old</b>	<b>Sterilised Male</b>	<b>Kelpie Cross</b>
<b>Tina</b>	<b>11 Years Old</b>	<b>Sterilised Female</b>	<b>Kelpie Cross;</b>

- 2. The exemption only applies to 717 Ludlow North Road, Forrest Beach;**
- 3. The exemption may be revoked or varied at any time if the animals, the subject of this exemption, contravene the Dog Act 1976;**
- 4. The exemption is not transferable; and**
- 5. Should any of the dogs die or be given away, the exemption no longer applies to the property.**

Carried 9/0

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**OC0217 (17.7) Accounts Due and Submitted for Authorisation**

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Location: Capel  
Applicant: Shire of Capel  
File Reference:  
Disclosure of Interest: Nil  
Date: 12.02.13  
Author: Finance & Accounts Payable Officer, H Tu  
Senior Officer: Manager Finance, A Mattaboni  
Attachments: Nil

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**MATTER FOR CONSIDERATION**

Adoption of accounts to be paid.

**BACKGROUND / PROPOSAL****Background**

Accounts for payment are required to be submitted each month for authorisation.

**Proposal**

The list of accounts listed for payment have been checked and certified by staff as being correct and are submitted for the endorsement of Council.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996 (Reg 13(2)).

**POLICY IMPLICATIONS**

There are no current policies relevant to this matter.

**FINANCIAL IMPLICATIONS****Budget**

Payment from Council's Municipal Fund.

There are no financial implications relevant to this matter in the annual budget.

**Long Term**

There are no long term financial implications relevant to this matter.

**Whole of Life**

As no asset/infrastructure is to be created there are no whole of life costs relevant to this matter.

**SUSTAINABILITY IMPLICATIONS**

The Shire provides monetary funds to suppliers in exchange for goods and services received. Where possible it is preferred to pay suppliers by electronic funds transfer; with remittances emailed thereby reducing the amount of paper used, lessening the environmental impact.

**STRATEGIC IMPLICATIONS**

Objective 4.1 "Provide efficient and effective financial management to ensure long term financial viability of the organisation" under Key Focus Area 4 "The Economic Experience" in the Shire of Capel Strategic Plan is relevant to this matter.

**CONSULTATION**

Relevant staff have been consulted and authorised the payments.

**COMMENT**

Accounts due and submitted for authorisation are as follows:

<b>Chq/EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount \$</b>
Eft12913	20/02/2013	Amity Signs	Purchased A Magnetic Name Sign @\$16.40, 2x "Bin Closed" Signs @\$95ea And 4x Various Signs @\$105ea For The Capel Transfer Station	2552.55
Eft12914	20/02/2013	John Anderson Electrician	Check & Repair Library Sign Dalyellup Library	421.86
Eft12915	20/02/2013	AUSLEC	25x 330mm Fluoro Tubes For Exit Sign @ \$2.05ea And A Bits Set (105 Pies) @ \$98.21ea	164.41
Eft12916	20/02/2013	Arrow Bronze	1 Cast Bronze Plaque C152152 - Crouch	264.38
Eft12917	20/02/2013	ANL Lighting	2X Led Fluoro Tubes @\$74ea	184.75
Eft12918	20/02/2013	Big W	HACC- DVD Player For Day Centre	78.00
Eft12919	20/02/2013	Bunbury Mower Service	2x Whipper Snipper Harness & 20l Bar Oil	309.00
Eft12920	20/02/2013	Bell Fire Equipment Company	Monthly Servicing Of Fire Indicator Panel At Capel Library	137.50
Eft12921	20/02/2013	Benson's Chainsaw Centre	Serviced The following equipments: Chainsaw, blower, 2xbrushcutter, hedge trimmer	242.50
Eft12922	20/02/2013	Bunnings Building Supplies Pty Ltd	16 Punnets Seedlings,9l Of Indoor Paint For Boyanup Library, Desk Plugs, Cable Clips, Soil Wetta, 2x Batteries	306.81
Eft12923	20/02/2013	Bullivants Pty Ltd	Repairs To Lifting Chains On Loader And Certification	282.46
Eft12924	20/02/2013	Blackwoods	2 X Boxes Of Wipes 2 X Boxes Ear Plugs	290.00
Eft12925	20/02/2013	Bunbury Trucks	20,000KM Service for Truck P0029, CP9477	840.75
Eft12926	20/02/2013	Bunbury Towing	Tow 2x Impounded Vehicles From Urquhard Rd And Grey Rd To Shire Depot	395.40
Eft12927	20/02/2013	Staples Australia Pty Ltd	2012/13 Stationery	2689.87

Eft12928	20/02/2013	Coalcliff Pty Ltd	Hire Roller For 10 Days At Weld Rd	2315.50
Eft12929	20/02/2013	Cellarbrations At Capel	Refreshments For Community Awards	343.92
Eft12930	20/02/2013	Centrecare Corporate	EAP Provision Of Service for 21/11/12 & 19/12/12	330.00
Eft12931	20/02/2013	COVS Parts	2x Round Mirrors, 2x Rotating Beacons With 12v Globes	257.98
Eft12932	20/02/2013	Fennessy's	70,000km Service CP1125, 60,000 Km Service For 47CP, 30,000Km Services To CP81	745.69
Eft12933	20/02/2013	Frontline Safety & Training Services	White Card Online Training Course For 1 Employee On 23/1/13	80.00
Eft12934	20/02/2013	Higgins Coatings P/L	Paint Part Of Hall Way Due To Storm Damage At Dalyellup Community Centre	561.00
Eft12935	20/02/2013	Instant Windscreens & Tinting	Replace Windscreen On Patching Truck Cp 9112, And Replaced Windscreen On Mitsubishi Magna 1aua 597 Broken By Shire Crew	735.00
Eft12936	20/02/2013	Kleenheat Gas	Supply 2x 45kg Bottles LPG To Boyanup Hugh Kilpatrick Memorial Hall, SW Highway Boyanup	248.91
Eft12937	20/02/2013	Landgate	Set Up Fee And Slip Annual Subscription (Mapping Software), Mining Tenements Chargeable (8/12/12-11/1/13,Gross Rental Values Charged 19/12/12-16/1/13	3087.02
Eft12938	20/02/2013	Malatesta Road Paving & Hot Mix	Ilmenite Crescent-Bitumen Reseal 1038m2@\$136.7m2, 1ton@\$181.50 Hot Mix And \$250l Of Emulsion@ \$1.4l, Weld Rd-Bitumen Reseal 1230m2@\$4.81m2	20637.26
Eft12939	20/02/2013	Mining & Pastoral Communication Services	Two-Way Radio Check At Depot Base	73.70
Eft12940	20/02/2013	Pepperwood Estate	Refreshments For Community Awards	340.00
Eft12941	20/02/2013	Public Libraries Western Australia Inc	Public Libraries: So What Now? Conference March 8th For Susan	285.00
Eft12942	20/02/2013	Robert's Tilt-Tray & HIAB Service	2x Remove E-Waste From Capel To Perth And Back @\$869 ea	1738.00
Eft12943	20/02/2013	Records Maintenance & Storage	Records Storage & Destruction For Month Of Jan 13	175.27
Eft12944	20/02/2013	Capel Fresh IGA	Refreshments For Community Awards And Bottled Water For Workers At Drainage Basin Capel	405.91
Eft12945	20/02/2013	Southern Lock & Security	Alarm Monitoring Service For Shire Re For Month Of Jan-Mar 13, Supply 3 Padlocks Keyed On Shire System, Changed Lock On Toilet Door At Depot	1090.70

Eft12946	20/02/2013	D & K Thomas Electrical	Repair & Replace Emergency And Exit Lights For Shire's Community Centres, Office And Halls, Replace Exit Light And One Down Light At Dalyellup Community Centre Due To Water Damage	8406.65
Eft12947	20/02/2013	Tyrepower Busselton	Repair Puncture Tyres And Supplied A New Spare Tyre For Health Trailer P262	95.00
Eft12948	20/02/2013	Traffic Force	Traffic Control For Month Of Jan: Boundary Rd North, Weld Rd, Hutton Rd, Ludlow Rd North For Month Of Jan	6798.25
Eft12949	20/02/2013	Work Clobber Bunbury	2 X Shirts And 2 X Pants Plus Embroidery For Dave, 2x Steel Cap Boot For Carole And Shane	453.80
Eft12950	20/02/2013	WA Library Supplies	Library Labels And Label Holder Strips And Stickers Plus Freight \$11.35	252.90
Eft12951	20/02/2013	Westrac Equipment	Service Grader CP1025	6805.07
				\$65422.77

OUTSTANDING CREDITORS AS AT 31<sup>st</sup> January 2013 \$71080.11

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment, covering vouchers as detailed above which was submitted to each member of Council on 20<sup>th</sup> February 2013 have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

*P.F. Sheedy.*

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**VOTING REQUIREMENTS**

Simple majority

**OC0217 OFFICER'S RECOMMENDATIONS – 17.7/COUNCIL DECISION**

**Moved Cr Bell, Seconded Cr Hearne**

**That Council authorises the Schedule of Accounts covering vouchers EFT12913 to EFT12945 a total of \$65422.77 for payment.**

Carried 9/0

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**OC0218 (17.8) Accounts Paid During the Month of January 2013**

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Location: Capel  
Applicant: Shire of Capel  
File Reference:  
Disclosure of Interest: Nil  
Date: 12.02.13  
Author: Finance & Accounts Payable Officer, H Tu  
Senior Officer: Manager Finance, A Mattaboni  
Attachments: Nil

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**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month.

**BACKGROUND / PROPOSAL****Background**

Accounts paid are required to be submitted each month.

**Proposal**

The list of accounts listed for payment have been checked and certified by staff as being correct and are submitted for the endorsement of Council.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996 (Reg 13(1)) requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

**POLICY IMPLICATIONS**

There are no current policies relevant to this matter.

**FINANCIAL IMPLICATIONS****Budget**

Payment from Council's Municipal Fund.

There are no financial implications relevant to this matter in the annual budget.

**Long Term**

There are no long term financial implications relevant to this matter.

**Whole of Life**

As no asset/infrastructure is to be created there are no whole of life costs relevant to this matter.

**SUSTAINABILITY IMPLICATIONS**

The Shire provides monetary funds to suppliers in exchange for goods and services received. Where possible it is preferred to pay suppliers by electronic funds transfer; with remittances emailed thereby reducing the amount of paper used, lessening the environmental impact.

**STRATEGIC IMPLICATIONS**

Objective 4.1 "Provide efficient and effective financial management to ensure long term financial viability of the organisation" under Key Focus Area 4 "The Economic Experience" in the Shire of Capel Strategic Plan is relevant to this matter.

**CONSULTATION**

Relevant staff have been consulted and authorised the payments.

**COMMENT**

Payments made during the month of January 2013 are as follows:

<b>Chq/EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount \$</b>
199	08/01/2013	Building & Construction Ind Training Fund	BCITF Levy Collected Dec 12	4603.31
200	08/01/2013	Department Of Commerce - Building Commission	BSL Collected Dec 12	3912.54
201	08/01/2013	Shire Of Capel	BSL Commission Collected Dec 12	337.48
202	09/01/2013	ACTIV	Hall Bond Refund For GCC 21/12/12	150.00
203	09/01/2013	Tamara Brutti	Hall Bond Refund For PGB Hall 31/12/12	500.00
204	09/01/2013	Capel Primary School	Hall Bond Refund	150.00
205	09/01/2013	Lee-Ann Du Raan	Hall Bond Refund For DCC 22/12/12	500.00
206	09/01/2013	Jacqueline Mccaughan	Refund Customer Incorrectly Charged BCITF	40.00
207	16/01/2013	Shane Johnston	Refund BCITF Incorrectly Charged On 7/1/13	40.00
EFT12682	04/01/2013	All West Building Approvals Pty Ltd	Assisting With The Assessment Of Building Licence Applications @65/Hour (Plus GST)	2129.82
EFT12683	04/01/2013	Bunbury Holden	HACC-15,000km Service CP5704	289.28
EFT12684	04/01/2013	Battery All Types	55x 1.2V Security Camera Batteries @\$3.64	100.00
EFT12685	04/01/2013	Benchmark Contracting Pty Ltd	Re-oil Jarrah And Pine Staircases/Walkways With Pressure Clean To Pine Staircase	6105.00
EFT12686	04/01/2013	Custom Service Leasing Ltd	HACC-Vehicles Fuel For The Month Of Dec 12	3142.46
EFT12687	04/01/2013	Delron Cleaning	Cleaning Capel Community Hall & Capel Sport Pavilion For Dec 12 @\$1316.8 Per Month, Cleaning Dalyellup Pavilion Once A Week @ \$1013.15 Per Month + GST For Dec 2012	2431.31

EFT12688	04/01/2013	Dirt Design	Dalyellup Public Open Space Maintenance For 5/12/12-4/1/13, Addition Spraying At Dalyellup As Per 5/11/12 Quotes	13550.27
EFT12689	04/01/2013	Elgin Community Hall Inc	Reimburse Electricity Consumed By Elgin Brigade For Water Tank Pump	185.61
EFT12690	04/01/2013	Golden West Plumbing & Drainage	Repairs And Maintenance Of Central Park Toilets & Unblocking Of Toilet At Dalyellup Beach Rd Toilets	1367.30
EFT12691	04/01/2013	LD Total	Contracts Works - Dalyellup - \$22,893.68 As Per Tender 1201-Month Of Dec 12	43605.03
EFT12692	04/01/2013	Motorpass	226.37L Of Fuels For Fire Trucks	411.10
EFT12693	04/01/2013	South West Mapping Services	Rural Street Numbers Maintenance -Nov 12	444.65
EFT12694	04/01/2013	Scope Business Imaging	HACC-Labour & Call Out Fee, 4x Cartridge For Photocopier	2585.00
EFT12695	04/01/2013	Total Telephone	HACC-Mobile Phone Protective Case	19.95
EFT12696	04/01/2013	Woolworths Limited (WA)	HACC-Staff & Volunteers Christmas Party Food	1589.12
EFT12697	09/01/2013	Amity Signs	11 X Rural Street Number Plates@\$16.50ea	199.65
EFT12698	09/01/2013	All West Building Approvals Pty Ltd	Assisting With The Assessment Of Building Licence Applications @65/Hour (Plus GST)	66.00
EFT12699	09/01/2013	Big W	Supplies For Mosquito Management Course	158.20
EFT12700	09/01/2013	David Brockman Mechanical Repairs & Servicing	Servicing Of 2x Fire Brigade Vehicles	1811.27
EFT12701	09/01/2013	Bendigo Bank Business Credit Card	Payment For Visa Sponsor (Employer) With Dept Immigration	424.00
EFT12702	09/01/2013	Bunbury Harvey Regional Council	Regional Waste Education Program Dec12	1870.36
EFT12703	09/01/2013	Capel Transport	Delivery Of 2 Pallet Of Larvicide	95.48
EFT12704	09/01/2013	Cr Murray Scott	Reimburse Travel Expense For Cr Murray Scott (975km@\$0.74/Km)	721.50
EFT12705	09/01/2013	Capel Newsagency	Supplies For Dec 12	126.91
EFT12706	09/01/2013	CLEANAWAY	Clear Street & Park Bins for month of Dec 12	41272.57
EFT12707	09/01/2013	Delron Cleaning	Cleaning Capel For Shire Of Capel For Dec 12	7280.60
EFT12708	09/01/2013	Data #3	Various Microsoft Licence And Software Assurance As Per Purchase Order 16090	74468.28

EFT12709	09/01/2013	Elite Carpet Drycleaning	Dry And Treat Carpets After Water Damage Dalyellup Community Centre	385.00
EFT12710	09/01/2013	Fennessy's	Purchase A New 2012 Holden Caprice Auto V6 Sedan - Chief Executive Office - CP0 Plus Registration \$432319.52 Credit From Trade In \$39000	4219.52
EFT12711	09/01/2013	Hi-Tech AG Solutions	Supply Liquid Fertiliser For Treatments Capel Oval For Month Of Dec 12	1555.40
EFT12712	09/01/2013	Harper GD	Rates Refund For Overpayment Of Rate A4972	599.89
EFT12713	09/01/2013	Corenne Lynn	Reimburse Corenne For Purchase Of Downton Abbey DVD For Dalyellup Library	34.89
EFT12714	09/01/2013	Loop Close Enterprise	Regional Council Business Plan 1/12/12-31/12/12 Plus Travel Disbursement 131km	4025.73
EFT12715	09/01/2013	LGIS Insurance Broking	Motor Vehicle Insurance for 30/6/12-30/6/13	442.29
EFT12716	09/01/2013	Rural Press Regional Media (WA) Pty Ltd	Christmas Road Safety Message - Bunbury Mail On Wednesday 19 December 2012	99.00
EFT12717	09/01/2013	Rural Cinema	Bags For Australia Day Community Awards	210.00
EFT12718	09/01/2013	South West Tree Safe	Removal Of 2 Small Red Gums At 87 Weld Rd, Road Clearing Along Reilly Rd-Reduce Trees To Make Safe On Emmett Rd.	3960.00
EFT12719	09/01/2013	SOS Office Equipment	Metrebilling Photocopiers For Dec 12	22.88
EFT12720	09/01/2013	Westnet Pty Ltd	ADSL & Static IP Address For Jan 13	349.78
EFT12721	09/01/2013	Caltex Australia	8000L Diesel Fuel & Fleet Fuel For Shire Vehicle-1809.11 L	14605.94
<b>EFT12722</b>		<b>-Eft12722</b>	<b>Cancelled EFT</b>	
<b>EFT12723</b>		<b>-EFT12771</b>	<b>Refer To Agenda 23.1.13</b>	
EFT12772	16/01/2013	Australia Post	Postage & International for Dec 12	1924.09
EFT12773	16/01/2013	Allied Pickfords Capricorn	Transport Of Furniture & Vehicle - Udaya Kharel	6975.10
EFT12774	16/01/2013	Phil Anastasakis	Reimburse Portion Of CPA Membership Fees	500.00
EFT12775	16/01/2013	Acquire Home Living	HACC-Purchased Staff Table	780.00
EFT12776	16/01/2013	Australind Cleaning Service	HACC-Cleaning For Dec 12	429.66
EFT12777	16/01/2013	Boyanup Hall Advisory Committee	Hall Cleaning / Polish Floor For Jan To Mar (3x\$70)	210.00

EFT12778	16/01/2013	South West Bouncy Castles	HACC-Bouncy Castle For Christmas Party	330.00
EFT12779	16/01/2013	Boyanup Auto Repairs	Repair Grader CP1804	656.50
EFT12780	16/01/2013	Battery All Types	30x BATTERIES @\$3.64	120.00
EFT12781	16/01/2013	Capel Transport	Freight On 6x traffic Cones To Capel	47.74
EFT12782	16/01/2013	CLEANAWAY	Rent, Clear And Transport Recycling Bins For Dec 12, Disposal Of Waste To Landfill For The Month Of Dec 12	38453.05
EFT12783	16/01/2013	Colroys Country Kitchen	HACC-Volunteer Fuel 57L ULP	60.00
EFT12784	16/01/2013	Gelorup Community Management Committee	Management Fee For Jan To March 13 (3x\$35)	105.00
EFT12785	16/01/2013	Elliott's Small Engines	HACC-Purchase Oil & Knobs For Gardening Equipment And Repair & Service To Husqvarna Mower	228.70
EFT12786	16/01/2013	Easifleet Management	Jan 13-Lease On Mazda 3 Hatchback- Manager HR & Suzuki Hatchback- CEO	1557.47
EFT12787	16/01/2013	Golden West Pest & Weed Control	Treat Trees At Rear Of Shire Office For White Ants	230.00
EFT12788	16/01/2013	Zettanet Pty Ltd (Formerly Highway 1 (Aust) Pty Ltd)	HACC-ADSL Quarterly 1/2/13-30/4/13	312.90
EFT12789	16/01/2013	Lesley Jackes	Reimburse Lesley For Cost Of Photo Printed For Christmas Breakfast And Purchase Of Canvas For Photos	167.00
EFT12790	16/01/2013	LD Total	Additional Maintenance For Dalyellup Public Open Spaces For Dec 12	1864.50
EFT12791	16/01/2013	Corenne Lynn	Reimburse Corenne For Christmas Craft	56.81
EFT12792	16/01/2013	Local Government Managers Australia	Attendance By Director Corporate Services At The LGMA Finance Professionals Conference In Fremantle, 28 February To 1st March 2013.	820.00
EFT12793	16/01/2013	Officeworks Superstores Pty Ltd	Quantum 4 Door Locker Silver For Capel Library & HACC Stationery Purchase For Client	290.44
EFT12794	16/01/2013	Our Community	Subscription To Easy Grants Newsletter & Grants Education Service	330.00
EFT12795	16/01/2013	Peppermint Grove Beach Community Association	Minor Grant-Community Art Display	250.00
EFT12796	16/01/2013	PJ & EV Page	Annual Waxing & Buffering Of Boyanup Hall For Dec 12	70.00

EFT12797	16/01/2013	Quick Erection Gyprocking	To Remove And Replace The Water Damaged Section In The Entrance At Dalyellup Community Centre Ceiling.	748.00
EFT12798	16/01/2013	South West Tree Safe	Prune Overhanging Limb From Dead Tree On Weld Rd, Diagonally Across From Elgin Rd Intersection, Remove Hanging Branch Corner Of Hutton And Plantation Rd, Remove Partially Uprooted Tree On Gavins Rd, Prune 10 Trees To Clear Power line at 5 various streets.	3410.00
EFT12799	16/01/2013	SOS Office Equipment	Service Callout To Repair Fellowes Comb Binding Machine On 8 March 2012	214.17
EFT12800	16/01/2013	Sanctuary Glass & Glazing	HACC- Reglaze Door Panel	359.00
EFT12801	16/01/2013	Soils Aint Soils	1m3 Of Pine Bark Wood Chips@\$90,2x Landscape Mix Scoop Of Soil Conditioner@\$30	150.00
<b>EFT12802</b>		<b>-EFT12802</b>	<b>Cancelled</b>	
EFT12803	16/01/2013	Woolworths Limited (WA)	HACC-Day Centre Shopping	189.88
<b>EFT12804</b>		<b>-EFT12804</b>	<b>Cancelled</b>	
<b>EFT12805</b>		<b>-EFT12805</b>	<b>Cancelled</b>	
EFT12806	16/01/2013	Total Telephone	Labour - Service Call On The 11/1/13 To Check Ext 254 And Checked Line Fault On 97270222	264.00
<b>EFT12807</b>		<b>-EFT12808</b>	<b>Refer To Agenda 21.11.12</b>	
<b>EFT12809</b>		<b>-EFT12809</b>	<b>Refer To Agenda 23.12.12</b>	
<b>EFT12810</b>		<b>-EFT12814</b>	<b>Refer To Agenda 23.1.13</b>	
EFT12815	07/01/2013	RICOH Finance	Photocopier Lease Payments Jan 13	1076.07
<b>EFT12816</b>		<b>-EFT12816</b>	<b>Refer To Agenda 21.11.12</b>	
EFT12817	21/01/2013	Caltex Australia	Distillate 9400L, Fleet Fuel Shire Vehicles For Dec 12	17116.40
EFT12818	23/01/2013	Amity Signs	100 X White Metal Flexible Guide Posts And 50 X Blue Metal Flexible Guide Posts As Per Your Quote Of \$29 & \$30 + GST, Morris Rd Road Sign@\$55	4895.00
EFT12819	23/01/2013	Adventure World	51 Participants To Adventure World As Part Of January 2013 Inzone	1078.00
EFT12820	23/01/2013	All West Building Approvals Pty Ltd	Assisting With The Assessment Of Building Licence Applications @65/Hour (Plus GST)	990.00
EFT12821	23/01/2013	Bell Fire Equipment Company	Servicing All The Capel Office Vehicles, Capel Depot Workshop Vehicles, The Shire Buildings And Shires Fire Trucks	2180.20

EFT12822	23/01/2013	Bunbury Tyrepower	Replace And Repair Flat Tyre On Elgin 1.4 Fire Truck P0047	502.00
EFT12823	23/01/2013	B & B Street Sweeping	Hire Street Sweeper For Month Of Dec12 & Hire Jetter & Sump Sucker	5651.25
EFT12824	23/01/2013	Boyanup Auto Repairs	Repair Hose And Replace Battery And Alternator	2075.63
EFT12825	23/01/2013	Shaun Breaden	Assisting With The Assessment Of Building Licence Applications And Planning Consent Approvals @ \$55.00/Hour (Plus GST)	385.00
EFT12826	23/01/2013	Benchmark Contracting Pty Ltd	Supply Replacement Mesh To Dalyellup Beach Access + Labour	614.93
EFT12827	23/01/2013	David Brockman Mechanical Repairs & Servicing	Servicing Fire Appliances CP498, CP4790, CP5222	1377.03
EFT12828	23/01/2013	Custom Service Leasing Ltd	HACC -2012 Holden Lx Captiva 3.0L Auto Cp1160 P0039 Manager	2833.28
EFT12829	23/01/2013	Craney's Lunchbar	HACC Volunteer Lunches December	628.30
EFT12830	23/01/2013	Colroys Country Kitchen	Dinner For 15 People Attending Bush Fire Advisory Committee Meeting On Monday 5th November 2012	150.00
EFT12831	23/01/2013	Dirt Design	Storm Cleanup 15/01/2013	2930.08
EFT12832	23/01/2013	Golden West Plumbing & Drainage	Unblock Toilets At Dalyellup Lakes 28 December, Unblock Drains At Gelorup Community Centre, Repairs And Service To BBQ At Ironstone Gully Falls	654.50
EFT12833	23/01/2013	Finn Catering Company	Provide Catering For WAERN Radio Training 31 January 2013	240.00
EFT12834	23/01/2013	Geovet Busselton	Dec 12- Sterilisation	316.00
EFT12835	23/01/2013	Geo Spread	Mulching Of Storm Waste At The Boyanup Tip	35970.00
EFT12836	23/01/2013	Haines Norton	WALGA Tax Service 2013 FBT Workshop Wednesday 27th February 2013- Andrew Mataboni	825.00
EFT12837	23/01/2013	Insight CCS Pty Ltd	Call Centre Charge Dec 12	370.13
EFT12838	23/01/2013	Kleenheat Gas	Bulk Gas Riverside Villas 55@\$1.185	71.70
EFT12839	23/01/2013	Mcnab A & CJ	Rates Refund For Assessment A2502	1301.11
EFT12840	23/01/2013	Mounsey RP & Ea	Upgrade Of The Firebreaks And Slash Grasses Within The 5 Mile Brook In The Vicinity Of Serene Place, Ducane Road And Brookview Avenue In Gelorup.	5500.00

EFT12841	23/01/2013	Pages Mechanical Repairs	Check Misfiring Engine ON FIRE TRUCK P0047	90.00
EFT12842	23/01/2013	Southern Lock & Security	Supply 6 Padlocks Keyed At \$59.36 ea	391.78
EFT12843	23/01/2013	Total Green Recycling	Empty E Waste At Capel Tip For Month Of Dec 12	4924.58
EFT12844	23/01/2013	Totality Business Solutions	GFI Mailarchiver For Exchange - Maintenance Renewal For 1 Year (Expire 30/01/2013)	729.63
EFT12845	23/01/2013	Waldo's Pizza & Pasta	5 Assorted Pizzas For Annual Electors' Meeting On Wednesday 5th December 2012 In Council Chambers	75.00
EFT12846	23/01/2013	Woolworths Limited (WA)	Refreshments & Kitchen Supplies For HACC Day Centre - Craft Day	243.22
EFT12847	23/01/2013	Linda's Lawnmowing	Mowing OF Boyanup Museum For 3-10-12 To 9-11-12	345.00
EFT12848	30/01/2013	Benson's Chainsaw Centre	Lanolin Spray For Hedge Clippers.	25.00
EFT12849	30/01/2013	Bunbury City Glass	Replace Glass In Front Entry Door Capel Hall	674.28
EFT12850	30/01/2013	Bush Business	Tree Inspections For Future Removal At Boundary Rd, Hutton Rd & Ludlow North Rd	500.00
EFT12851	30/01/2013	Bunbury Window Repair Service	Replace Two Flyscreens At The Front Of The Gelorup Community Centre.	188.00
EFT12852	30/01/2013	Bunbury Basketball Association	Kidsport Vouchers Summer Season 2012/13 For 5x (\$160), 1x(\$120), 1x(\$129), 1x(\$110), 1x(\$129), 1x(\$135), 3x(\$165), 2x(\$145)	2079.00
EFT12853	30/01/2013	Capel Hardware & Farm Supplies	Supplies for Dec 12	1535.59
EFT12854	30/01/2013	Capel Chamber Of Commerce Inc	Yearly Membership Subscription Fees	66.00
EFT12855	30/01/2013	CIVI Test Sou West	Compaction Test- Boundary Rd	1410.75
EFT12856	30/01/2013	Capelberry	Catering For Ordinary Council Meeting Dinners (Two Courses) At \$25 Per Person For 15 Persons For Jan 2013	375.00
EFT12857	30/01/2013	Country Smart Business Solutions	Fertiliser Spraying Of Boyanup Footy And Hockey Ovals	1100.00
EFT12858	30/01/2013	Carbone Bros Pty Ltd	138cm @\$24 crushed limestone for beach access ramps rehab 352 cm @\$30 Gravel For Weld Rd	13872.00
EFT12859	30/01/2013	CJD Equipment Pty Ltd	Repairs To Loader CP4991	1267.00
EFT12860	30/01/2013	Karen Dennison	Reimburse Exchange Conference Train Fare And Lunch	35.70

EFT12861	30/01/2013	Delron Cleaning	Cleaning Dalyellup Pavilion For Month Of Jan @ \$1013.15 Per Month + GST	9711.91
EFT12862	30/01/2013	Dirt Design	Supply And Install Artificial Turf 47m2 With Brick Boundary 16ml.	4411.00
EFT12863	30/01/2013	Susan Dalglish	Reimburse Police Clearance & Pre-Employment Medical	276.80
EFT12864	30/01/2013	Glen's Engineering	Straighten 2 Gate At Capel Refuge & Replace Hinges At Old Tip	1478.40
EFT12865	30/01/2013	GEO Spread	Mulching Of Green Waste At Capel Transfer Station	15400.00
EFT12866	30/01/2013	Harradine & Associates	Dec12-Desexing	50.00
EFT12867	30/01/2013	Injury Control Council Of WA	Return Of Funds For Stay On Your Feet Week (Grant 48)	349.10
EFT12868	30/01/2013	Green Recycling	Kerbside Recycling Collection Service For Dec 12	33446.82
EFT12869	30/01/2013	LD Total	Contracts Works - Dalyellup For Jan 13 @ \$22,893.68	22893.68
EFT12870	30/01/2013	LGIS Workcare Scheme	Wage Insurance, Actual Wage Adjustment For Period 30/6/11-30/6/12	319.00
EFT12871	30/01/2013	Ms Sylvia Maunder	Reimburse Police Clearance-Sylvia	62.75
EFT12872	30/01/2013	Prestige Products-Busselton	HACC-Dec 12 Supplies	61.60
EFT12873	30/01/2013	The Perth Mint	50x@\$4.50 Of 2013 Australian Citizenship \$1 Coin Plus \$17.05 Freight	264.55
EFT12874	30/01/2013	Redwave Media	Radio Advertising – Dec 12 Redwave Media For Spirit FM Advertising Campaign	1211.89
EFT12875	30/01/2013	RTW Steel Fabrication	Panel Repairs To Loader CP4991, Extend Sign Rack On Truck P0029	1455.30
EFT12876	30/01/2013	Southerns Water Technology	Various Reticulation Parts	85.98
EFT12877	30/01/2013	South West Tree Safe	Remove 2x Limbs From Redgum On Jules Rd, Prune Trees From Power Lines On Maslin St & Roe Rd	1210.00
EFT12878	30/01/2013	West Australian Tower Service	Remove 20m Radio Tower At Gelorup Bush Fire Shed Hasties Rd Gelorup To The Capel Tip	1235.85
EFT12879	30/01/2013	Wood & Grieve Engineers	Professional Consulting Engineering Services - Recycling Shed Capel WTS	2816.00
EFT12880	30/01/2013	Westbooks	Purchase Of 3 Books For Library	116.16
EFT12881	31/01/2013	BT Financial Group	Superannuation Contributions	662.77

EFT12882	31/01/2013	Shire Of Capel Social Club	Payroll Deductions	308.00
EFT12883	31/01/2013	The Coxall Superannuation Fund	Superannuation Contributions	138.54
EFT12884	31/01/2013	Champagne Lifestyle Superannuation Fund	Superannuation Contributions	532.86
EFT12885	31/01/2013	Child Support Agency	Payroll Deductions	1148.60
EFT12886	31/01/2013	Evans Family Superannuation Fund	Superannuation Contributions	641.07
EFT12887	31/01/2013	Portfoliofocus	Superannuation Contributions	356.86
46115	04/01/2013	Courier Australia International	Courier Fees-Health	30.53
46116	04/01/2013	Gabriel Cormack	Crossover Contribution-Dalyellup	300.00
46117	04/01/2013	Australian Communications & Media Authority	Land Mobile Renewal	100.00
46118	04/01/2013	SurveyMonkey	Survey Monkey	250.00
46119	04/01/2013	BC & JL Vidallon	Crossover Contribution - Dalyellup	300.00
46120	09/01/2013	Aqwest	Stand Pipe Hire For Lillydale For Month Of Nov12 (635kl@1.46 Plus Fee 13day@29.70)	2318.40
46121	09/01/2013	Courier Australia International	Courier Fee-Health	8.83
46122	09/01/2013	Shire Of Capel	State Library Conference Lunch	66.00
46123	09/01/2013	Shire Of Donnybrook/Balingup	Training - Customer Service / Complaints Handling Course - 7 & 8 November 2012	1638.10
46124	09/01/2013	Liam Fitzpatrick	Refund Over Payment Of Fine & Costs Litter Act Inf# 14104	27.30
46125	09/01/2013	Jeremy Higgins	Refund For Dog Sterilised A2604	20.00
46126	09/01/2013	Jason Miller & Lorraine King	Crossover Contribution-Dalyellup M387	300.00
46127	09/01/2013	Synergy	Electricity	27449.15
46128	09/01/2013	Telstra Corporation Ltd	Rent & Calls	2074.10
46129	09/01/2013	Water Corporation	Water Usage	834.35
46130	11/01/2013	Grand Cinemas	Jan 2013 Inzone Event-Going To Movies Watching 2x Movies	443.00
46131	16/01/2013	Boyanup Building And Earthworks Contractors	Carry Out Loader Works To Provide Fire Access To Mulch Piles, Boyanup Tip Site	5346.00
46132	16/01/2013	Courier Australia International	Courier Fees-Library	14.44
46133	16/01/2013	Capel Medical Centre	Pre-Employment Medical – On 9/1/13	99.00
46134	16/01/2013	Dalyellup Beach Pty Ltd	Rates Refund For Assessment A8245 Lot 9014 Bussell Highway Dalyellup 6230	1544.32

46135	16/01/2013	Trevor James	Fees Returned As Location Not Within Shire Of Capel	125.00
46136	16/01/2013	Shane Johnston	Refund Building Fees	80.00
46137	16/01/2013	Brynn Cutts & Jayde Kammann	Crossover Contribution-Dalyellup	300.00
46138	16/01/2013	T & M Morgan	Crossover Contribution-Dalyellup	300.00
46139	16/01/2013	3 Australia	Brigade Messaging Service 28/12/12-27/1/13	120.25
46140	16/01/2013	Police Licensing	Order Special Series Plate 1000cp	165.00
46141	16/01/2013	Gelorup Playgroup	Minor Community Grant 12/13-Gelorup Playgroup	1000.00
46142	16/01/2013	Synergy	Electricity	3488.00
46143	16/01/2013	KM Snow	Rates Refund For Assessment A7192	778.23
46144	17/01/2013	Xscape At The Cape Fun Park	14x Participants Attending Xscape Cape Fun Park As Part Of Jan 13 Inzone	364.00
46145	17/01/2013	Australian Taxation Office	PAYG Withholding	77420.00
46146	23/01/2013	Boyanup CWA	Flowers For Australia Day Community Awards	300.00
46148	23/01/2013	Courier Australia International	Courier Fees- Health	8.83
46149	23/01/2013	Nellie-Joy O'mara	Crossover Contribution-Dalyellup	300.00
46150	23/01/2013	Quest Conveyancing	Rates Refund For Assessment A3861 13 William Street Boyanup WA 6237	250.56
46151	23/01/2013	Ray White Bunbury	Refund For Double Payment Of Pool Inspection Fee Debtor H098	55.00
46152	23/01/2013	Synergy	Electricity	28387.85
46153	23/01/2013	Telstra Corporation Ltd	Mobile Rent & Calls	2494.38
46154	23/01/2013	Capel Landcare Conservation District Committee	Australia Day Award Prize Money	200.00
46155	23/01/2013	Shire Of Capel	Crossover Contribution -Capel	300.00
46156	30/01/2013	Courier Australia International	Courier Fee-Health	18.65
46157	30/01/2013	Edward Mcarath	Refund Application Fee For Extension B18843	90.00
46158	30/01/2013	Synergy	Electricity	831.10
46159	30/01/2013	Waljin Consultancy	Welcome To Country For Community Awards	500.00
46160	31/01/2013	AMP Life Limited	Superannuation Contributions	80.48
46161	31/01/2013	Australian Services Union	Payroll Deductions	68.70
46162	31/01/2013	The Australian Workers Union	Payroll Deductions	420.00
46163	31/01/2013	Shire Of Capel	Payroll Deductions	3349.00
46164	31/01/2013	CBUS	Superannuation Contributions	196.21
46165	31/01/2013	Shire Of Donnybrook/Balingup	Payroll Deductions	150.00
46166	31/01/2013	HESTA	Superannuation Contributions	276.21

46167	31/01/2013	LGRCEU	Payroll Deductions	97.00
46168	31/01/2013	Onepath Master Fund	Superannuation Contributions	140.58
46169	31/01/2013	Rest Superannuation	Superannuation Contributions	502.47
46170	31/01/2013	Unisuper	Superannuation Contributions	398.22
46171	31/01/2013	WALGS Plan	Superannuation Contributions	87809.74
46172	31/01/2013	Australiansuper	Superannuation Contributions	494.37
				784626.36

01.01.13 SHIRE OF CAPEL PAYROLL PAYMENTS \$162,003.16  
 15.01.13 SHIRE OF CAPEL PAYROLL PAYMENTS \$576,854.22  
 29.01.13 SHIRE OF CAPEL PAYROLL PAYMENTS \$166,998.97

**\$905,856.35**

08.01.13 TRANSFER TO MUNICIPAL ACCOUNT \$350000.00

**\$350,000.00**

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment, covering vouchers as detailed above which was submitted to each member of Council on 23<sup>rd</sup> January 2013 have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

*P.F. Heedy.*

CHIEF EXECUTIVE OFFICER

**VOTING REQUIREMENTS**

Simple majority

**OC0218 OFFICER’S RECOMMENDATIONS – 17.8/COUNCIL DECISION**

**Moved Cr Gibson, Seconded Cr Manley**

**That Council receives:**

- 1 The Schedule of Accounts covering vouchers 199 to 207, EFT12682 to EFT12721, EFT12772 to EFT12801, EFT12803 to EFT12803, EFT12815-EFT12815, EFT12817 to EFT12887, 46115 to 46172 totalling \$784626.36 during the month of January 2013;**
- 2 Payroll payments for the month of January 2013, totalling \$905856.35; and**
- 3 Transfers to and from investments as listed.**

Carried 9/0

## **COMMUNITY SERVICES REPORTS**

### **OC0219 (18.1) Draft Boyanup Memorial Park Sport and Recreation Ground Master Plan**

Location:	Capel
Applicant:	Shire of Capel / Gresley Abas Pty
File Reference:	
Disclosure of Interest:	Nil
Date:	28.01.13
Author:	Director Community Services, M Plume / Director Planning & Development Services, C Burwood
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	<ol style="list-style-type: none"> <li>1. Location Plan</li> <li>2. Master Plan drawing – Stage 1 (2012-2016)</li> <li>3. Master Plan drawing – Stage 2 (2017-2021)</li> <li>4. Master Plan drawing – Stage 3 (2022-2027)</li> <li>5. Master Plan drawing – Stage 4 (2028-2032)</li> <li>6. Concept designs (5) of proposed new sports pavilion buildings</li> <li>7. Schedule of submissions</li> </ol>

### **MATTER FOR CONSIDERATION**

Consideration of submissions received during the advertising of the draft Boyanup Memorial Park Sport and Recreation Ground Master Plan Report and adoption for the purpose of guiding future implementation of the Plan on a staged basis.

### **BACKGROUND / PROPOSAL**

#### **Background**

April 2006 - The Boyanup Memorial Park Development Feasibility Study was completed and provided an inventory of the facilities at the site at this time, details of clubs and their usage, a proposed site plan and a development schedule, estimated costs for the facilities to be developed and a design for a sports pavilion. This Study focused on Lot 40 Thomas Street and did not take into account the possibility of expansion into Lot 1 South West Highway.

Since this Study was completed improved flood lighting of the oval has been installed, and the Bowling Club has installed a synthetic green with the assistance of a self supporting loan from the Shire.

November 2010 (OC1104) - Council resolved to approve unbudgeted expenditure of \$25,000 to prepare the Boyanup Memorial Park Master Plan with \$20,000 being funded from Account 126820 Recreation Trails and \$5,000 being funded from account 126620, Boyanup Recreation Ground Maintenance.

October 2011 (OC 1004) Council resolved to endorse the Boyanup Sports Pavilion project as the 2011/12 Community Sport and Recreation Facilities Fund (CSRFF) application.

October 2011 (OC1005) Council resolved to approve for consideration in the 2013/2114 draft budget a loan to fund the Boyanup Sports Pavilion project subject to the application for CSRFF grant funding for the project being successful.

January 2012 (OC0112) Council resolved to adopt the draft Boyanup Memorial Park Sport and Recreation Ground Master Plan (dated 08/12/2011: REV D) for the purpose of inviting community and government agency comment. The closing date was 23 March 2012 at which

time the Department of Environment and Conservation asked for an extension of time which was granted.

March 2012 Department of Sport and Recreation advised that the CSRFF application for the design and development of the Boyanup Sports Pavilion had been unsuccessful.

### **Proposal**

Gresley Abas Pty (architectural urban designers) has been engaged to prepare a Master Plan to guide the future development of the Boyanup Memorial Park. A report was received, the contents of which are itemised as follows:

- What is a Master Plan;
- Background;
- Site overview;
- Demographic profile;
- Consultation;
- Infrastructure;
- Master Plan design;
- Staging Plan;
- Funding and implementation;
- Monitoring and Review; and
- Recommendations

with appendices to the report that include the Master Plan Drawings (concepts of a new sports pavilion, stages 1 to 4 development intent), Civil Engineering report and a Cost Plan.

Key issues and matters have been extracted from the report and are described within the Comments Section of this agenda report. As previously submitted to Council all staging plans have been provided as attachments to the agenda report as these provide clarity of the architect's proposals.

### **STATUTORY ENVIRONMENT**

Lots 40, 67 and 1 are owned by Council in freehold as opposed to the usual Crown reserve situation.

#### Town Planning Scheme No. 7

Lots 40 and 67 are reserved for recreation purposes under Town Planning Scheme No. 7 however Lot 1 is zoned rural and requires a zoning change to be undertaken with any future omnibus amendment undertaken for the Boyanup town. At present public recreation is a land use which is not permitted in the rural zone unless Council has granted Planning Consent after a public consultation period.

The Memorial Park also contains a memorial entrance that is a category 3 listing under the Town Planning Scheme with which has a "retain and conserve" conservation recommendation. The memorial commemorates Boyanup's association with World War II and the subsequent respect to the Boyanup community.

#### Greater Bunbury Region Scheme

It is to be noted that a substantial portion of Lots 67 and 40 are reserved as regional open space under the Region Scheme and the balance is zoned Urban. The development of the

Master Plan should not result in any issues given the recreation nature of the plan as recreation activities are permissible in both the zone and reserve. It appears that the delineation of the Regional Open Space relates to the Preston River flood plain. The proposed Master Plan was referred to the Western Australian Planning Commission as part of the advertising process however no response was received.

### **POLICY IMPLICATIONS**

#### Boyanup Townsite Strategy 2010 – Policy No. 15.19

Under the Boyanup Town Strategy Lots 40 and 67 are earmarked for recreation purposes and Lot 1 as recreation expansion with the following actions under the Community Facilities and Recreation Strategy endorsed by Council:

- (i) Continue to implement the individual components of the Shire of Capel Sport and Recreation Master Plan 2005- 2015 as it relates to the town of Boyanup (Ongoing priority).
- (iv) Undertake a Master Plan for the Memorial Park precinct including lighting, future requirements and open space (Medium priority).
- (vii) Prepare a local Open Space Strategy for the Townsite based on catchment analysis (High priority).

#### Boyanup Public Open Space Strategy – Policy No. 15.20

Under the Strategy the Memorial Park is designated as District POS. The strategy identifies the opportunity and makes recommendations to “prepare a Recreation Master Plan as a review of the Boyanup Memorial Park Development Feasibility Study of 2006, to address the Primary School use of Lot 67 as well as the recreation needs arising from demographic growth over the next 20 years”. This is to include improved river edge conservation outcomes and “Preston River Ramble” trail connections and investigate future development of the southern portion of Lot 1, including a possible road link to Boyanup east via a bridge across the Preston River.

The investigations associated with the preparation of this Master Plan are consistent with the recommendations of this policy.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

There are payments still outstanding to the value of \$2,200 payable to Gresley Abas on completion of the Master Plan.

The sum of \$6,000 was allocated in the current 2012/13 budget for public consultation regarding building design and costings for Boyanup Sports Pavilion as it was envisaged that a CSRFF application would be resubmitted in September 2012. This did not happen due to the problems being experienced with the Dalyellup Sports Pavilion which were causing delays, and this did not place the Shire in favour for further funding assistance. At the same time the development of Tuart Forest (formerly known at the East Dalyellup Primary School) Primary School was taking place and as there is a high demand on the existing sporting grounds adjoining the Dalyellup Sports Pavilion it was decided by staff, that the demand for a smaller scale pavilion at East Dalyellup was far higher than the demand for the facilities at Boyanup, therefore in 2013/14 a CSRFF application will be submitted for this pavilion.

However, in moving forward and being prepared to apply for funding for the Boyanup Sports Pavilion in 2014, this \$6,000 would be best spent on researching the provision of sewerage to the current buildings at the Boyanup Memorial Park and Recreation Grounds.

This will mean that further funds will need to be provided in the 2013/14 budget for public consultation regarding building design and costings for the Boyanup Sports Pavilion.

### **Long Term**

The preparation of the Master Plan has included investigation into infrastructure development costs and establishment of a staging plan for implementation of the Plan over a period of 20 years.

The identified staging plan and its associated costing will allow the staging proposals to be included within the Shire's Corporate Plan and also provide financial direction beyond this depending on staging time frames.

In this plan the stage timing will generally be synonymous with 'priority', meaning the projects identified in earlier years should generally be the higher priorities.

Budget pressures, changes in participation rates or demographics, population growth rates, grant programs and other factors may impact upon the implementation of the plan.

The goal of this plan is however to work within the directions of the Corporate Plan and this means implementing all capital recommendations in a timeframe consistent with population growth and within expected sources of funding.

Should additional funding become available, either sooner or in greater amounts, the staging timeframe should be used to guide decisions with an intent to advance projects already identified or meet new and emerging needs.

In implementing this plan Council will consider approaches that are financially and environmentally sustainable. Opportunities to partner with developers and government (schools), build cost effective multi-use facilities and to seek out developer contributions and grant funding will be a high consideration.

As previously provided to Council the following estimated costing has been undertaken by McGarry Associates (Quantity Surveyors and Construction Cost Consultants) for each of the four stages of the draft Master Plan. The estimates have been calculated from an assumed tender date midway between each stage period and include a number of contingencies and professional fee assumptions some of which may not be required, however in an 'averaged' allocation sense there will be balancing out of costs. It is important that Council be aware that this is a very preliminary stage of estimating and is subject to more detailed costing at the time of detailed design.

The indicative estimates of the magnitude of cost for each stage of the proposed Master Plan are as follows:

- Stage 1 (2012 to 2016) - \$2,978,000
- Stage 2 (2017 to 2021) - \$4,505,000
- Stage 3 (2022 to 2027) - \$3,709,000
- Stage 4 (2028 to 2032) - \$7,154,000.

Note: The costings have been based on the assumption that all facilities described in the staging under the Comments section of this report are developed. For example, this includes in respect to stage 2 the extension of the bowling clubhouse and new synthetic green. In respect to stage 3 the development of a synthetic court. In respect to stage 4 this includes the development of the southern access road and the optional toilet facility and its associated servicing needs. It can therefore be assumed that these estimates are at the upper limit of anticipated staging costs.

**Whole of Life**

At this time whole of life costs are not known and will be identified as each asset/infrastructure is created in future years or incorporated into the asset management processes currently being established in the organisation.

**SUSTAINABILITY IMPLICATIONS**

The three lots covered by the Master Plan are substantially void of vegetation apart from the Preston River foreshore and the Peppermint Tree avenue (associated with the war memorial) and a wind break along the common boundary between Lots 40 and 1. The ultimate development of the proposed Master Plan will therefore have no significant impact on remnant vegetation. The most significant possible impact on the environment would be from the establishment of additional and upgraded drainage for the park which if not undertaken appropriately would result in fertilisers and pollutants reaching the Preston River. The Master Plan proposes a number of storage basins and swales that will capture storm water and filter out pollutants prior to discharging into the river. Provided appropriate engineering is undertaken no impacts on the environment are apparent.

One of the key sustainability issues that the Shire will need to focus on is that of reducing water usage and this may occur by using latest technology in water usage control, utilising synthetic surfaces and keeping the active green space areas to a minimum. Council has an opportunity to model sustainability practices to the community.

By implementing the proposals of the Master Plan, i.e. improvements to existing facilities and the development of new facilities to meet the needs of the future population will contribute to a healthier life and social interaction.

Development of the Master Plan may have some minor impacts on nearby residents although this should be minimal as the majority of the Memorial Park land adjoins the Preston River and the South Western Highway. Residents in Thomas Street are likely to be the most impacted upon by construction traffic and increased traffic from users of recreational facilities as the population grows.

The ongoing implementation of the Master Plan over a 20 year period will involve employment of a number of professional services and involve various sectors of the construction industry resulting in employment opportunities.

**STRATEGIC IMPLICATIONS****Shire of Capel Strategic Plan 2009-2020**

The Guiding Principles of the strategy that are relevant to the Master Plan relate to maintaining and enhancing the quality of our environment and contributing to the sustainable development of the region.

***Key Focus Area 2: Community***

Relevant Objectives include:

- To provide social, recreational and cultural opportunities for our communities.
- To provide facilities and services which recognise the diverse needs of the community.

Relevant Strategies include:

- Plan to meet the sporting and recreational needs of the community.
- Prepare long term planning for services and facilities based on demographic analysis.
- Plan for the health and safety of the community.

***Key Focus Area 3: Environment***

Relevant Objectives include:

- Protect and promote the natural and built environment.
- Use and manage our resources in a sustainable manner.

Relevant Strategies include:

- Plan to undertake specialised studies identified within endorsed land use strategies.

#### *Key Focus Area 5: Infrastructure*

Relevant Objectives include:

- Maintain and improve safe and sustainable infrastructure to meet community needs.

Relevant Strategies include:

- Undertake a strategic review of public open space needs, usage and distribution and level of development.
- Ensure the provision of sustainable infrastructure to meet community needs.

#### Greater Bunbury Sports Facilities Planning Report – Stage 1 - 2009

This report provides an overview of the sporting needs of the greater Bunbury context. The Master Plan Project should take into consideration the surrounding rural and district playing facility needs. It is also useful to note references to the need for sporting facility design to give regard to climate change implications. The report also strongly recommends consultation between local government and the Department of Education and similarly developers to jointly plan for community facilities. The report makes comment that the redevelopment of the Capel and Boyanup sports grounds continue to be a high priority.

#### Sport and Recreation Strategic Plan 2010 – 2015

This strategy was reviewed in 2010 and contains a number of strategies relevant to the activities of the Memorial Park. The key strategies to note are:

- To undertake ongoing review of facilities to comply with Australian disability standards;
- To encourage the shared use of facilities;
- Investigate partnership opportunities with private enterprise;
- Develop and implement a Master Plan for the redevelopment of the Boyanup Memorial Park Sports ground.

### **CONSULTATION**

Consultation Prior to Preparation of the Plan Consultation Involved the following:

Consultation was undertaken by the architects Gresley Abas (with Shire staff in attendance) with the following groups:

- Boyanup School Council
- Boyanup Bowling Club
- Boyanup & Districts Farmers' Market
- Cardinals Junior Football
- Boyanup Basketball
- Boyanup Netball
- Boyanup Hockey.

Although representatives from the Boyanup Memorial Park Committee were not available to meet, representatives from the Boyanup & Districts Farmers' Market were also representative of the Boyanup Memorial Park Committee.

All groups were asked a series of questions relating to matters such as facility standards, club membership numbers, observations in growth of the club, parking demands etc.

Discussions were also held with the District Manager of the Department of Sport and Recreation South West.

Advertising of the Draft Plan involved the following:

Advertising was done for a period of not less than 42 days.

The advertising process included:

- Written invitation to all users of the Memorial Park.
- Written invitation to other Boyanup Community Groups.
- Written invitation to 17 government agencies such as Department of Sport and Recreation, Department of Water, Department of Conservation and Environment, Main Roads WA, South West Development Commission, Department of Education, Western Australian Planning Commission etc;
- Advertising to the wider community via the Capel Snippets and Website;
- Sending out a flyer to all residents inviting them to a presentation by the architects; and
- Undertaking of a presentation by the architects (response eleven persons).

Overall there was little community and government response despite the wide consultation programme that was undertaken. Those submissions received and comments recommendations in respect to matters raised are summarised in the schedule accompanying this report. It is to be noted that the Department of Conservation and Environment submission has resulted in modifications to the Master Plan being required. These modifications will be explained in the Comments section of this report.

**COMMENT**

Given twelve (12) months has lapsed since Council's original adoption of the Master Plan for advertising (principally due to the need for consultation with Department of Environment and Conservation) the following report is significantly a repeat of the report in January 2012 in order that Councillor's may be informed of the background to the development of the plan and the reasons and costs behind the proposals. The final remaining sections of the report relating to submissions received and the attached Schedule of Submissions is however what is under consideration prior to final adoption of the Master Plan.

There is also a need to review Council's previous resolutions as to the progressing of the development of the Sports Pavilion as resolved in October 2011 and described in the Background section of this report.

January 2012 Report Follows

The following are key matters to note in considering the Master Plan proposals for adoption.

What is a Master Plan?

It is important that the community in the first instance have a clear understanding of the intent of a Master Plan. The architects have included a useful description at the commencement of the report which is worth quoting to provide the setting for the proposals that Council is to consider:

“The purpose of this Master Plan is to provide a long term sustainable framework for the future development of the Boyanup Memorial Park (‘the park’) by providing for the active recreation spatial needs of the community of the Town of Boyanup over the next 10, 20 and possibly 30 years.

The plan is to be viewed as a strategic plan that determines the possible location, scale and type of development that could occur within the park within an indicative future timeframe and it is to be noted that within these timeframes more detailed planning and development costing will be required for each element of the plan.

The master planning process has involved reviewing the existing physical conditions and uses of the park, analysing site issues and developing an agreed strategic plan for the future use of the park area. Consultation has been undertaken with existing users of the park to assist in determining the design outcomes and the proposal will be advertised for wider community and government consultation prior to finalisation and adoption by Council.”

### Site Overview and Current Standard of Infrastructure

The Memorial Park is made up of three land parcels being Lot 67 (3.103ha), Lot 40 (6.765ha) and Lot 1 (8.099ha). These three lots currently provide the only available active or District POS for the Boyanup community.

Some of the existing infrastructure and features which needed to be considered in preparation of the Master Plan included those listed below which are contained on Lots 67 and 40. Accompanying each item of infrastructure is a brief description of the architect’s assessment of the standard of facility or any user constraints that currently exist.

- Basketball, Netball and Tennis hard courts and small kiosk/storage/change rooms – Only one sport can be played at a time in the current configuration.
- Both the Basketball and the Netball operate out of a small pavilion with covered area. The change rooms are partially being used for storage highlighting the need for additional storage. The building itself is old and in need of maintenance. The courts are lit to a standard that allows night time games. Parking is mostly undertaken on the adjoining streets with pedestrian access through a gate. The Netball Club uses the courts for training only with games being played in Bunbury. Netball member numbers have been steady over the last 10 years however a younger member increase is noticeable.
- Bowling Club synthetic green (one only) and clubrooms – The only licensed premises on the park and no universal access available for the club building. The venue, particularly the function room is at capacity with current levels of use. With population growth additional space needs to be provided for expansion of the club facilities and potentially another playing surface.
- Jack & Mary Kitchen Community Centre – The Centre includes public toilets which experience a lot of use at times.
- Existing Football Oval and Club Room (change rooms, storage, kiosk and hall) – The sports hall is currently insufficient for the Cardinals Junior Football Club, with inadequate storage space, small run-down facilities and a kiosk in poor condition. The change rooms are in a state of disrepair and the hall is in fair but serviceable condition. The facility has no capacity for sheltered viewing, with spectators often overcrowding within the hall and watching through open doors. The activity has a large impact on the parking demand for the site due to approximately 70 players and 100 spectators being present on a Saturday. Parking conflict is also experienced on Tuesdays with football training and bowling activities happening concurrently. Car parking expansion is essential.

The oval is subject to drainage issues towards the northern boundary and the lighting is not to competition standard and does not allow for night time games. The club expressed the view that rather than develop a second oval, that the upgrade of lighting take place to allow them to schedule games in the evenings and effectively extending the Saturday games into the evenings.

- Covered Skate Park – is a covered and illuminated facility which has recently been reroofed.
- Primary school shared Playing Field – the primary school currently has access to Council owned land to the south of their site for all of their field sports activities. One limitation in the use of this space is the location of the cricket pitch leaving the field undersized. It is to be noted that the school currently has an informal arrangement to use this part of the Memorial Park and action is currently being initiated to organise a formal shared use agreement. Overall the school's consensus was that their sporting requirements are being met and they do not foresee any need for expansion in the short term. It is considered by Shire staff however that in the long term with the Townsite growth predictions and the fact that the school site is currently limited in space, that demand to utilise Shire land for recreation activities will increase.

The area adjacent to the school is also used by junior football for warm ups and training when the main oval is in use. The surface of the playing field is plagued by drainage issues, which can limit its use for football practice.

- War memorial and associated avenue of Peppermint trees – a row of Peppermint trees north of the hockey field provides an avenue link to pedestrian gates at the South Western Highway where a memorial commemorating Boyanup's association with World War II. Retention of these features is essential.
- Playground – Universally accessible playground.
- Hockey Practice Pitch – The field is undersized, underlit and is only used for training purposes. The Hockey Club uses the grass field for training only. With juniors using it midweek and seniors only once each fortnight and in Bunbury for another two sessions a week. The turf surface is in poor condition, with mixtures of turf. Games are played on a synthetic surface and therefore never played in Boyanup. The lighting is inadequate for small ball use and is in need of upgrade. There is no undercover area or change room facilities for use by the club nor a facility to call "home".
- Boyanup & Districts Farmers' Market – Representatives of the markets expressed the view that their current use of the park is ideally suited to them with good exposure to the South Western Highway. The market is expecting growth both in terms of operating days and visitor numbers with their long term goal to have a permanent market venue. The site at present will satisfy their immediate needs but other locations outside of the Memorial Park will need to be considered in the longer term. The Boyanup Memorial Park Recreation Ground Draft Master Plan shows very clearly that the current location of the Boyanup & Districts Farmers' Market is not a suitable long term proposition. In respect to this the Boyanup Townsite Strategy has identified in its Structure Plan the area adjacent to Bridge Street and Turner Street for use by a number of tourist type uses. Actions endorsed by Council under the Strategy would also support the long term location of the Boyanup & Districts Farmers' Market activities on this site. It would be appropriate to give early consideration to progressing the planning of the Bridge Street precinct to identify the possibilities for the future resiting of the markets with a permanent facility.
- The Preston River forming the eastern boundary to the park – The largest waterway in the sub-catchment with unstructured steeply graded paths and informal steps. The subject of proposed pathway extensions under the Boyanup POS Strategy.

- The South Western Highway forming the eastern boundary of Lot 40 is fenced. Lot 67 does not adjoin the highway.
- Notably Lot 1 has no recreation infrastructure and is currently leased out for grazing purposes.

### Demographic Observations

The following observations have been made in analysing the existing and future population demands for recreation facilities:

1. Boyanup has a population of 900 residents.
2. The future growth of the town will be significant according to the Boyanup Townsite strategy with the population increasing by 500% to approximately 4,500 in 2031.
3. The ultimate population of Boyanup as per the Townsite Growth Strategy could be approximately 7000 persons.
4. While Boyanup has a relatively high median age, the future demographic of Boyanup could include an increasing proportion of younger families which may counteract to some degree any aging trend that is currently evident.
5. In 2021 Boyanup could have approximately 620 children aged less than 18 years and 533 persons aged 55 or over.
6. Demographics indicated in the 2006 census for dwelling occupancy, family structure, education, income, labour force and employment etc are likely to change significantly as the population grows and approximately 3,500 residents are attracted to the town by 2031.
7. In addition to the above observations it is noted that the Meadowbrook land holding in Turner Street is zoned for a retirement village and it has the potential to yield approximately 125 dwellings with a resulting over 55's population increasing demand for facilities such as the bowling club.

### Level of Service and Future Needs Observations

As the existing site facilities are largely directed towards junior sports and participation rates have been difficult to determine, the usual data from ausport largely cannot be applied to determine future recreation requirements. It is evident however from the Townsite growth strategy and the broader demographic picture that there will be a need for recreation facility expansion.

Future recreation needs have been assessed using the Shire's adopted level of service requirements, consultation with local clubs and by giving regard to the regional recommendations of the Greater Bunbury Sports Facility Planning Report.

Given the total resident population of the town is anticipated to ultimately be 7000 persons, the level of service requirements recommend the provision of 1 oval per 3,500 persons, including clubhouse, change facilities and amenities. The population is expected to surpass 3,500 persons well within the next 20 years and thus another oval (active green space) needs to be provided for in the Master Planning exercise.

More specifically it is anticipated that with the significant increase in population under the age of 18 years there will be increased pressure within a time frame this side of 2021 and therefore sports fields should be planned for closer to this date.

It should be noted that whilst it is the intent to utilise this well located recreation area to provide for active competing sports needs, given the pressures of training and competition impacts on green space surfaces and the knowledge of the pressures experienced in urban growth areas such as Dalyellup, it is intended to plan for additional training green space areas in the East Boyanup Structure Planning exercise which is currently underway actual timing of development is also long term.

#### Consultation in Preparation of the Master Plan

The comments outlined under the above section relating to Site Overview and Infrastructure Standards which includes feedback from sporting groups clearly indicates that the current facilities are inadequate, do not meet the groups existing or future requirements and in fact could be seen to stymie their growth and potential.

It is mentioned under the Consultation section of this report that discussions were also held with the District Manager of the Department of Sport and Recreation South West (DSR). Advice provided from the DSR in respect to the drafting of the Master Plan included the following recommendations and comments:

- New sports facilities of a similar scale to the Capel Sports Pavilion supported from a grant funding point of view. More complex facilities not supported.
- Support for appropriate sports lighting levels. Lit fields allow for the operation of mid week and evening competition which distribute activity rather than focusing on Saturday competition, allowing more effective use of limited facilities.
- Possible that a synthetic soccer field would be an appropriate sustainable option to satisfy future soccer needs.
- Because of the existing synthetic hockey facilities in the region it is unlikely that DSR would consider funding for a synthetic hockey field. Consideration may be given to a synthetic multi-use hockey/soccer field.

The comments from the DSR in some respect reflect those also made by the Cardinals Football Club in respect to the need or want for improved lighting although the DSR is making the statement in the context of meeting all sporting needs. The opportunities created by improved lighting to assist with dealing with growing sporting pressures is worth noting although there are associated considerations of the additional wear and tear on sporting green surfaces.

It is also worth noting the suggestions of more sustainable sports surfaces such as synthetic surfaces and in this instance the reference to a synthetic soccer field with multipurpose use options. Soccer is a strongly growing sport and the District Manager foreshadowed synthetic surfaces being considered in the near future.

Apart from the consultation with the users of the Memorial Park and the DSR, comment was obtained from Council's Traffic Consultants currently undertaking the traffic study for Boyanup. It has been advised that the existing single access off Thomas Street will continue to be suitable in the long term. There is however a possible future access road along the southern boundary of Lot 1 of the Memorial Park which will require development with any subdivision of the adjoining future residential land. The provision of this road has not been assessed but nevertheless the option for this road access has been provided for within the master planning exercise.

#### Infrastructure Services

The implementation of the Master Plan will have major implications in the provision of services to the site. A key part of the master planning exercise has therefore been to investigate and cost up the provision of these services.

Infrastructure upgrades will be required for the following:

- Power – New mains switch board required and additional sub main cabling;
- Water – Initial advice from the Water Corporation advises that the water supply has the capacity to service new facilities.
- Sewer – Lots 1 and 40 are currently outside of the sewer scheme boundary but the Water Corporation has indicated that this may be amended. The proposed location of new facilities is however likely to be unsuitable for gravity sewer and a pre-packaged pump station and pressure main is required.
- Drainage – The future playing fields and car parking will place significant increased drainage requirements on the site however these will be capable of accommodating by a series of drainage retention swales and basins linking into the existing drainage system.

### Master Plan Design

The key design goals of the master planning exercise identified by the architects were to:

- Maximise joint-use opportunity;
- Maximise sports viewing potential;
- Maximise pedestrian and vehicle access and parking;
- Maximise re-use and incorporation of existing infrastructure where possible;
- Maximise sports growth potential through appropriate site planning; and
- Incorporate the design into the urban planning of the Townsite.

With the additional land provided by the availability of Lot 1 the opportunity to locate a main facility building in the centre or as the 'heart' of the sports area was established as being of the utmost importance in achieving the goals of facility sharing, joint use and improved spectator viewing. It is to be noted that the previous investigations undertaken in 2006 proposed to continue to locate the main facility building to the north of the existing football oval. With the establishment of recreation activity further south, this original intent is no longer appropriate. The location of a proposed new facility building adjoining the southern boundary of the football oval will provide good proximity to the new playing areas and continue to retain a connection with existing playing areas.

Key opportunities and constraints identified with the site layout of existing facilities were:

- The existing hockey site is undersized and presently constrained by the Highway and the football access. Resiting will enable a full sized pitch to be developed in a more appropriate orientation (north south).
- No storage or shelter exists for use by hockey.
- Existing light poles on the hockey pitch may be re-used.
- Relocation of the basketball, netball hard courts will enable significant expansion of the Bowling club, whilst a new site would allow additional courts to be developed.
- The area to the south of the bowling club is not of sufficient size to allow expansion, particularly given the historical importance of the avenue of trees and the memorial.
- The existing football club is detached from other uses making shared facilities difficult.

- The opportunity exists for large multi – use fields to be developed in Lot 1.
- No formal parking or traffic control exists.
- Future residential development of the south of the park will require appropriate connection to the park.

As mentioned the key to the Master Plan is the provision of a new facilities building that becomes the heart of the park's activities. This building will be functionally similar to the facility recently built at the Capel Recreation Ground. Refer to the attachments for concept design drawings.

### Staging Plan

The resulting Master Plan design has provided a long term ultimate scenario for the maximum development of facilities to meet the needs of the anticipated future population. It is obviously not necessary or financially feasible to develop the complete Master Plan at one time and the challenge is therefore to identify how it can be implemented in stages that are more financially achievable and that they will be developed strategically to keep pace with the community's growing or progressive needs. An initial strategy consisting of three stages with full development being completed in 2027 was analysed however the reality of funding the total project on this basis and some doubt over the maximum demand being reached was questionable. The following four stage time frame and associated infrastructure development implementation is now proposed. The staging described below should be read in conjunction with staging plans attached to this report.

#### *Stage 1 (2012-2016)*

This stage needs to accommodate the immediate shortcomings of the existing facilities.

The following development and agreements to tenure are proposed in stage 1:

- *Farmers' Market presence* – retain the siting of the activity in the short term in its present location. It is envisaged that the Farmers' Market will need to move from the site once other stages of the master plan are developed. The future location of the markets will be subject to further studies. In respect to the desire for the markets to locate BBQ facilities and seating in the area, the agreement to this should be on the basis that it is seen as disposable infrastructure such as with the recently developed undercover area or alternatively the facilities could be developed in a more permanent location near to the Peppermint trees.
- *Stage 1 sports facility building.* The building will need to be designed to service hockey, football, netball and basketball needs as identified during the design needs assessment. The development of the facility is subject to the success of a DSR funding application.
- *Lighting upgrade to the football oval.*
- *Car parking and drainage upgrades.* Regrading/resurfacing of the access to the north of the field is required to improve drainage problems. Boundary parking expansion also required. An overall drainage design and parking plan will be required.

#### *Stage 2 (2017-2021)*

Stage 2 mainly aims to move the existing sports to new locations that will allow for their future expansion, primarily hockey, basketball and netball. Additional parking is to be made available at this stage to service the increase in numbers.

The following development is proposed in stage 2:

- *Hockey relocated to Lot 1.* The new site allows for a full sized field with optimisation of orientation and safety with nearness to the new pavilion building. Sustainable turf options will need to be investigated.
- *Hard court (basketball and netball) relocated.* The hard courts can be moved when the existing hockey use has been relocated. The existing hockey field lighting may be reused for the hard court activities. Two additional courts may be incorporated and should be planned for to enable growth.
- *Bowls expansion as needed.* With the removal of the hard courts the bowls club is provided with opportunities for expansion as required. Existing light poles should be assessed for suitability of use with the additional bowls green.
- *Grassed training area established.* Development of an interim training area/warm up area on the northern portion of Lot 1 with the intent that it will be developed as a future formal oval area.
- *Path network established.* With the relocation of facilities there is a need to establish pedestrian pathway links from streets and car parking.
- *Parking expansion.* Relocation of the hockey field will enable parking adjacent to the sports facility building to be expanded. Relocation of the Farmers Market at this time will also allow additional parking to be provided adjacent to the Bowling\Club facilities.
- *Cricket Practice Nets to be provided.* Nets are to be provided adjacent to the school for use by the public and the school.

### Stage 3 (2022-2027)

From the conclusions drawn from the demographic analysis the number of junior sports participants will likely to be 3-fold assuming similar participation rates by 2021. Dependent on growth, the additional playing fields shown at this stage, particularly those servicing junior football may need to be established early to satisfy demand.

The following development is proposed in stage 3:

- *Stage 3 Sports Facilities Building established.* The relocation of the hockey and hard-court activities is likely to put demand on change room facilities as well as needing to meet additional demands of evening sports activities. An additional multi-form change room is therefore allowed for under this stage.
- *Playing Fields established.* Half of the development of the ultimate additional sports field's area on Lot 1 is proposed in this stage. The final area of additional sports fields will be determined by demand of users at the time and flexibility will be retained where possible to address changing sports needs.
- *Playground to be established.* A playground is to be established adjacent to the facilities building to improve surveillance and separation from traffic. Development may need to be concurrent with the stage 2 building expansion.
- *Car parking upgrade.* Upgrading commenced in stage 1 is to be extended in a north easterly direction.
- *Hard courts Expansion.* Depending on the level of use it is at this stage that hard court expansion may be considered.
- *Drainage Improvements/Development.* The drainage design during stage 1 will now need to be implemented in conjunction with the additional sports field development.

- *Landscape Buffers established.* Buffers are to be established along the highway to provide visual amenity and seating areas.

#### *Stage 4 (2028-2032)*

Stage 4 represents the final stages of the development of the park and will be dependent on the population demands and the residential growth development south of Lot 1.

The following development is proposed in stage 4:

- *Completion of Playing Fields.*
- *Southern Access Road.* The location of the road is dependent to some extent on the adjacent residential development. There needs to be provision for this southern access to the sports facilities at the southern end of the site with the provision of extra parking for both active and passive recreation.
- *Path network Link established.* A path network is proposed along the Preston River that will link future residential development with recreation facilities and provide passive walking for the community.
- *Drainage Extension.* Drainage for the expanded green space areas and the access road and car parking will need to be accommodated.
- *Landscaping Buffers extended along highway.*
- *Indoor sports facility.* The provision of this facility has been indicatively shown on the plan however is subject to greater detailed investigations, both in respect to demand and cost of development and management.
- *Toilets on the southern boundary.* Additional toilets have been planned for however development of these will be on an as needs basis.

#### Monitoring and Review

Capital projects like this require advanced planning and design and will need to be included within the Corporate Plan and if to be implemented endorsed for action within the first four years of the corporate plan. It will be noted that stage 1 of the plan falls within the first four year time frame and Council would need to agree with implementation of this within this time frame to advance the provision of the pavilion to Boyanup. Notwithstanding this proposals within the Plan will need to be formally reviewed on an annual basis. The annual reporting process related to the Plan should also identify which recommendations and stages have been initiated or achieved, where new initiatives have been undertaken, or where timing of staging has been adjusted and why.

It is important to note that changes to staging and timing will result from being proactive in keeping up with: emerging trends, the existing and changing popularity of sports, the changing and developing community demographics, technological advancements in field surface standards and facilities, climate change and broader world issues which will occur over the next 10, 20 and 30 years. Above all the decisions will however be aimed at contributing to a high quality of life for the Boyanup community.

#### Architect's Recommendations

The architect has concluded with the following key recommendations:

- Sports requirements and staging should be assessed on an ongoing basis to ensure adequate provision of facilities throughout the future of the site.
- Where appropriate sustainable turf solutions should be investigated with the provision of

sports fields.

- Lighting infrastructure should be designed to provide maximum and effective multi-use of the sports fields and placement considered to most effectively make use of expensive infrastructure.
- The detailed design of drainage, roads and parking for future stages should be undertaken as part of stage 1 works, to ensure considered and well detailed integration of future works.
- Detailed engineering investigations should be undertaken early in the design stage to ensure the provision of an appropriately designed and considered solution to site water management and servicing.
- The access to the south of the site (southern access road) should be considered during the early planning phases of the proposed development to the south of Lot 1 with issues of traffic management and access off the highway a high priority.

#### Comments for Consideration Following Public advertising of the Master Plan

The attached schedule of submissions explains the eleven (11) submissions received from government agencies and service authorities, one submission from the Boyanup Memorial Park Inc. and one public submission. These are quite self explanatory however Council's attention is brought to the following specific matters that have been raised:

- Department of Environment and Conservation (DEC) Submission.

The submission outlines that the Preston River is a Conservation Category Wetland which for the main part followed the remnant vegetation along the river foreshore although a significant portion of the existing football oval was contained within this area. Also attached to the boundary of this conservation area is a required 50 metre buffer where the provision of infrastructure (paths, drainage, car parking etc) is not supported, notwithstanding there is existing drainage infrastructure in the buffer and conservation area. As can be seen this requirement had significant impact on the Master Plan design which was dependent on the buffer area for the placement of the existing football oval use, existing and proposed car parking areas, extensive drainage improvements and pedestrian pathway links to provide controlled access to and within the river foreshore. The majority of the DEC requirements are derived from policies established by the Department of Water (DOW) but enforced by the DEC in consultation with the DOW. Discussions with the DOW resulted in the defined boundaries of the Conservation area and the buffer being adjusted to reduce the overall impact on the Master Plan and a general agreement to the location of certain infrastructure in the buffer. This did however require some modifications to the advertised Master Plan by relocating some car parking areas out of the buffer, reducing the extent of pathways and utilising and relocating the pathway to create a hard edge to separate recreational use from conservation of the foreshore. It also required entering into an agreement to work with the DOW in the future design of drainage infrastructure in the buffer to introduce water sensitive urban design and revegetation of the foreshore area where appropriate. The Master Plan attachments to this report reflect the required modifications.

- Water Corporation Submission.

It is noted that only the existing buildings (Jack and Mary Kitchen Community Centre) on Lot 67 is connected to deep sewer as this is the only part of the Memorial Park within the sewerage catchment area. Consulting engineers (Wood and Grieve) assisting Gresley Abas have made note that Lots 1 and 40 are currently outside of the sewer scheme boundary but the Water Corporation has indicated that this may be amended and needs to be pursued by the Shire. The proposed location of new facilities is however likely to be unsuitable for gravity sewer and a pre-packaged pump station and pressure main is required. Any upgrades of sewerage for new facilities would also need to take into

consideration servicing of the Bowling Club and the existing football club (future youth space) if developed for a youth facility. It is therefore apparent that early action needs to be pursued in relation to having Water Corporation agreement to the extension of the catchment boundary and that more detailed engineering investigations need to be undertaken as soon as possible to confirm the servicing requirements for the facilities. As mentioned under the Financial Implications section of this report there is currently a budget allocation of \$6000 which should be utilised to complete sewerage servicing investigations.

- Provision of Fitness Gym.

One submission has raised this matter from a private citizen. The Pavilion floor plans in the Master Plan report document show the provision of a gymnasium of floor space 15m<sup>2</sup> but these are conceptual plans and subject to future detailed design. Although the fitness/gym space has not been mentioned separately in the Master Plan it is shown in the concept plan for the sports pavilion.

The request for a Gym for use by seniors has continued to be raised for some time now and the ascertaining of actual demand, the type of facility required, the floor space needs of the facility, the practicalities of providing the facility, how it is managed and where should it be located have not been investigated. The provision of such a facility may be located in several numbers of venues in the town, some of which maybe more appropriate. These questions are under consideration in the current preparation of the Community Facilities and Services Plan.

- Provision of a Youth Space.

The Master Plan has identified that the existing football club building is to be considered as to suitability to be utilised as a youth space. Similarly with Council's adoption of the Youth Strategy in January it has endorsed a strategy to "provide specific youth spaces in Boyanup". The master plan only acknowledges this need by way of a notation on the plan and therefore it is not referred to in the report accompanying the plan or in the costings. This matter is however also being considered as part of the Community Facilities and Services Plan currently being prepared by external consultants and the timing for such a facility will have a relationship to the stage 1 development which will provide a new sports pavilion. Obviously after the football club vacates this premises retro fitting/upgrading can be considered. It appears that significant modifications to the ablutions and kitchen would be required and any modifications would be subject to external funding sources.

- Farmers Market relocation.

One Submission has raised this matter by a private citizen. The Master Plan proposals do give active sports uses a high priority in the design and this means expansion and provision of new facilities (eg. bowling club expansion and associated car parking) in the vicinity of the current market activities. The Markets have previously been advised that establishment of facilities is to be seen as short term tenure only.

It is correct that an alternative location for Markets is being investigated but it was not intended to be at the Boyanup Museum grounds but investigate options in Fettle's Park which is adjacent to the Museum. The intention is for Fettle's Park, the associated heritage railway precinct and other uses adjoining Bridge Street to become a tourism precinct.

Should this happen, the concept for Fettle's Park would need to contain playground equipment, entertainment space, toilets and parking etc. As to the Museum this activity would be a compatible use.

Notwithstanding the above, should the Fettle's Park option not be viable for whatever reasons, other opportunities would be pursued as the intent is not to force the activity out of the locality.

- Timing of Development of Facilities.

As mentioned previously in the report it is important that if stage 1 of the development is to proceed in the near future that it needs to be incorporated into the first four years of the Corporate Plan. The retention of the current staging time lines provided by the architects would enable this. It is to be noted under the background section of the report that in October 2011 Council resolved to “endorse the Boyanup Sports Pavilion project as the 2011/12 CSRFF application. It also resolved “to approve for consideration in the 2013/2114 draft budget a loan to fund the Boyanup Sports Pavilion project subject to the application for CSRFF grant funding for the project being successful.” This application did not proceed. As also mentioned previously on the advice of the Department of Sport and Recreation that this application is unlikely to be supported staff did not finalise a submission for funding. It also has since this time become apparent that a more demanding need has arisen in East Dalyellup with the recent establishment of the new oval facility adjacent to Ferndale Avenue. It is intended that a report will be submitted to Council for endorsement of this application in the near future. Notwithstanding this it would then be the intention to reprogram the Boyanup sports pavilion implementation actions. It is therefore intended at this time to commence consultation with community stake holders as to the design of the building early in 2014 in readiness to submit a CSRFF application in September 2014. The outcome of this application would be known in March 2015 and should it be successful the project would in theory be able to commence in 2015.

Notwithstanding the above it is also to be noted that staff will be undertaking a workshop with Council to review the timing and priority of all Strategies and associated actions which will assist to populate the 10 year Corporate Plan. Whilst initial consideration appears to indicate that this timing mentioned above for the stage 1 Pavilion appears realistic Council will eventually need to consider it within the overall context of Capital expenditure over the next 10 years.

## **CONCLUSION**

It is considered that the draft Master Plan has comprehensively covered the needs of the existing and future users of the Boyanup Memorial Park area and Council should adopt the plan to guide implementation of future facilities.

## **VOTING REQUIREMENTS**

Simple majority

Cr Bell left the Chambers at 6.05pm and did not return.

<b>OC0219 OFFICER’S RECOMMENDATION – 18.1/COUNCIL DECISION</b>
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**Moved Cr Gibson, Seconded Cr Smith**

**That Council:**

- 1 Accepts the staff comments and recommendations as shown in the attached schedule of submissions and that submitters be advised of the information; and**
- 2. Receives the Boyanup Memorial Park Sport and Recreation Ground Master Plan dated 04/02/2013: REV E for the purpose of guiding the implementation and development of facilities at the Boyanup Memorial Park and the adoption be endorsed by signature on the final report by the Chief Executive Officer.**

Carried 8/0

**NEW BUSINESS OF AN URGENT NATURE** Nil

**PUBLIC QUESTION TIME** Nil

**MOTIONS WITHOUT NOTICE (ABSOLUTE MAJORITY BY COUNCIL)** Nil

**NOTICES OF MOTION FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF THE COUNCIL** Nil

**MEETING CLOSURE**

The meeting closed at 6.11pm.

These minutes were confirmed at an Ordinary Council meeting on 20 March 2013.

Signed

Presiding Person at the meeting at which time the minutes were confirmed.

Date