

# Shire *of* Capel

## AGENDA

### ORDINARY COUNCIL MEETING

Wednesday 27<sup>th</sup> January 2016

Commencing at 4.30pm in the Council Chambers  
Shire Administration Building, Forrest Road, Capel

#### REMINDER:

**2.00pm Briefing – Kristin McKeachie  
re Asset Management**

**3.00pm Briefing – Travis Enman, Director,  
Cal Energy Resources**

**3.30pm Round the Table Discussion**



*Experience the*  
Shire of Capel



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# **FINANCIAL INTEREST**

(Effective 1 July 1996)

A financial interest occurs where a Councillor, or a person with whom the Councillor is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

## **Councillors should declare an interest:**

- a) in a written notice given to the CEO before the meeting; or**
- b) at the meeting immediately before the matter is discussed**

A member who has declared an interest must not:

- \* preside at the part of the meeting relating to the matter; or
- \* participate in, or be present during any discussion or decision making procedure relating to the matter,

unless the member is allowed to do so under Section 5.68 or 5.69, Local Government Act (1995).

Ref: Local Government Act 1995 Division 6 - Disclosure of Financial Interest.  
Specifically Sections 5.60, 5.61, 5.65 and 5.67.

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Capel for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Capel disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions.

Any persons or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Capel during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Capel. The Shire of Capel warns that anyone who has an application lodged with the Shire of Capel must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Capel in respect of the application.

SHIRE OF CAPEL

NOTICE OF AN ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 27 JANUARY 2016 COMMENCING AT 4.30PM.

*PF Sheedy.*

PF Sheedy  
CHIEF EXECUTIVE OFFICER

22 January, 2016

## AGENDA

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**IMPORTANT NOTE:**

Members of the public are advised that any decisions made at the meeting tonight, can be revoked, pursuant to the *Local Government Act 1995*. Therefore, members of the public should not rely on any decisions until formal notification in writing by Council has been received.

**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

Leave of Absence: Cr G Norton (OC1201)

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

**4 PUBLIC QUESTION TIME**

*Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please phone the Shire Office during office hours on 9727 0222 or visit the Shire's website [www.capel.wa.gov.au](http://www.capel.wa.gov.au).*

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**6 DECLARATION OF INTEREST**

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

**8 CONFIRMATION OF MINUTES**

8.1 Ordinary Council Meeting – 16.12.15

**9 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION**

**10 PETITIONS/DEPUTATIONS/PRESENTATIONS**

*Any person or group wishing to make a 5 minute presentation to Council regarding any matter on this agenda for consideration must request the right to do so in writing to the Chief Executive Officer prior to 12 noon on the day of this Council meeting. For more information about presentations please contact the Executive Assistant on 9727 0222 or email [info@capel.wa.gov.au](mailto:info@capel.wa.gov.au).*

*Any person or group wishing to make a 5 minute Deputation to Council on any matter is required to apply in writing to the Chief Executive Officer at least 7 days prior to a Council meeting. For more information about making a deputation, please contact the Executive Assistant on 9727 0222 or email [info@capel.wa.gov.au](mailto:info@capel.wa.gov.au).*

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12 QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

## 13 CHIEF EXECUTIVE OFFICER REPORTS

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### 13.1 Annual Leave – Chief Executive Officer

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Location: Capel  
Applicant: Chief Executive Officer  
File Reference: N/A  
Disclosure of Interest: As I am the applicant who will benefit from the approval I wish to declare a financial interest in this matter.  
Date: 06.01.16  
Author: Chief Executive Officer, PF Sheedy  
Senior Officer: Chief Executive Officer, PF Sheedy  
Attachments: Nil

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#### **MATTER FOR CONSIDERATION**

A request by the Chief Executive Officer (CEO) to take six days annual leave from 4 to 11 March 2016.

#### **BACKGROUND / PROPOSAL**

##### **Background**

Council amended then Policy 13.1 Annual Leave – Chief Executive Officer at its 14 April 2004 (Minute OC0413) on the basis that any periods of leave taken by the CEO that exceeds five working days have to be approved by Council.

The President can approve periods of leave of five days or less.

##### **Proposal**

To take six days annual leave in early March 2016 to attend the annual Country Week Lawn Bowls Carnival in Perth.

#### **STATUTORY ENVIRONMENT**

Local Government Industry Award 2010

#### **POLICY IMPLICATIONS**

Policy 3.1 Annual Leave – Chief Executive Officer indicates that:

1. The Chief Executive Officer be required to submit annual leave applications to Council for approval where the period of leave to be taken exceeds five working days.
2. Where the Chief Executive Officer wishes to take periods of leave that is five working days or less, the President is to be advised of the proposal.
3. The details of all Chief Executive Officer annual leave periods shall be included in the weekly Friday Flyer.
4. During periods of annual leave by the Chief Executive Officer, the Chief Executive Officer be delegated authority to appoint an Executive Manager to the position of Acting Chief Executive Officer.

## **FINANCIAL IMPLICATIONS**

### **Budget**

There are no additional financial implications as the provisions for leave are included in the annual budget provisions and where it is accrued leave funds are available in the Employees Leave Reserve to cover any additional costs.

There are some additional costs for higher duties for the person appointed as Acting CEO during this period.

### **Long Term**

The taking of annual leave will reduce the amount required to be transferred to the Employee Leave Reserve Fund.

### **Whole of Life**

As no assets will be created there is no whole of life costs relevant to this item.

## **SUSTAINABILITY IMPLICATIONS**

The effective management of staff taking annual leave is seen as a sustainable social outcome for the employee and the organisation.

## **STRATEGIC IMPLICATIONS**

### **Strategic Community Plan 2013-2031**

The proposal meets the strategic outcome 1.5 'Ensure the effective management of Council's resources' under 'The Leadership Experience' of Council's Strategic Community Plan.

### **Corporate Business Plan 2013 -2017**

Strategy 1.5A 'Effective and efficient management of Council's resources' is relevant to this proposal.

## **CONSULTATION**

Consultation has been undertaken with Executive Manager Community Services to ensure her availability to be Acting CEO during this period of absence.

## **COMMENT**

Being taken at the start of the calendar month it has minimal impact on the monthly round of Council meetings etc.

## **VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATIONS – 13.1</b>
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**That Council approves the Chief Executive Officer taking six days annual leave from 4 to 11 March 2016.**

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**13.2 City of Perth Bill 2015 – Request for Support**

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Location:	Subiaco/City of Perth
Applicant:	Mayor, City of Subiaco
File Reference:	ICR2458
Disclosure of Interest:	Nil
Date:	12.01.16
Author:	Chief Executive Officer, PF Sheedy
Senior Officer:	Chief Executive Officer, PF Sheedy
Attachments:	Nil

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**MATTER FOR CONSIDERATION**

Writing to local members of Parliament voicing concerns at the City of Perth Bill proposal to exercise 3,000 residents from the City of Subiaco.

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

With the decision by the State Government in 2015 not to pursue the amalgamation/rationalisation of a number of local governments in the Perth metropolitan area, the State Government introduced the City of Perth Bill into Parliament to create separate legislation, other than the Local Government Act, to apply to the City of Perth.

Part of this proposal is to extend the current boundaries of the City of Perth to include parts of adjoining local governments.

**Overview Of The Bill**

The *City of Perth Bill 2015* recognises Perth as the capital of Western Australia and the special significance of the role and responsibilities of the City of Perth that flow from Perth's status as a capital.

The key provisions:

1. provide for the continuation of the City of Perth and set out the objects of the City of Perth;
2. set out the constitution of the City of Perth Council and specify the roles and responsibilities of the City of Perth Lord Mayor and councillors;
3. establish a City of Perth Committee with functions that include the facilitation of collaboration between the State and the City of Perth, and set out its membership;
4. specify the boundaries of the enlarged City of Perth, including the University of Western Australia, Kings Park, the Queen Elizabeth II Medical Centre and the new Perth Children's Hospital (to take effect on 1 July 2016);
5. provide for the election of the Lord Mayor;
6. set out a change to the duration of enrolment of a non-residential occupier elector and provide for a penalty for failing to inform the City of Perth of a change in non-residential elector enrolment eligibility;
7. sets out transitional provisions necessary including the capacity to make regulations for the purpose of dealing with a transitional matter, and providing the City of Subiaco with



the ability to undertake a review of its ward boundaries and councillor numbers prior to the boundary change coming into effect;

8. repeal the *City of Perth Restructuring Act 1993*; and
9. make consequential amendments to other legislation including the *Botanic Gardens and Parks Authority Act 1998*, the *Local Government Act 1960* Part VIA and the *Local Government Act 1995*.

## **Proposal**

A letter from Mayor Heather Henderson, City of Subiaco states:

“The State Government is pursuing the introduction of the City of Perth Act which deals with a number of issues relating to the City of Perth and also affects the City of Subiaco directly. It now affects all Local Governments through a late amendment requiring all Local Governments to deal with gift and travel disclosures.

The City (of Subiaco) does have a concern over the arbitrary decision to change the boundaries of the City's south ward and for the majority of this ward to be transferred to the City of Perth. There was no consultation with the City, no consultation with the community and no determination by the Local Government Advisory Board on this proposal.

This decision has a significant effect on this community of 3,000 Subiaco residents who would be transferred to an entity they did not ask to be part of. There is also a significant financial impact on the City through loss of rates and other revenue streams. This will have to lead to either rate increases and/or a reduction of services. All Local Governments need to be aware of the possibility of being on the receiving end of a similar decision and the potential impacts on your organisation and community.

The City of Subiaco Council has been fighting the impact of this agenda and has formally adopted the following statement of principle in relation to the City's relationship with the executive branch of the State Government:

*“The City of Subiaco holds it to be a fundamental principle that Local Governments are elected by their residents to be representative and accountable for civic governance. Residents do not want State Government to override the city's Council. Loopholes in the law intended to protect the rights of residents to a local government of their choice must be closed so that trust and respect can be restored.”*

The Bill is in the Upper House at the moment and will not be determined until February (2016) at the earliest. I ask that you write to your local members, and more particularly your Legislative Council representative, expressing your concerns over the arbitrary decision to excise 3,000 residents from the City of Subiaco and seek their support to reject this Bill.”

## **STATUTORY ENVIRONMENT**

City of Perth Bill 2015

## **POLICY IMPLICATIONS**

There are no Shire policies applicable to this matter.

## **FINANCIAL IMPLICATIONS**

### **Budget**

The only costs to be incurred this financial year will be some minimal time by the Chief Executive Officer and Executive Assistant to compile the letters and minor postage costs which can be covered within the existing postage budget allocation.

**Long Term**

There are no long term financial implications as this is a one off matter that will not carry over into future years.

**Whole of Life**

No assets are being created so there are no whole of life costs applicable to this matter.

**SUSTAINABILITY IMPLICATIONS**

The removal of 3,000 residents would not appear to have any social implications as it would be assumed that they will still access existing social activities, friends etc. The removal of rate income from the City of Subiaco without any corresponding reduction in services and/or infrastructure will have some annual financial implications for the City of Subiaco.

**STRATEGIC IMPLICATIONS**

The ability of a local government to plan strategically long term could be hindered if the state government is going to make ad hoc decisions about reducing the size of a local government and transferring rateable properties and infrastructure to an adjoining local government. Given the Shire of Capel's close proximity to the regional centre (City of Bunbury) it could be vulnerable in the future to a similar proposal to the City of Perth Bill 2015.

**CONSULTATION**

Other than the communication with the local members of Parliament there is no further consultation required.

**COMMENT**

Whilst the Bill will only affect the City of Subiaco and not the Shire of Capel, the fundamental principle that is being challenged here is the consultation with the community that should take place before any state government decides whether to undertake an amalgamation or boundary adjustment, that potentially could affect the financial viability of the local government that will have its area reduced.

**VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATIONS – 13.2</b>
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**That Council writes to the local members of Parliament for the Legislative Assembly (Lower House) and Legislative Council (Upper House) voicing its concerns that the State Government, with the City of Perth Bill 2015, is proposing to amend the local government boundary of the City of Subiaco that will result in the excise of 3,000 residents from the City of Subiaco to the City of Perth without any community consultation and that they be urged to reject the Bill when it comes before Parliament.**

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### **13.3 Lord Mayor’s Distress Relief Fund – Waroona/Harvey Fires**

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	15.01.16
Author:	Chief Executive Officer, PF Sheedy
Senior Officer:	Chief Executive Officer, PF Sheedy
Attachments:	Nil

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#### **MATTER FOR CONSIDERATION**

1. A donation of \$5,000 to the Lord Mayor’s Distress Relief Fund to assist the victims of the recent Waroona/Harvey fires.
2. The reinstatement of the annual donation to the Lord Mayor’s Distress Relief Fund following the annual budget adoption.

#### **BACKGROUND / PROPOSAL**

##### **Background**

August 2008 Refers- Council at its meeting on 27 August 2008 (OC0825) resolved:

*‘That Council approve an annual donation to the Lord Mayor’s Distress Relief Fund and the amount to be donated be the amount approved in the annual Budget.’*

This was as a result of the Lord Mayor of City of Perth writing to all local governments in Western Australia requesting that they consider making an annual donation into the fund rather than wait until disasters occur. As a result, Council made an automatic annual donation of \$500 to the Lord Mayor’s Distress Relief Fund in the financial years 2008/09 to 2010/11. With a changeover of staff in 2011 it appears that this process was not continued annually.

In addition Council has in the past donated funds to the Lord Mayor’s Appeal Fund when there have been disasters in Western Australia or Australia on a regular basis as detailed below:

- November 2015, Esperance Bushfires - \$1,000
- April 2014, Mundaring Bushfires - \$2,000
- February 2011, Perth Hills Bushfires - \$1,500
- February 2009, Victorian Bushfires - \$1,000
- February 2007, Dwellingup Bushfires - \$1,000
- January 2004, Cranbrook/Plantagenet Bushfires - \$500
- 2001, Drought Relief (WA Farmers) - \$1,000
- April 1999, Exmouth Cyclone and Moora Floods - \$1,000

##### **Proposal**

The President has requested that given the level of devastation that these recent fires has caused to property, stock, the agricultural industry (loss of feed) and the loss of lives in local governments very close to this Shire in the South West, that a donation in the order of \$3,000 to \$5,000 be considered by the Council.

#### **STATUTORY ENVIRONMENT**

There is no statutory act or regulations applicable to this matter.

## **POLICY IMPLICATIONS**

There is no endorsed policy applicable to this matter.

## **FINANCIAL IMPLICATIONS**

### **Budget**

The current budget (2015/16) has a Donations budget of \$7,000 that includes Discretionary (\$1,000), State/National Sports Representatives (\$5,000), Lord Mayor's Fund (\$500) and Minor Donations (\$500).

As at 31 December 2015, \$3,400 has been allocated from the fund, including \$1,000 for the Esperance Bushfires approved in November 2015, with \$2,400 being for the State/National Sports Representatives.

### **Long Term**

There will be no long term impact on future budgets as this is a one off donation with no committed allocation for future years. Future year's budget will include the normal budget allocations plus any amount agreed to for the Lord Mayor's Fund.

The decision to donate funds automatically on an annual basis will have minimal long term impact as funds are currently allocated annually in the budget. Any increase in the current annual allocation of \$500 will have a minor long term impact.

### **Whole of Life**

No assets are being created so there are no whole of life costs relevant to this matter.

## **SUSTAINABILITY IMPLICATIONS**

All donations made to the Lord Mayor's Fund are fully allocated to various disasters and the allocation of funds in this instance will go some way to assisting those affected financially (food, clothing and essentials), socially (to re-engage as a community) and to a small degree economically (feed for stock etc.).

## **STRATEGIC IMPLICATIONS**

The allocation of funds on an annual basis is strategic decision that will reduce the need for the Council to allocate additional unbudgeted funds in years when disasters occur in this State.

## **CONSULTATION**

Consultation has been undertaken with the President on this matter and no further additional consultation with other persons or organisations is required at this time.

## **COMMENT**

The fires that commenced on Wednesday 6 January 2016 in the Shire of Waroona and then spread to the Shire of Harvey have caused levels of damage and destruction and loss of life unseen in the South West since the Dwellingup fires in the 1960's.

With the township of Yarloop almost completely destroyed, including community facilities, this community and others are going to require all the assistance financially, physically and emotionally that can be provided by federal, state and local governments and community organisations and people.

As is the usual scenario the Shire of Capel Bushfire Volunteers have again been to the forefront in volunteering their time and firefighting appliances to assist these communities over the last week and will continue to do so for as long as are needed. In addition staff will consider what other assistance they can provide through the WALGA coordinated Emergency Support Program whereby officers in the areas of Health, Building and Recovery can register with WALGA their availability to provide assistance to the Shires of Harvey and Waroona, if required.

This latest disaster, being so close to this Shire, brings home the enormous loss and devastation that has been caused by these fires and this is a great opportunity for this Council to really put their hands up to assist fellow South West community members with a generous financial contribution.

Finally the other matter for consideration is for Council to endorse the reinstatement of the annual automatic allocation of funds to the Lord Mayor's Distress Relief Fund once the annual budget is adopted and it is suggested that this amount be increased to \$1,000 commencing in 2016/17 and be reviewed annually.

### **VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATIONS – 13.3</b>
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**That Council:**

- 1. Contributes \$5,000 towards the Lord Mayor's Distress Relief Fund towards the Waroona/Harvey Bushfires, to come from Council's Donations Account (Account 102220.06); and**
- 2. Agrees to reinstate the annual automatic allocation of funds to the Lord Mayor's Distress Relief Fund once the annual budget is adopted commencing with a contribution of \$1,000 in 2016/17.**

**14 ENGINEERING AND DEVELOPMENT SERVICES REPORTS****14.1 State Administration Tribunal Order - Extractive Industry – Lot 141 Ken Bells Road, North Boyanup**


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Location:	Lot 141 Ken Bells Road, North Boyanup
Applicant:	Carlo Doyle's Haulage Pty Ltd
File Reference:	C5.2.B.161
Disclosure of Interest:	Nil
Date:	04.01.16
Author:	Coordinator Engineering Development, A Coulson
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachments:	1 Location Plan 2 Draft Licence and Conditions 3 Figure 4 – Final contours Plan 4 Schedule of Submissions – Brookdale Road Route

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**MATTER FOR CONSIDERATION**

Application for Planning Consent and associated Extractive Industry Licence for the extraction of sand from Lot 141 Ken Bells Road, North Boyanup.

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

Lot 141 Ken Bells Road, North Boyanup is a 54.89ha Rural zoned lot that houses an active dairy. The site is located approximately 3.0km south east of Gelorup. The land is currently owned by Belendaine Pty Ltd. The site and all surrounding lots are zoned Rural.

The application for Planning Consent and Extractive Industry Licence for Lot 141 Ken Bells Road, North Boyanup was considered at the Ordinary Council meeting held on 24 June 2015. Council gave due consideration to the proposal, submissions received during the advertising of the application and the applicant's response to these submissions and resolved not to approve the application based on safety and community concerns, road orientation, dust, dangerous crest and width of parts of Brookdale Road.

On 1 July 2015, an application was made by Carlo Doyle, the applicant, to the State Administrative Tribunal (SAT) for a review of the decision made by Council.

On 24 July 2015 a Directions Hearing under Judge David Parry was held at the State Administration Tribunal (DR205/2015: Doyle v Shire of Capel), which was attended by Executive Manager Engineering and Development Services, J Gick, as well as the applicant Carlo Doyle and his representative, Kirsten Muir-Thompson. At this hearing, Judge Parry outlined the following:

- Given the Executive Manager recommended the application be approved, he may find himself conflicted if he is asked to act as a professional witness. The Council may wish to engage an independent third party to represent it on this matter.
- There are two ways to proceed in the matter; facilitate a mediation to resolution (80% to 90% of cases resolved this way) OR the Tribunal hears a case and decides.
- If mediation isn't successful, it is still useful in narrowing the outstanding issues nearer to a resolution.

- Mediation can occur in a formal meeting, on-site or a combination of both.
- Council will need to issue a statement of issues in a concise way. Issues must be raised with evidence.
- The Council's reasons for refusing the proposal includes "Community concerns". Community concerns are in and of themselves not considered a planning issue, but there may be legitimate planning grounds that underlie the community's concerns.
- Whilst the Tribunal Hearings are public, the mediation is a private process between parties.
- The SAT Act provides for anything said during the mediation process not to be admissible in a subsequent hearing, should the mediation process not resolve the matter.

Following the hearing, the SAT issued an order with the following actions:

1. By 7 August 2015 the respondent must file with the Tribunal and give to the applicant a statement of issues for the purposes of mediation.
2. The matter is referred to mediation to commence at 11.00am on 13 August 2015 at the respondent's office, 31 Forrest Rd, Capel WA for the duration of one day.
3. The President of the respondent is invited to attend and/or nominate one or more Councillors and/or the Chief Executive Officer of the respondent to attend the mediation.

Prior to 7 August 2015, the Shire prepared a statement of issues and engaged Denis McLeod of McLeods Barristers and Solicitors to represent the Shire on this matter. The statement of issues detailed the following main issues:

1. Whether the proposal presents road safety issues on Brookdale Road and Skippings Road.
2. Whether the proposal raises planning matters that generate community concerns.
3. Whether dust generated from the proposal and traffic significantly impacts on the locality.

On 13 August 2015 mediation was held between Shire representatives including the Shire President, Deputy Shire President, Chief Executive Officer, senior staff and Denis McLeod and the Applicant and its representatives in the presence of a member of the SAT at the Council offices and later on site at Brookdale and Skippings Roads, North Boyanup. Ms Kathleen Thompson, a member of the public who lives on Brookdale Road also made a presentation to the mediation. Following the mediation, SAT issued an order with the following conditions:

1. By 27 August 2015 the parties will exchange further comments on the issues and responsive issues with any suggestions for further measures by which the proposal could be modified.
2. The matter is referred to mediation to commence at 10am on 14 September 2015 for the duration of three hours.

The Shire received further comments from the applicant's representative on 26 August 2015 and responded to the comments on 27 August 2015.

The Shire was also advised by its legal counsel that as the issues and possible actions had now been identified; future mediation to achieve an agreeable outcome was able to progress without the Shire requiring an independent third party in the form of legal representation.

On 14 September 2015 mediation was held between the Shire representatives, Executive Manager Engineering and Development Services and Coordinator Engineering Development and the applicant, its representative and the SAT mediator. The mediation was conducted via a teleconference. Following the mediation, SAT issued an order with the following conditions:

1. By 23 September 2015, the applicant will provide a draft of revised conditions to the respondent, and provide a copy to the Tribunal.
2. By 7 October 2015, the respondent will provide a written response to the applicant, and provide a copy to the Tribunal.
3. The matter is referred to mediation to commence at 10am on 15 October 2015 for the duration of 3 hours.

The Shire received draft conditions from the applicant's representative on 21 September 2015 and responded to the draft conditions on 7 October 2015.

On 15 October 2015 mediation was held between the Executive Manager Engineering and Development Services and the applicant, its representative and the SAT mediator. The mediation was conducted via a teleconference. Following the mediation, SAT issued an order with the following conditions:

1. The proceeding is adjourned to a further directions hearing at 12 noon on 5 February 2016.
2. By 27 November 2015 the applicant will submit a revised Planning Application and Extractive Industries Licence Proposal.
3. Pursuant to s31(1) of the *State Administration Tribunal Act 2004 (WA)* the respondent is invited to reconsider its decision at its meeting on or before 27 January 2016.
4. The Tribunal notes that in the event of subsequent refusal of the revised planning application, the applicant's original proposal is its preferred proposal in the event of determination by the Tribunal.

The Shire received proposed revised planning conditions and Extractive Industries License conditions from the applicant's representative on 24 November 2015.

### **Proposal**

The applicant has submitted an Extractive Industry Licence and Planning Application which contains a Dust Management Plan, a Rehabilitation Plan and a summary of the proposal as follows:

- The proposed extraction area is 2.6ha;
- The site is currently degraded native vegetation;
- A five (5) year licence has been requested;
- The proposed excavation is to proceed from the south in two stages, extracting an estimated 40,000m<sup>3</sup> of sand;
- The post excavation landform is designed with maximum batters of 1:6;



- The rehabilitation will lower the ridge to increase moisture through the soil and improve conditions for native vegetation growth;
- Access to the site is proposed via Skippings Road and Brookdale Road to South Western Highway;
- It is anticipated that a maximum of 4 trips per day can be expected from the site; and
- The hours of operation are proposed to be between 7.00am to 5.00pm Monday to Friday.

## **STATUTORY ENVIRONMENT**

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

Lot 141 is zoned Rural and has an area of 54.89 hectares.

An Extractive Industry is not permitted unless Council grants Planning Consent (AA use). Public advertising of the matter may be undertaken prior to making a determination of the application pursuant to clause 8.2.2 of the Scheme. 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 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.

5.7.2 Council's policy in assessing applications for Planning Consent is in part to have regard to:

- (d) The adequacy of roads, existing or proposed in the area, which may be needed to support the amount of road traffic expected to be generated by the development;
- (e) The need to impose such conditions as Council deems appropriate in order to minimise any adverse effect the development may have on the environment of the area.

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.

8.3.6 Where the Council grants planning consent, the Council may impose conditions limiting the period of time for which the development is permitted to continue.

#### 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.

#### State Administrative Tribunal Act 2004 (WA)

31. Tribunal may invite decision-maker to reconsider decision:

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –
  - (a) affirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute its new decision.
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.

#### Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Part 10 (Deemed Provisions for Local Planning Schemes) Clauses 82 and 83

82. Delegations by local government

- (1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.
- (2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.
- (3) The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.

83. Local government CEO may delegate powers

- (1) The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.
- (2) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.

### **POLICY IMPLICATIONS**

There are no current Policies relevant to this item.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The application has resulted in fees being paid of \$739 for planning application and \$2,874 for extractive industry licence application. The Council refusal and subsequent appeal has resulted in \$9,497 of costs in legal representation to date. In the event that Council refuse the revised application, the matter will be considered at a SAT Hearing which will require further legal representation on behalf of the Council.

The applicants' proposal will have implications to Council's budget in that the crest and curve sections of Brookdale Road will require widening to improve safety with the increase in truck traffic. The applicant has agreed to contribute \$8,000 initially and a further \$8,000 in instalments over the likely approval period, which will only account for approximately 40% of the overall cost of the improvement works. The balance of the funds will need to be considered in the coming 4 Year Program of Works – Roads (2016-2020).

#### **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 road damage to the local roads and the cost of the deterioration must be passed on to the Extractive Industry as it is 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 has 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 \$9,971 for the 40,000m<sup>3</sup> of material trucked along Brookdale Road.

##### Rehabilitation

Extraction industries are required to lodge a rehabilitation bond. The intent of the retention bond is to provide an incentive to rehabilitation performance. 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 2014/15* lists the minimum bond per hectare for sand extraction sites as \$15,629. A rehabilitation bond for the first stage will be required before a licence is issued which equates to 1.3 Ha x \$15,629 = \$20,318.

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

### **Whole of Life**

There is a desire from local residents to upgrade Brookdale Road to a sealed standard. Should that proposal be supported, it will have whole of life impacts on future budgets.

### **SUSTAINABILITY IMPLICATIONS**

Extractive industries can have impacts on the community by way of noise, dust and traffic. The current Environmental Protection Authority (EPA) buffer distance guidance notes consider that an acceptable buffer distance between a sand quarry of this nature and a surrounding residence should be 300-500 metres. The nearest surrounding residence is 960m from the extraction area to the northwest which is far enough away to alleviate any noticeable impacts.

Truck traffic impacts are to be limited to Brookdale Road and the north section of Skippings Road with this being the most suitable route in and out of the quarry. Due to the condition of Brookdale Road and some safety concerns, measures are to be taken when considering increasing heavy traffic volumes along this section of road. These are discussed further in the Comments Section of the report.

Sand is an essential material in the construction of residential housing. Having a good supply 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**

#### State Planning Strategy 2050

This strategy identifies the Greater Bunbury Area progressing toward becoming a conurbation (continuous urban area) with the Perth and Peel regions. The Strategy highlights the importance of mining in the region, noting that 'mining and downstream processing continues to be a key economic driver for the South West sector'.

The Strategy references a number of strategic documents that underpin the State Planning Strategy such as the Greater Bunbury Strategy, Greater Bunbury Region Scheme and the South West Framework, which are discussed in further detail below.

The State Planning Strategy identifies six key principles to guide land use planning and development. Of these principles the following relate generally to the proposed development:

- Economy: Facilitate trade, investment, innovation employment and community betterment;
- Environment: Conserve the State's natural assets through sustainable development;
- Regional Development: Build the competitive and collaborative advantages of the regions.

It is important to note that these principles are broad, and are provided at a macro level to be used to guide the preparation of the planning policy framework used in decision making. In this regard the proposal has been considered in accordance with the policy framework prepared under the guidance of these principles.

#### Greater Bunbury Strategy 2013

The Greater Bunbury Strategy is the primary strategic document prepared by the Department of Planning to guide the urban, industrial and regional land use within the City of Bunbury and Shires of Capel, Dardanup and Harvey. The strategy sets the guiding principles which underpin the Greater Bunbury Region Scheme and guide any subsequent amendments. The

strategy also broadly identifies future urban and industrial areas as well as residual Rural areas generally not subjected to any change in land use.

The subject site is located within this residual area, and no changes from the existing Rural zoning are anticipated as a part of this Strategy. Additionally, the land is situated to the north of an Environmental Significance Area/Corridor.

In regard to Rural land, the strategy states that rural land is to be “retained for primary production, natural resource management and its landscape characteristics that define the rural character of the Greater Bunbury sub-region”. Additionally the strategy notes that no Special Rural or similar development will be permitted unless already identified in pre-existing strategic frameworks. It is noted that that no such development is planned for the site or vicinity of Lot 141 Ken Bells Road.

Finally, the Strategy outlines the challenges for sustainable Greater Bunbury, which specifically identifies the lack of suitable fill for new greenfield development with drainage issues. The Department of Planning’s Response to this matter is to identify and safeguard resources required for extractive industry, future fill requirements and construction. This is of particular relevance to the subject application, but also underpins the basis for the Strategic Minerals and Basic Raw Materials policy area being identified as a part of the Greater Bunbury Region Scheme.

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.

#### Greater Bunbury Region Scheme 2008 (GBRS)

The GBRS identifies Lot 141 as rural.

The Strategic Minerals and Basic Raw Materials Policy under the GBRS refer to the site as being within a ‘sand’ resource area’. The intent of the policy is to provide appropriate planning policy measures to ensure resources of state or regional importance are not sterilised by incompatible development or land uses. The extraction of sand does not compromise the objectives of the policy provided it does not remove mineral sands. In the event that any mineralisation is encountered during extraction, works will cease in that area and the Department of Mines and Petroleum will be notified.

#### 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 located within an identified ‘sand’ resource area under the Strategic Minerals and Basic Raw Materials Resource Policy area.

#### 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 The 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, albeit in this instance mineral sands.

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

The subject land is contained within Planning Units BU8 of the Shire of Capel Land Use Strategy.

The objective of the BU8 Planning Unit is to also provide for long term urban development in addition to conserving the rural character and environmental values of the area, specifically remnant vegetation and wetlands.

The provisions of the land use unit do not generally relate to the assessment of an extractive industry, notwithstanding the use it not noted as being 'undesirable' for the subject area.

#### Strategic Community Plan 2013 – 2031

The recommendation is consistent with the following strategic outcomes of the Strategic Community Plan:

- 4.1 Provide opportunities to take advantage of the Shire's location;
- 4.2 Pursue diversity and vitality in the local economy;
- 4.8 Support the retention of the mining industry;
- 4.9 Encourage business development;
- 5.6 Effectively manage the Shire's assets and resources.

#### **CONSULTATION**

The proposal was referred to the Department of Environment Regulation, Department of Parks and Wildlife, Department of Planning, Department of Water, Department of Aboriginal Affairs, Department of Mines and Petroleum, Western Power, Telstra, Main Roads WA and the local Land Care District Committee (LCDC). A public notice was also placed in the *South Western Times* as well as appearing on the Shire of Capel website.

On 19 February 2015, 41 letters were initially sent to property owners along Ken Bells Road, Ducane Road, Jules Road and any property owners within 500m of Lot 141. The Shire received submissions from most of the government agencies and from 9 residents. A group letter signed by 6 Capel residents objecting to multiple issues was submitted, but the concerns were not site specific.

The applicant opted to explore an alternate haulage route, utilising Brookdale Road to the south of the site. In an effort to convey accurate information and quell any public unease, Shire staff negotiated a number of proposed conditions with the applicant to address dust management, vehicle numbers and vehicle speeds. On 16 April 2015, a second letter was sent to Main Roads WA and 19 property owners along Brookdale Road including a brief explanation of the material volumes, truck numbers and configurations and proposed conditions.

The Shire received submissions from 7 residents. Main Roads WA had no objections. A Schedule of Submissions was prepared and forwarded to the applicant for consideration and

response. A full copy of the Schedule of Submissions and responses is shown as Attachment 3 Schedule of Submissions – Brookdale Road Route.

The submissions received raised concerns over the potential for:

1. Road safety impacts and road condition/degradation;
2. Amenity impacts;
3. Noise impacts; and
4. Environmental impacts.

These concerns are discussed further along with recommendations in the Comment section of this report.

The Member for Collie Preston, Mick Murray MLA was contacted in August 2015 by one of the residents along Brookdale Road with concerns that the road would be utilised by up to 75 trucks per day if the application was approved by either the Council or the State Administration Tribunal. A response was forwarded to Mick Murray's office from the Shire advising that this number was incorrect and that the actual maximum amount of all vehicles on Brookdale Road would be limited to 75 under approved circumstances. No further correspondence was received from the office of the Member for Collie Preston on this matter.

Residents invited the Member for Collie Preston to participate in a group photo which was published in October 2015 edition of the local *Boyanup Post* community newsletter.

### **COMMENT**

Brookdale Road is an un-posted gravel road with a total length of 6.0km with a width of 7.0m which narrows to 5.6m for the final 400m. In accordance with the *Standard Restricted Access Vehicles (RAV) – Route Assessment Guidelines* the recommended speed for heavy vehicles travelling along Brookdale Road is 60km/h. It is considered that the short 5.6m wide section can cater for vehicles travelling at 60km/h as there is only one property access with clear sight lines in both directions.

Due to the possibility of increased road wear and impacts to the neighbouring properties and road users, a limit of 4 loaded trucks per day has been negotiated with the applicant. To ensure compliance with the imposed truck limits, the applicant will be expected to furnish to the Shire on a quarterly basis a summary of daily truck movements from the site. The Council may conditionally agree to the truck limits exceeding this for short durations upon receiving a written request from the applicant. The Shire will ensure that the maximum total vehicles per day not exceed 75, both loaded and unloaded, but be averaged to 6 vehicles per day over a period of time.

Brookdale Road has a number of curves that require widening to allow two vehicles to safely pass at these points. The applicant is willing to contribute to the cost of the gravel to widen these sections and for the Shire to undertake works as part of its annual maintenance program.

A number of safety concerns need to be addressed with the existing signage. The applicant is willing to install a number of advanced warning signs along Brookdale Road including appropriate truck warning signs, curve warning signage, crest warning signage, advanced warning signage for the Fowler Road intersection and appropriate chevrons on Brookdale Road.

Also, due to the east-west orientation of Brookdale Road there are concerns regarding haulage during sunrise and sunset. It is recommended that a condition be imposed to limit the haulage times to avoid the rising and setting of the sun. The proposed operating hours are 7:00am to 5:00pm and therefore, this proposed condition will only be applicable to the shorter days of the year.

The following conditions were recommended in the previous Council report considered on 24 June 2015 to address the objections to the applicant's proposal:

- *The applicant to ensure that trucks do not exceed 60km/h along Brookdale Road at any time;*
- *The applicant is to utilise a water truck along Brookdale Road to prevent the creation of excessive dust;*
- *The verges to be pruned 2.0m from the edge of the road to a height of 5.5m at the applicant's cost;*
- *The maximum number of trucks leaving the site is not to exceed 4 per day without prior Council approval;*
- *The submission of a quarterly truck movement report to verify compliance of the above condition;*
- *Council delegate authority for the Executive Manager Engineering and Development Services to issue conditional approval for increased truck movements for specified periods;*
- *The applicant to install the appropriate traffic warning signage, curve warning signage, crest warning signage, advanced warning signage for the Fowler Road intersection and appropriate chevrons on Brookdale Road;*
- *Operation during day light hours only. No haulage movement to occur during sunrise and sunset periods; and*
- *Headlights must be switched on at all times.*

#### State Administrative Tribunal Mediation

Council's decision to refuse approval to commence development at the above site and the applicant's subsequent application for review of that decision was considered at a Tribunal Hearing on 24 July 2015. Mediation was recommended for representatives of each party to meet and discuss possible solutions to Council's grounds for refusal and also other matters or concerns raised by Council and members of the community.

The five (5) main concerns which the staff referred to the applicant for further consideration are shown below in italics with the identified and preferred solution then described in the subsequent comments.

#### Concern 1

*Term of Approval – The Shire's legal advice noted that the proposal may be more acceptable to the local residents if the period of the approval was limited to two years rather than five years, which would give the Shire some track record prior to considering any renewal.*

#### Comment 1

This idea of limiting the approval period was considered by the applicant and was considered not to be a commercially viable solution. The start-up costs for this type of development require a longer approval period to recoup the initial costs and as the industry is market driven, two years may not be sufficient time to establish a customer base. The minimum approval period for all other Extractive Industries within the Shire is five years, which appears acceptable. The stringent conditions proposed for this development should give the Shire adequate control over the site should any non-compliance arise. The Shire has no valid reason to restrict the approval period.



Concern 2

*Reduced Operating Hours – The orientation of Brookdale Road being east-west causes issues with glare blinding drivers close to sunset and sunrise. The Shire's legal advice noted that restricting the operating hours to between 10am and 2pm would remove this hazard and remove the trucks during school bus operating hours.*

Comment 2

The restriction of the operating hours was considered too restrictive for the applicant to carry on a commercial business. During the mediation it was acknowledged by all parties that the critical time for glare affecting drivers was up to 1 hour after sunrise and up to 1 hour before sunset. Further investigation by Shire officers as to the actual affect along Brookdale Road found that the impacts of sunrise and sunset change over the seasons, as the days become shorter, the sun rises and sets further north. Nevertheless, Shire officers consider the retention of the original condition restricting truck movements 1 hour either side of sunrise and sunset is justified and will not adversely impact on the applicant's operations.

Proposed Condition

**Truck movements are prohibited on Brookdale Road 1 hour before sunset and 1 hour after sunrise.**

Concern 3

*Dust Suppression of Brookdale Road – Trucks have the capacity to create a large amount of dust which not only impacts other road users, but also nearby residences. The Shire's legal advice indicated that it may not be practical to water the whole of the road during dry or windy conditions to suppress dust and that more targeted watering of sensitive areas would be more beneficial.*

Comment 3

Shire officers agree that watering of the whole of Brookdale Road would be a poor use of resources and would likely render the operation unviable for the 4 trucks permitted daily. The inclusion of a condition requiring the applicant to supply and operate a dedicated water truck to manage dust at sensitive residences (within 50m of the road) has been agreed to be a suitable solution. The application of a dust suppressant polymer such as Dustworx, Magnet, Dustmag or Zero may also be beneficial in sensitive areas and may reduce the required watering which has also been agreed to by both parties.

Proposed Condition

Staff consider that the addition of the following conditions of planning consent would address the Council's concerns:

- 1. The applicant is to supply and operate a dedicated water truck to apply water to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions;**
- 2. If required, the applicant will apply a commercially available polymer to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions.**

Concern 4

*Speed Control of Trucks – The Shire's ability to control the speed of trucks related to this proposal is central to managing the safety and dust concerns that this proposal has raised. As the road is unsealed, Main Roads WA cannot speed zone the road as any speed limit imposed may not be suitable at all times, as unsealed road conditions can change dramatically due to the exposure of the road surface to the elements. The Shire considers a speed limit of 60km/h would be suitable for the trucks related to this proposal.*

Comment 4

During mediation, the applicant agreed that the reduction of speed for the trucks to 60km/h would reduce the damage to the road and create less dust as well as create a safer transport route. The Shire's concerns were with how to ensure compliance with the speed limits. The applicant has now agreed to utilise a commercially available GPS mapping tool such as Navman to record actual speeds along Brookdale Road to enable verification of compliance with the 60km/h speed limit, upon Shire request.

Proposed Condition

Staff consider that the addition of the following conditions of planning consent would address the Council's concerns:

- 1. The applicant to ensure that trucks do not exceed 60km/h along Brookdale Road at any time;**
- 2. The applicant to utilise a commercially available electronic vehicle speed recording device to enable verification of compliance with above condition upon Shire request.**

Concern 5

*Increase in road upgrade contribution – The applicant had committed to contributing \$8,000 towards the widening of sections of Brookdale Road at the crest and at other agreed areas. On closer inspection of the road condition, Shire officers agreed that further works may be required to improve the road condition, specifically widening the road at three curves.*

Comment 5

The applicant has now agreed to contribute \$8,000 up front and then \$2,000 for every 10,000 cubic metres which leaves the pit, up to a maximum of \$16,000, for the upgrading of the crest and curves along Brookdale Road. The Shire will carry out the upgrading works to the curves within 30 days of the granting of an extractive industry licence. The crest upgrade, being much more costly, will be considered for inclusion in the 4 Year Program of Works – Roads (2016-2020) which is yet to be completed.

Proposed Condition

Staff consider that the addition of the following conditions of planning consent would address the Council's concerns:

- 1. Within 30 days of the issue of the Extractive Industry Licence, the applicant is to pay \$8,000 to the Shire of Capel to contribute to widening the crest and three curves on Brookdale Road;**
- 2. The applicant is to pay the Shire of Capel a road upgrade contribution of \$2,000 per 10,000m<sup>3</sup> of material transported along Brookdale Road, up to a maximum of \$8,000. Such road upgrade contributions will be due within 45 days of extraction of the said volumes.**

Implications of refusal

To date, the Council has spent close to \$9,500 on legal representation as well as many hours of officer's time to mediate restrictions to the applicant's proposal to reduce any impacts to the community as well as increasing the applicant's contribution to road upgrades.

In the event that Council refuses the revised application, the matter will be considered by a Judge at a SAT Hearing on 5 February 2016, where the Council will require legal representation at further cost. The Tribunal has advised that the applicant's original proposal is its preferred proposal in the event of determination by the Tribunal. This would see the removal of these additional restrictions and the additional contribution to the road upgrade if the Tribunal ruled in favour of the applicant.

Advice received from the Councils legal representative is that the likelihood of the Tribunal ruling against an extractive industry application after mediation has occurred is unlikely and has not occurred to its knowledge before.

### **Conclusion**

The proposed extractive industry activity is acceptable in terms of its location and lack of impacts to the neighbouring properties and the environment. The greatest concern of local residents relates to possible impacts of truck haulage associated with the activity such as safety, road condition, dust and amenity impacts.

Staff have now, through mediation, provided:

- for additional contributions to road upgrades to improve the road condition;
- a means of regulating the speed limit for sand trucks of 60km/h along the road;
- for application of water and/or polymer to the road adjacent to sensitive residences in dusty conditions; and
- restrictions to truck movements to 1 hour after the sunrise and 1 hour before sunset.

Whilst residents have complained about the road, the proposal generates low levels of truck movement, which will be regulated by appropriate conditions on any approvals that may be granted.

### **VOTING REQUIREMENTS**

Absolute majority

<b>OFFICER'S RECOMMENDATIONS 14.1</b>
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**That Council resolves the following regarding the application from Carlo Doyle's Haulage Pty Ltd to extract sand from Lot 141 Ken Bells Road, North Boyanup:**

- 1 Pursuant to Clause 8.3.3 of Town Planning Scheme No. 7 grant Planning Consent subject to the following conditions:**
  - (a) Development being limited to that detailed in the Extractive Industry Licence and Planning Application - Lot 141 Ken Bells Road, North Boyanup dated December 2014;**
  - (b) The approval being limited to 5 years from the date of issue of the Extractive Industry Licence;**
  - (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;**
  - (d) The applicant to provide a Rehabilitation Bond for not less than \$20,318 for Stage 1 and such bond or bank guarantee to be unconditional (no expiry date);**
  - (e) The maximum number of trucks leaving the site is not to exceed 4 per day without prior Council approval;**
  - (f) The submission of a quarterly truck movement report to verify compliance of condition (e);**
  - (g) The applicant to ensure that trucks do not exceed 60km/h along Brookdale Road at any time;**
  - (h) The applicant to utilise a commercially available electronic vehicle speed recording device to enable verification of compliance with condition (g) upon the Shire's request;**
  - (i) The applicant is to supply and operate a dedicated water truck to apply water to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions;**

- (j) If required, the applicant will apply a commercially available polymer to portions of Brookdale Road where residences are located within 50m of the road, during dusty conditions;
  - (k) The applicant will provide temporary signage on Brookdale Road indicating the proposed times for daily truck movements;
  - (l) The verges to be pruned 2.0m from the edge of the road to a height of 5.5m at the applicant's cost;
  - (m) Within 30 days of the issue of the Extractive Industry Licence, the applicant is to pay \$8,000 to the Shire of Capel to contribute to widening the crest and three curves on Brookdale Road;
  - (n) The applicant is to pay the Shire of Capel a road upgrade contribution of \$2,000 per 10,000m<sup>3</sup> of material transported along Brookdale Road, up to a maximum of \$8,000. Such road upgrade contributions will be due within 45 days of extraction of the said volumes;
  - (o) The applicant to install the appropriate truck warning signage, curve warning signage, crest warning signage, advanced warning signage for the Fowler Road intersection and appropriate chevrons on Brookdale Road;
  - (p) Truck movements are prohibited on Brookdale Road for the period 1 hour after sunrise and 1 hour before sunset.
  - (q) Headlights must be switched on at all times.
- 2 To 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 upon satisfactory completion to the satisfaction of the Executive Manager Engineering and Development Services of condition (d) of the Planning Consent granted under resolution 1 above.
- 3 That in regards to condition (e), Council delegates authority under Clause 82 in Schedule 2, Part 10 of the Deemed Provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015 to the Chief Executive Officer the power to issue conditional approval for increased truck movements for specific periods. The Chief Executive Officer may delegate this function to the Executive Manager Engineering and Development Services under Clause 83 in Schedule 2.
- 4 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.
- 5 To advise all submitters of the above decisions.

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**14.2 Tender 15/06 Reconstruction and Widening of portion of Elgin Road and Boundary Road, Elgin**

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Location: Elgin Road & Boundary Road, Elgin  
Applicant: Shire of Capel  
File Reference: RO.DC.4  
Disclosure of Interest: Nil  
Date: 07.01.16  
Author: Coordinator Engineering Development, A Coulson  
Senior Officer: Executive Manager Engineering & Development Services, J Gick  
Attachment: Confidential Attachment – Table A & B

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**MATTER FOR CONSIDERATION**

Consideration of tender submissions for the reconstruction and widening of Elgin Road, Elgin from SLK 2.04 to SLK 3.30, and Boundary Road, Elgin from SLK 2.60 to SLK 3.28. Staff consider the tender submission from Carbone Bros Pty Ltd represents the best value for money.

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

The Shire of Capel receives annual road funding from the Federal Roads to Recovery Program to fund upgrades to Shire roads, which meet its criteria.

Portions of both Elgin Road and Boundary Road have been identified in need of repair and improvement and have been included in the Program of Works – Roads (2015/16) as adopted by Council at its 22 April 2015 meeting, and were approved to receive funding through the Roads to Recovery Program.

Funding has been secured to repair and widen a 1,260m section of Elgin Road and a 680m section of Boundary Road this year.

**Proposal**

To consider the tender submissions for the reconstruction and widening of a 1,260m section of Elgin Road to 6.2m width seal including culvert replacement, and the reconstruction and widening of a 680m section of Boundary Road to 6.2m width seal.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 s3.57(11)(1) of the Local Government Regulations requires all goods and services with a value in excess of \$100,000 to be subject to a public tender process.

**POLICY IMPLICATIONS**

Policy 2.8 Purchasing: states that purchases must be made in consideration of (amongst other things) the best value for money.

To promote economic activity and employment opportunities within the Shire of Capel, Council has a local purchasing preference. A 5% price preference is applicable to locally based suppliers on all purchases where the purchase consideration exceeds \$1,000.

None of the tenderers qualified for consideration of local purchasing preference under this provision of this policy.

## **FINANCIAL IMPLICATIONS**

### **Budget**

The 2015/16 Council Budget includes:

XP13 Boundary Road 2.6-3.25 (650m) road widening \$130,000; and  
XP16 Elgin Road 2.04-3.93 (1,890m) road widening \$410,562.

The total budget for both roads is \$540,562 ex GST, which does not include allowance for drainage upgrades.

Once detailed design of the projects commenced, it became apparent that the existing culverts are all butt jointed and require replacing during the road reconstruction works, which will add to the cost of the works.

The tender scope of works includes the full budgeted length of Elgin Road with all the culvert replacements and the full budgeted length of Boundary Road with no culverts.

On receipt of the tender submissions, which were above the budget, it was clear that the scope of works will have to be reduced to fit within budget constraints.

As the Boundary Road tender submissions are close to the budgeted amount, it is considered beneficial to leave the Boundary Road scope intact, as it finishes at a road intersection. The reduction of the length of Elgin Road, to avoid some culvert replacements, is considered the best way of ensuring the tender price will be within the budgeted amount for the two projects and provide for some contingency allowance.

Once the initial tender submissions were evaluated, three (3) short listed tenderers were asked to provide a revised price based on the reduced scope of works as follows:

- Elgin Road portion to be reduced to SLK 2.04 to SLK 3.30 (1,260m)
- Boundary Road unchanged.

The recommended tender price of \$476,846.17 plus GST for the civil works allows for the drainage costs to replace a 4 barrel culvert on Boundary Road at an estimated cost of \$27,000 and an adequate buffer within the budget of \$36,716 (8%) to ensure an adequate contingency is available.

### **Long Term**

Long term, the preservation of these assets will arrest their deterioration and prevent total failure of the asset. The reduced scope means that the balance of the works will need to be completed in a subsequent future year.

### **Whole of Life**

The whole of life financial implications have not been calculated at this stage. The assets are important links in the rural road network and will need to be preserved to suitable service levels.

## **SUSTAINABILITY IMPLICATIONS**

The reconstruction and widening of Elgin and Boundary Roads will result in large trucks staying on the sealed surface of the road and not entering the unsealed shoulder creating dust and flying rock hazards.

The reconstruction and widening of Elgin and Boundary Roads will increase the safety for all road users along this route by creating a smoother surface with increased clearance between opposing traffic and reducing the potential for truck trailers swaying onto the unsealed shoulder throwing up dust and stones.

Large trucks when travelling on uneven and narrow roads have a tendency for the rear trailer to sway and run onto the shoulder throwing up dust and stones which erodes the shoulder creating a vertical drop off the edge of the sealed surface. This increases the maintenance costs on the road through increased shoulder grading. Increasing the width of the road will result in lower costs to the Shire in shoulder grading.

## **STRATEGIC IMPLICATIONS**

### **Shire of Capel Strategic Community Plan 2013 - 2031**

The proposed road reconstructions respond to the following strategic objective in the Strategic Community Plan:

- *Plan and facilitate safe, sustainable and efficient infrastructure and transport networks to meet the needs of the community.*

## **CONSULTATION**

Tender 15/06 Reconstruction and Widening of portion of Elgin Road and Boundary Road, Elgin was advertised in the "West Australian" on 18 November 2015 and the "South Western Times" on 19 November 2015, and submissions closed on 18 December 2015.

Once the initial tender submissions were evaluated, three (3) short listed tenderers were asked to provide a revised price based on the reduced scope of works as follows:

- Elgin Road portion to be reduced to SLK 2.04 to SLK 3.30 (1,260m)
- Boundary Road unchanged.

Staff from Engineering, Operations, Assets and Finance have been consulted during the tender development and assessment phases.

## **COMMENT**

In considering which tenderer to award the Contract, there are several important considerations. As part of the tender assessment, 40% of the total score is based on the tenderer's ability to demonstrate previous experience on similar projects, outline available resources and personnel, and demonstrate that previous works were completed to the required standard, in the required time, to the accepted price and with minimum disruption to the public.

All tenderers scored between 24.0 and 30.7 (out of a possible 40). The variation is due to the fact that some tenderers provided very little of the requested information while some provided very detailed and comprehensive documents. This information gives Shire staff a better indication as to whether the Contractors are capable of performing the Works and what success they have had in the past.

The remaining 60% of the total score is calculated as a percentage of the lowest price against the tenderers' price. Therefore, 60 points is allocated immediately to the lowest price. Refer to the table below (Table A).

**TABLE A: Tenders – Tender Criteria Weighting**

<b>Tenderer</b>	<b>Demonstrated Experience, Resources and Personnel (40% weighting)</b>	<b>Price (60% weighting)</b>	<b>SCORE TOTAL</b>
Carbone Bros Pty Ltd	24.0	60.0	<b>84.0</b>
Geographe Civil Pty Ltd	27.3	54.0	<b>81.3</b>
Cardinal Contractors Pty Ltd	24.7	52.1	<b>76.8</b>
Leeuwin Civil Pty Ltd	28.0	42.5	<b>70.5</b>
JAK Civil Pty Ltd	28.7	36.2	<b>64.9</b>
WCP Civil Pty Ltd	24.0	34.2	<b>58.2</b>

The budget for the combined works is \$594,618 inc GST, which rendered all of the tender submissions outside budget. The scope of works was then reduced to ensure a compliant tender could be selected within the budget constraints.

Once the initial tender submissions were evaluated, three (3) shortlisted tenderers with the highest total score were asked to provide a revised price based on the reduced scope of works as follows:

- Elgin Road portion to be reduced to SLK 2.04 to SLK 3.30 (1,260m)
- Boundary Road unchanged.

The shortlisted tenderers all provided a revised price based on the reduced scope of works as shown below (Table B).

**TABLE B: Tenders revised scope – Tender Criteria Weighting**

<b>Tenderer</b>	<b>Demonstrated Experience, Resources and Personnel (40% weighting)</b>	<b>Price (60% weighting)</b>	<b>SCORE TOTAL</b>
Carbone Bros Pty Ltd	24.0	60.0	<b>84.0</b>
Geographe Civil Pty Ltd	27.3	53.5	<b>80.8</b>
Cardinal Contractors Pty Ltd	24.7	51.2	<b>75.9</b>

The recommended tender price of \$524,530 inc GST for the civil works allows for but does not include the drainage costs to replace a 4 barrel culvert on Boundary Road at an estimated cost of \$27,000 and provides a buffer within the budget of \$43,088 (8%) to ensure adequate contingency is available.

Carbone Bros Pty Ltd submitted a comprehensive tender document which addressed all of the areas of plant, personnel and experience required to successfully complete the works. Its tendered price also represents best value for money which resulted in a score of 84 out of 100.

After considering the points allocated and the information provided by the tenderers and relevant referees, staff supports the awarding of the tender to Carbone Bros Pty Ltd who scored the highest with 84, and have the experience and resources to complete the works on time, to the required standard and within the accepted price.



**VOTING REQUIREMENTS**

Simple majority

**OFFICER'S RECOMMENDATIONS – 14.2**

**That Council accept the tender from Carbone Bros Pty Ltd for \$524,530.79 including GST as detailed in Tender No. 15/06 and the revised scope of works for the Reconstruction and Widening of portion of Elgin Road and Boundary Road, Elgin.**

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### 14.3 State Administrative Tribunal Order – Preston Green Pty Ltd (Meadowbrooke Lifestyle Village)

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Location: Lot 201 (33) Turner Street, Boyanup  
 Applicant: Preston Green Pty Ltd  
 Owner: Preston Green Pty Ltd  
 File Reference: C5.2.B49/V5  
 Disclosure of Interest: Nil  
 Date: 07.01.16  
 Author: Manager Planning Services, C Muller  
 Senior Officer: Executive Manager Engineering & Development Services, J Gick  
 Attachments: 1. Location plan  
 2. Development Guide Plan adopted on 26 August 2015  
 3. MPM Development Consultants drawing 14041 20 revision A  
 4. Historic Flood Prone Area – Drawing No. DWG16377GD4  
 5. Proposed Flood Prone Area – Drawing No. DWG16377GD5

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#### **MATTER FOR CONSIDERATION**

Council has been invited pursuant to s31(1) of the State Administrative Tribunal Act 2004 (WA) to reconsider part of its decision of 23 September 2015 (Minute No. OC0905) in light of suggested amendments proposed by the applicant.

#### **BACKGROUND/PROPOSAL**

##### **Background**

Minute No. OC0905 of 2015 refers. Council gave due consideration to the proposal at its Ordinary Council meeting on 23 September 2015, where it resolved to grant planning consent for the development of a Lifestyle Village comprising 181 land lease areas on Lot 201 (33) Turner Street, Boyanup subject to conditions.

The applicant has contested two conditions of Council's decision. Following a directions hearing at the State Administrative Tribunal (SAT), the applicant filed with the Tribunal suggested amendments to Conditions 7 and 11 in response to orders issued.

##### **Proposal**

On 22 December 2015 Lavan Legal, the Solicitors for the applicant Preston Green Pty Ltd filed with SAT, the following proposed amendments to conditions:

##### *Condition 7*

1. *The applicant requests that condition 7 of the planning approval be amended.*
2. *The applicants proposed wording of condition 7 is as follows:*

*Prior to the occupation of Stage 1, a notification pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title for Lot 201. The notification is to state substantially as follows:*

- (a) *a portion of Lot 201 was previously within a flood prone area and was subject to flooding;*
- (b) *part of that land has been redeveloped so that the development of any habitable room, as approved by the Shire of capel, will have a minimum floor level 0.5 metres above the adjacent Department of Water 100 year ARI flood level; and*

(c) *the remaining part of that land (as shown on an interest-only deposited plan) is still considered to be flood prone and subject to flooding.*

3. *Alternative wordings for condition 7 that the Applicant may also potentially support are as follows:*

*3.1 Alternative 1:*

*A notification pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the land. The notification is only required to apply to that part of the land that is shown shaded in red in the plan prepared by Thompson Surveying Consultants entitled "Proposed Flood Prone Area". The notification is to state that the land is within a flood prone area and may be subject to flooding.*

*3.2 Alternative 2:*

*A notification pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the land. The notification is only required to apply to that part of the land that is shown shaded in red in the plan prepared by Thompson Surveying Consultants entitled "Flood Prone Area". The notification is to state that Lot 201 has a history of flood risk and that the Shire of Capel has accordingly required that any habitable rooms must have a minimum floor level above the adjacent Department of Water 100 year ARI flood level for flood protection.*

Condition 11

4. *The applicant requests that condition 11 of the planning approval be amended.*
5. *In particular, the Applicant proposed that condition 11 be divided into two separate conditions.*
6. *The applicant's proposed wording for condition 11 (and a new condition 11A) is as follows:*

*11A. Prior to occupation of stage 1, the intersection of Turner Street and South Western Highway is to be upgraded generally in accordance with MPM Development Consultants drawing 14041 20 revision A, to the satisfaction of the Shire of Capel.*

*11. Prior to occupation of stage 4 or as otherwise agreed to in writing by the Shire, detailed design plans shall be submitted and approved demonstrating the following upgrades, and thereafter implemented and maintained in accordance with the approved plan to the specification and satisfaction of the Shire of Capel:*

- (a) *resurfacing of Turner Street including upgrades to the stormwater infrastructure at the eastern end; and*
- (b) *provision of a pedestrian path along the extent of Turner Street.*

The proposed amendments to Conditions 7 and 11 will be discussed further in the 'Comment' section of the report.

## **STATUTORY ENVIRONMENT**

### State Administrative Tribunal Act 2004

Section 31. Tribunal may invite decision-maker to reconsider decision

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.

- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision maker may —
  - a. affirm the decision; or
  - b. vary the decision; or
  - c. set aside the decision and substitute its new decision.
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.

Town Planning and Development (Local Planning Schemes) Regulations 2015, Deemed Provisions for local planning schemes

Clause 68, Determination of applications

- (2) The local government may determine an application for development approval by —
  - (a) granting development approval without conditions; or
  - (b) granting development approval with conditions; or
  - (c) refusing to grant development approval.

Shire of Capel Town Planning Scheme No. 7

Lot 201 is zoned “Special Use” pursuant to the Shire of Capel Town Planning Scheme No. 7.

Under Appendix 4 of the Scheme:

The Uses permitted will be in accordance with the interpretation of Aged Persons Village under the Scheme and the adopted Development Guide Plan relating to the zone.

The following uses are listed as permitted uses:

- Residential R40 -Aged Persons Accommodation
- Guest house/short term accommodation
- Community Centre
- Caretaker’s dwelling
- Car parking
- Administration office.

Council may at its discretion determine and approve other uses that are considered to be ancillary and incidental to the objective of the zone.

Ancillary and incidental uses, Recreation Public, Recreation Private and Public Amusement uses may at the discretion of Council be approved in the zone for use of patrons and visitors, not being residents of the zone, subject to compliance with any standards, conditions or requirements specified by Council in conducting the use.

Greater Bunbury Region Scheme (GBRS)

The development application was assessed by the Department of Planning in accordance with the provisions of the Greater Bunbury Region Scheme (GBRS) at which stage the Department of Planning advised that Lot 201 is zoned Urban under the GBRS and abuts land reserved for Primary Regional Roads, Regional Open Space, and Railways. As the development was below the DAP threshold and Council accepted the advice and recommendation of the referral agencies Council determined the GBRS development application under delegation.

**POLICY IMPLICATIONS**

The development proposal was considered in the context of the following state planning policies:

- State Planning Policy 3.1 Residential Design Codes
- State Planning Policy 3.4 Natural Hazards and Disasters
- State Planning Policy 3.6 Development Contributions for Infrastructure

## **FINANCIAL IMPLICATIONS**

### **Budget**

The applicant has paid the planning application fee. Since the SAT appeal, legal fees have been incurred as Denis McLeod of McLeods Barristers and Solicitors was requested to represent Council at the SAT directions hearing on 14 December 2015 at a cost of approximately \$3,000.

### **Long Term**

The applicant will be providing additional infrastructure such as path linkages and upgrades to Turner Street and its drainage system.

### **Whole of Life**

Through the fulfilling of conditions of planning approval, additional infrastructure will be created that will require ongoing maintenance and management.

## **SUSTAINABILITY IMPLICATIONS**

Sustainability implications were considered with the determination of the initial development approval.

## **STRATEGIC IMPLICATIONS**

### **Shire of Capel Strategic Community Plan**

The following strategic objectives and outcomes are relevant to the proposal:

- 3.1 Promote the diverse lifestyle opportunities in the Shire;
- 3.2 Maintain and enhance the quality of our unique natural environments;
- 3.3 Preserve and protect the character of the towns as they expand;
- 4.4 Improve the attraction of the towns as retirement destinations;
- 5.1 Provide and maintain a safe and efficient transport, cycle, and pedestrian network; and
- 5.2 Maintain and enhance the quality of our built environment.

The proposal has also been considered in the context of the following policies/strategies:

- Boyanup Townsite Strategy;
- Boyanup Transport Infrastructure Study;
- Urban Landscape Strategy;
- Boyanup Public Open Space Strategy;
- Boyanup Heritage and Rail Precinct Master Plan; and
- Boyanup Memorial Park Master Plan.

## **CONSULTATION**

Throughout the mediation process, Shire staff engaged directly with Mr McLeod of McLeods Barristers and Solicitors, who has been appointed as legal counsel on behalf of the Shire of Capel, representatives of Preston Green PTY Ltd, Lavan Legal the Solicitors for the applicant, and Paul Davies, Road Corridor Planning Manager for Main Roads WA.

There has been ongoing consultation between management and executive.

**COMMENT**

As described in the Background section of this report, Council gave due consideration to the proposal at its Ordinary Council meeting held on 23 September 2015, where it resolved to grant planning consent for the development of a Lifestyle Village comprising 181 land lease areas on Lot 201 (33) Turner Street, Boyanup subject to compliance with conditions.

The land owner appealed to the State Administrative Tribunal (SAT). The appeal application contested conditions 7 and 11.

Mr McLeod of McLeods Barristers and Solicitors attended as legal counsel on behalf of the Shire of Capel at the 14 December 2015 directions hearing where the following orders were made by the presiding SAT member:

1. By 24 December 2015 the applicant must file with the Tribunal and give to the respondent suggested amendments to Conditions 7 and 11 of the current approval.
2. Pursuant to s31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision in light of the suggested amendments provided by the applicant at its Ordinary Meeting of 27 January 2016.
3. By 29 January 2016 the respondent must file with the Tribunal and give to the applicant a statement of its decision upon reconsideration.
4. By 5 February 2016:
  - (a) if the applicant is content with the respondent's decision upon reconsideration, then the applicant must file with the Tribunal and give to the respondent a statement seeking leave to withdraw the proceedings; or
  - (b) if the applicant is not content with the respondent's decision upon reconsideration, then the applicant must file with the Tribunal and give to the respondent a statement of aspects of the respondent's decision upon reconsideration which the applicant contests in the proceeding with brief contentions in relation to each aspect.
5. If the applicant seeks to leave to withdraw the proceedings, then the respondent must, by 10 February 2016, file with the Tribunal and give to the applicant a statement of whether the respondent consents to leave being granted to the applicant to withdraw the proceedings and any consequent orders the respondent seeks.
6. The proceeding is adjourned to a further directions hearing at 12 pm on 12 February 2016 in order to await the reconsideration.

Following the initial directions hearing, Lavan Legal, the Solicitors for the applicant submitted proposed amendments to the wording of Conditions 7 and 11 as described in the Proposal section of this report. Council is required by a SAT direction to determine whether it is prepared to approve the proposed amendments.

**Condition 7**

Condition 7 of the Council's 23 September 2015 decision (Minute No. OC0905) states:

*A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

- i) The land is within a floodprone area and may be subject to flooding; and*
- ii) The development of any habitable room must have a minimum floor level 0.5 metres above the adjacent Department of Water 100 year ARI flood level for flood protection.*

The Applicant's concern with the current wording is that the presence of a notification of this nature has significant consequences from a financing and insurance perspective, and if registered over an unnecessarily broad portion of the land could potentially render the development unviable. The condition refers to proposed lots on a deposited plan, which is confusing, and requires to be applied to the whole of the land even though only part of the land is subject to flood risk.

The Applicant states in its submission that the requirement for a condition appears to be based on the desire to inform potential occupiers of the development about the flood risk present and past, the Development Guide Plan in place for the land contemplating a notification being registered, the uncertainty as to what the exact level of the flood risk will be once the development works on the land have been implemented, and the potential liability to the Shire in the case of a flood event.

The applicants preferred wording for Condition 7 is as follows:

*Prior to the occupation of Stage 1, a notification pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title for Lot 201. The notification is to state substantially as follows:*

- a) a portion of Lot 201 was previously within a flood prone area and was subject to flooding;*
- b) part of that land has been redeveloped so that the development of any habitable room, as approved by the Shire of Capel, will have a minimum floor level 0.5 metres above the adjacent Department of Water 100 year ARI flood level; and*
- c) the remaining part of that land (as shown on an interest-only deposited plan) is still considered to be flood prone and subject to flooding.*

As per the proposed wording, the section 70A Notification acknowledges the fact that a portion of Lot 201 has historically been flood prone. A condition of the initial development approval requires filling and draining to be carried out in accordance with an approved Local Water Management Strategy. In other words work is to be done whereby the ground level in the relevant portion of the flood prone area will be manipulated above the level which the Department of Water ordinarily regarded as being flood prone. The applicants proposed wording suggest that the notification also acknowledged the fact that the flood prone area will be reduced once the site work is completed. Although the applicant's proposal is acceptable on the basis that it includes further clarification, the following minor amendments are recommended:

- Reference to the flood areas pre development and post development instead of past and present;
- Include plans for both flood areas present and future; and
- Refer to the Local Water Management Strategy.

Prior to the occupation of Stage 1, a notification pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title for Lot 201. The notification is to state as follows:

- (a) prior to development a portion of Lot 201 is flood prone and subject to flooding (as shown on an interest-only deposited plan, DWG16377GD4);
- (b) part of that land is to be developed in accordance with an approved Local Water Management Strategy so that the development of any habitable room, as approved by the Shire of Capel, will have a minimum floor level 0.5 metres above the adjacent Department of Water 100 year ARI flood level; and
- (c) post development a portion of Lot 201 will remain flood prone and subject to flooding (as shown on an interest-only deposited plan, DWG16377GD5).

## Condition 11

Condition 11 of the Council's 23 September 2015 decision (Minute No. OC0905) states:

*Prior to occupation of stage 4 or as otherwise agreed to in writing by the Shire, detailed design plans shall be submitted and approved demonstrating the following infrastructure upgrades, and thereafter implemented and maintained in accordance with the approved plan to the specification and satisfaction of the Shire of Capel:*

- (a) resurfacing of Turner Street including upgrades to the stormwater infrastructure at the eastern end;*
- (b) upgrade of the intersection of Turner Street and South Western Highway in consultation with Main Roads WA;*
- (c) provision of a pedestrian path along the extent of Turner Street.*

Lavan Legal has stated that the Applicant's challenge to Condition 11 is confined to 11(ii), which requires the upgrade of the intersection of Turner Street and South Western Highway, in consultation with Main Roads WA, prior to the occupation of Stage 4. The applicant proposes to remove (ii) from Condition 11 and create a new Condition 11A. The new condition is to make reference to a plan prepared by MPM Development Consultants in consultation with Main Roads WA which demonstrates the roadwork, drainage, signage and line marking to be done at the cost of the applicant. As per the amended wording, compliance with this condition is to be achieved prior to occupation of Stage 1 which is much earlier than initially anticipated and therefore an improved outcome. The plan provides certainty for the works required by the Shire and Main Roads WA. Mr Paul Davies, Road Corridor Planning Manager for Main Roads WA, confirmed in an email dated 5 January 2016 "The proposed wording of Condition 11A is satisfactory". The amended wording and new plan provide certainty for the works required and demonstrate the applicant's willingness to achieve compliance with the development approval. It is, however, recommended to add the words "to the satisfaction of Main Roads WA" to this condition in order to ensure continued consultation with Main Roads WA at the detail design stage.

### **CONCLUSION**

Upon being invited by SAT to reconsider the decision under Section 31, the Council may –

- Affirm the decision made on 23 September 2015.
- Vary the decision made on 23 September 2015.
- Set aside the decision made on 23 September 2015 and substitute a new decision.

If Council sets aside the decision dated 23 September 2015 where Council refused the application it may substitute it with a new decision. If the applicant is happy with the substituted decision, and withdraws the appeal proceedings before SAT, the substituted decision has legal effect.

If Council proceeds with a recommendation for refusal, it may affirm its decision dated 23 September 2015 pursuant to s31(1) of the State Administrative Tribunal Act 2004.

### **VOTING REQUIREMENTS**

Simple majority



**OFFICER'S RECOMMENDATION – 14.3****That Council:**

1. Pursuant to Section 31 of the State Administrative Tribunal Act 2004, varies Condition 7 and Condition 11 of the Planning Consent granted 23 September 2015 (OC0905) to read:

**Condition 7**

Prior to the occupation of Stage 1, a notification pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title for Lot 201. The notification is to state as follows:

- (a) prior to development a portion of Lot 201 is flood prone and subject to flooding (as shown on an interest-only deposited plan, DWG16377GD4);
- (b) part of that land is to be developed in accordance with an approved Local Water Management Strategy so that the development of any habitable room, as approved by the Shire of Capel, will have a minimum floor level 0.5 metres above the adjacent Department of Water 100 year ARI flood level; and
- (c) post development a portion of Lot 201 will remain flood prone and subject to flooding (as shown on an interest-only deposited plan, DWG16377GD5).

**Condition 11A and Condition 11 to read:**

- 11A. Prior to occupation of Stage 1, the intersection of Turner Street and South Western Highway is to be upgraded generally in accordance with MPM Development Consultants drawing 14041 20 revision A, to the satisfaction of the Shire of Capel in consultation with Main Roads WA.
11. Prior to occupation of Stage 4 or as otherwise agreed to in writing by the Shire, detailed design plans shall be submitted and approved demonstrating the following upgrades, and thereafter implemented and maintained in accordance with the approved plan to the specification and satisfaction of the Shire of Capel:
  - (a) resurfacing of Turner Street including upgrades to the stormwater infrastructure at the eastern end; and
  - (b) provision of a pedestrian path along the extent of Turner Street.

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**14.4 Road Closure – Lot 3739 Cloverdale Road, Capel River**

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Location:	Lot 3739 Cloverdale Road, Capel River
Applicant:	Harley Global
File Reference:	C.51.S.79
Disclosure of Interest:	Nil
Date:	04.01.16
Author:	Engineering Technical Officer, M Bovell
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1 – Location Plan 2 – Approved Plan of Subdivision 3 – Proposed Accessways

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**MATTER FOR CONSIDERATION**

To approve an application for the formal closure of an unmade road reserve within the area bounded by Goodwood Road, Cloverdale Road, and Yoganup Place in Capel River, so the land can be amalgamated into the adjoining properties as part of a farm rationalisation proposal. A location plan is shown at Attachment 1.

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

Iluka Resources Ltd commenced its mineral sands mining operations at the Yoganup (Cloverdale Road) Mine in 1998. Mining ceased in September 2008 and its closure plan was approved by the Department of Mines and Petroleum in July 2013. The closure plan includes the creation of a nature reserve which is a condition of approval from relevant State and Federal Government departments for the Tutunup South mining project.

Harley Global is acting as the applicant on behalf of the landowners of Lots 1, 2, 3739, 3740, 3821, 3828, 3835 & 4736; Westralian Sands Limited, Mark Frederick Hutton, and Iluka Resources Ltd. Harley Global has applied through a subdivision process to amend property boundaries to consolidate the land titles into 'workable' land parcels that facilitate the reserve creation without any increase in the number of titles. Approval from the Western Australian Planning Commission (WAPC 146879, 21 December 2012) to amend property boundaries at the former Yoganup (Cloverdale Road) mine site will create new lots A-H as shown on the Approved Plan of Subdivision (Attachment 2).

There is an existing unmade road reserve that runs through the middle of the proposed Nature Reserve (shown in Attachment 2), and the purpose of this report is to seek Council support to have this road reserve closed in order to enable this boundary realignment to occur.

**Proposal**

That Council supports the formal road closure of an unmade road reserve within the area bounded by Goodwood Road, Cloverdale Road, and Yoganup Place in Capel River.

With this approval, the Applicant (Harley Global) will make application to the Department of Lands to close the unmade road reserve.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 3.50 closing certain thoroughfares to vehicles

Before a Local Government makes an order by public notice to close a thoroughfare that it manages to vehicles for a period exceeding 4 weeks, the local government is to:

- (a) give public notice of the proposed closure giving details of the proposal, including the location of the thoroughfare and where, when and why it would be closed, and inviting submissions from any person who wishes to make a submission ;**
- (b) give written notice to**
  - (i) any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare whose access for purposes connected with the provision of that service would be impeded by the proposed closure;
  - (ii) the person having principle responsibility in the locality for ambulance services;
  - (iii) the person having principle responsibility in the locality for fire services; and
  - (iv) the occupier of the land that will lose its access; and
- (c) allow a reasonable time for submissions to be made and consider any submissions made.**

### **POLICY IMPLICATIONS**

Council Delegation 118 which states:

“Where an application is received for the closure of any road in the district, the Chief Executive Officer is delegated authority to initiate the process by seeking comment from affected landowners, service authorities, etc. and advertising the proposal for public comment. All notices and advertisements are to clearly demonstrate Council is not committed to the closure proposal but is simply wanting comment to assist in determining whether to proceed further with the closure, or not.

When all responses are received and the advertising period has expired, the Chief Executive Officer is to submit details to Council for formal consideration”.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The applicant’s proposal will have no implications on the Council Budget for 2015/16.

The application fee of \$920 to cover administrative and advertising costs has been paid by Iluka Resources Limited. Iluka agrees to meet the other costs such as the DOLA fees and any field survey costs in order to facilitate the road closure process.

#### **Long Term**

There are no long term financial implications to Council.

#### **Whole of Life**

The closure of the road reserve means that the road will not need to be constructed and maintained.

### **SUSTAINABILITY IMPLICATIONS**

The vegetation type of the unmade road reserve is part pasture and part remnant native vegetation. Changing its land use will have little bearing on the physical attributes of the site. Of greater importance will be the creation of a 112ha Nature Reserve, which will be vested

with the Department of Parks and Wildlife (DPaW) with some of the smaller bushland remnants placed under a conservation covenant.

Most of the remaining lots of the overall site will be paddocks or restored paddocks after mining operations. The creation of new roads and fire access tracks that form this development proposal will improve the accessibility for residents and safe evacuation in the case of emergency.

The closure of this unmade road reserve will not change any of the physical conditions on site other than the eventual relocation of boundary fences through the subdivision process.

## **STRATEGIC IMPLICATIONS**

### Strategic Community Plan 2013 – 2031

The recommendation is consistent with the following strategic outcomes in the Strategic Community Plan:

- 3.2 Maintain and enhance the quality of our unique natural environments;
- 4.6 Support and promote the agricultural economy;
- 4.8 Support the retention of the mining industry; and
- 5.6 Effectively manage the Shire's assets and resources.

## **CONSULTATION**

The proposal was advertised in the *South Western Times* newspaper on 29 September 2015 and comment was sought from all service authorities who were notified by email. The following is a summary of comments received:

**Main Roads Western Australia** responded on 6 October 2015 as follows:

*'I refer to your letter of 30 September 2015 and advise that Main Roads has no objection to closure of the subject unmade road reserve within the area bounded by Goodwood Road, Cloverdale Road and Yoganup Place.'*

**The Department of Planning** on 9 October 2015 responded as follows:

*'The Department provides 'in principle support to the proposal to close the unmade road reserve, subject to:*

- *The closure of the road reserve should not result in the creation of a landlocked lot.*
- *The area of unmade road reserve will need to be rezoned to the appropriate 'Rural' zone to be consistent with the surrounding lots. This can be done as part of an omnibus amendment to the Scheme.*
- *An application for amalgamation of the unmade road reserve to the surrounding lots will need to be made with the Department of State Lands under section 87 of the Land Administration Act 1997.'*

**The Department of Water** responded on 16 October 2015 as follows:

*'Due to the reduced impact on the Conservation Category Wetland that traverses the proposed nature reserve and consequent water quality benefits this brings, the Department of Water has no objection to this proposal.'*

**Western Power** on 8 October 2015 responded as follows:

*'As there is/are overhead/underground distribution/transmission lines/cables/easement adjacent to your proposed works, Western Power will review the proposal with respect to any impact on its network and respond within an appropriate timeframe if required. Where*

*detailed investigations are needed to support accurate advice, Western Power will advise Shire of Capel of additional information requirements within the advertising period.'*

**Telstra** on 6 October 2015 responded as follows:

*'According to the information we received from Telstra's plant records indicate that there are Telstra assets within the area of the proposal. We note that our plant records merely indicate the approximate location of the Telstra assets and should not be relied upon as depicting a true and accurate reflection of the exact location of the assets. Accordingly, if you have not already done so please contact Dial Before You Dig for a detailed site plan and a list of Telstra Accredited Plant Locators (APL) to establish the exact location of Telstra assets (phone 1100 or visit [www.1100.com.au](http://www.1100.com.au)).*

**The Department of Parks and Wildlife** responded on 8 October 2015 as follows:

*'Parks and Wildlife supports the Shire of Capel's proposal to close the unmade road reserve within the area bound by Goodwood Road, Cloverdale Road and Yoganup Place Capel River'.*

Letters were sent to eight adjoining landowners and no objections were received.

### **COMMENT**

The Shire has not received any objections to the proposed closure.

Western Power and Telstra have provided generic correspondence stating that their assets may be located within the service corridor of the road reserve, but subsequent Dial Before You Dig information and onsite inspections have not indicated any assets exist.

Closure of the unmade road reserve enables the proposal to consolidate the surrounding eight lots and configure them into eight separate titles. This configuration better suits the proposed conservation area, while also providing improved vehicle and emergency vehicle access to and from these lots.

Prior to agreeing to initiate the road closure, Shire officers needed to ensure that adequate access arrangements were in place to service all future proposed lots. Condition 1 of WAPC 146879 requires for lots being provided with frontage to a constructed road. This has led to the upgrading of a portion of Davies Road to ensure access is available to both proposed Lot E and proposed Nature Reserve.

All other proposed lots have existing road frontages from Cloverdale Road and Carters Road in the west and Yoganup Place to the south.

During further subdivision all lots will be given an alternative emergency access route through the creation of an accessway surrounding the proposed Nature Reserve, and accessway links to Cloverdale Road north of Lot G and south of Lot A. This will ensure all lots have two alternative accessways in accordance with the approved Fire Management Plan.

These arrangements give the Shire confidence that the existing subject road reserve will not be required in the future for access to proposed lots. A condition of subdivision is that the provisions above detailed in the approved Fire Management Plan must be implemented during subdivision works. A plan of the proposed accessways is shown at Attachment 3.

It is recommended that Council approves the closure as detailed in this report to enable the Applicant (Harley Global) to submit an application with the Department of Lands.

### **VOTING REQUIREMENTS**

Simple majority

**OFFICER'S RECOMMENDATIONS – 14.4**

**That Council approves the closure of an unmade road reserve within the area bounded by Goodwood Road, Cloverdale Road, and Yoganup Place in Capel River, as advertised in accordance with Section 3.50 of the Local Government Act 1995/Section 58 of the Land Administration Act.**

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**14.5 Shire of Capel Waste Local Law 2016**

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	26.11.15
Author:	Manager Health Services, C Dent
Senior Officer:	Executive Manager Engineering and Development Services J Gick
Attachments:	1 Shire of Capel Draft Waste Local Law 2015 2 National Competition Policy - Clause 7 Competitive Neutrality Executive Summary 3 Local Law Review Executive Summary

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**MATTER FOR CONSIDERATION**

Adopt in draft the Shire of Capel Waste Local Law 2016 for advertising.

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

Management of waste used to be controlled under Section 112 of the Health Act 1911, and Division 2 of the Shire of Capel Health Local Laws 2000. These powers were transferred to the Waste Avoidance and Resource Recovery Act 2007 (WARR Act) when that legislation was proclaimed.

With the introduction of the WARR Act, the waste provisions in the Health Act and the Shire of Capel Health Local Laws 2000 were repealed, however, transitional arrangements were put in place to allow councils to use the provisions in their Health Local Laws until such time as a Waste Local Law was gazetted. Several attempts have been made by various local governments to draw up a local law that would take the place of the provisions in Health Local Laws but they were disallowed by the Joint Standing Committee on Delegated Legislation. This meant that local governments, including Capel, have had to continue using the outdated refuse provisions in their Health Local Laws as per the transition arrangements in the WARR Act.

The Western Australian Local Government Association (WALGA) received funding from the Waste Authority, through the Waste Avoidance Recovery Levy to develop a Template Local Law. The Joint Standing Committee has considered the Template and if local governments follow the Template then it is highly likely to meet the expectations of the Joint Standing Committee and would be approved.

**Proposal**

Introduce the Shire of Capel Waste Local Law 2016 to replace of the provisions of Division 2 of the Shire of Capel Health Local Laws 2000.

**STATUTORY ENVIRONMENT****Local Government Act 1995**

Section 3.5 of the Act provides the power for local government to make local laws to help perform their function. In making a local law, a local government must follow the steps which are set out in Section 3.12:

- At a council meeting, the person presiding is to give notice to the council meeting of the purpose and effect of the proposed local law;

- Statewide and local public notice is to be given stating that:
  1. The local government proposes to make the local law (a summary of the purpose and effect of the local law is included in the notice);
  2. A copy of the proposed local law can be inspected or obtained from the local government; an
  3. Submissions about the proposed local law may be made to the local government, before a date given in the notice, being not less than six weeks after the publication of the notice. (Note: in calculating the six week period, add extra days for both publishing day and closing day, and when closing day falls on a public holiday, Saturday or Sunday.)
- As soon as the notice is given, a copy of the proposed local law, together with the public notice and the National Competition Policy (NCP) form, must be given to both the Minister for Local Government and Communities and the Minister for the Environment;
- A copy of the proposed local law is to be provided to any person requesting it;
- After the last day for submissions, the local government must consider any submissions and may, by an absolute majority, proceed with the local law as proposed or make alterations that are not significantly different from what was first proposed;
- The adopted local law is published in the Government Gazette;
- After the local law is published, provide a signed and sealed copy of the adopted local law to the Ministers;
- Another local public notice is given:
  1. Stating the title of the local law;
  2. Summarising its purpose and effect;
  3. Specifying the date on which it comes into operation: and
  4. Advertising that copies of the local law may be inspected or obtained from the office of local government.

### **Local Government Operational Guidelines – Number 16, November 2011**

#### **5.3 Submitting National Competition Policy Review Forms**

A National Competition Policy (NCP) review involves looking at a local law to see if any clauses (including amendments to principal local laws) restrict competition and, if so, that the restrictions can be justified in terms of overall public benefit outweighing the disadvantages. It should also be established that the objectives of the proposed local law can only be achieved by restrictions of competition.

Completed NCP forms should be submitted at the same time as the proposed local law is submitted to the Minister. The statements need to make a statement that competition policy restrictions, where applicable, have been assessed during the preparation of the proposed local law. The NCP should also be available for inspection and comment by the public with the proposed local law.

#### **Waste Resources and Recovery Act (WARR Act)**

Section 61 of the Act provides local governments with the power to make Local Laws so that it can perform its functions under the WARR Act.

Section 64(2) of the WARR Act states that a local law may be made for all or any of the following purposes:



- a) The provision and administration of waste services and related matters;
- b) The establishment, provision, use and control of receptacles for the disposal and collection of waste, whether temporary or otherwise;
- c) If a local government itself undertakes or contracts for removal of waste from premises, imposing on the owner or occupier of the premises requirements in connection with the removal so as to facilitate the removal, and prescribing the manner in which the requirement is to be complied with;
- d) If a local government or the holder of a waste collection permit does not itself undertake or contract for removal of waste from premises, imposing on the owner or occupier of the premises a requirement to remove waste from premises, and prescribing the manner in which the requirement is to be carried out;
- e) If a local government itself undertakes or contracts for the removal of waste, requiring the waste to be placed in waste receptacles provided by the local government;
- f) Prescribing intervals at which the contents of the receptacles will be removed by a local government;
- g) Requiring the temporary placing of waste receptacles in streets or lanes by owners or occupiers of property for collection of waste and requiring the replacement of the receptacles on the property;
- h) Providing for the maintenance by the owners an occupiers of the waste receptacles provided by the local government;
- i) Providing for the issue of approvals to collect local government waste and remove it from the premises;
- j) Fixing fees and charges in relation to waste service provided by a local government and the issue of approvals under paragraph (i) and prescribing the persons liable and method of recovery of amounts not duly paid.

### **POLICY IMPLICATIONS**

There are no policies applicable to this area.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The introduction of the new local law will require some minor costs in advertising and promotion. There is provision in the current budget for such costs.

#### **Long Term**

There is not expected to be any long term financial implication with this matter.

#### **Whole of Life**

As no assets are being created there will not be any whole of life costs.

### **SUSTAINABILITY IMPLICATIONS**

The Western Australian Waste Strategy “Creating the Right Environment” (March 2012) has set strategy targets for WA. In the Municipal Solid Waste Sector targets are:

- 30% diversion from landfill of material presented for collection in major regional centres by 30 June 2015 (non-metropolitan region recovery in 2009/10 was 15%);
- 50% diversion from landfill of material presented for collection in major regional centres by 30 June 2020.

With the introduction of the third bin Council has met these targets set for major regional centres well within the time frame set by government. The introduction of the waste local laws will help Council improve on the existing processes.

### **STRATEGIC IMPLICATIONS**

The following strategic objectives of the Strategic Community Plan 2013-2031 which apply:

- No. 1.3 - Develop, support and implement innovative solutions;
- No. 1.4 - Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation;
- No. 5.6 - Effectively manage the Shire's assets and resources.

### **CONSULTATION**

There has been considerable ongoing discussion between officers of the Councils involved in waste management and staff from WALGA, and the regional waste education officer. An outcome is that WALGA applied for, and received, a grant from the Waste Authority to develop a template for a waste local law. Developing a template for a local law is, of necessity, a fairly lengthy, drawn out process to develop something that is satisfactory to all parties, particularly the Joint Standing Committee.

### **COMMENT**

Since the introduction of the WARR Act there has been several attempts to develop both a template to deliver a local law and as well several councils have developed their own versions, all have failed at the Joint Standing Committee for Delegated Legislation. WALGA obtained a grant from the Waste Authority to develop a template for a local law and has had extensive discussions with both the Joint Standing Committee and local government, including regional local governments.

The proposed local law replaces the outdated provisions contained in the Shire of Capel Health Local Laws 2000 and includes provisions to cover the operation of the transfer station and includes the ability to issue infringement notices.

### **VOTING REQUIREMENTS**

Absolute majority

<b>OFFICER'S RECOMMENDATIONS – 14.5</b>
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**That Council:**

- 1. gives public notice, under Section 3.12 of the Local Government Act 1995 of its intention to make the Shire of Capel Waste Local Law 2016 pursuant to Section 64(2) of the Waste and Resource Recovery Act 2007, and**
- 2. adopts the National Competition Policy Clause 7 Competitive Neutrality Executive Summary.**

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## **14.6 Review of Policies – Engineering Services**

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	27.01.16
Author:	Executive Manager Engineering & Development Services, J Gick
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	Policy Section 7 – Engineering & Operations

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### **MATTER FOR CONSIDERATION**

Council to consider adopting a number of updated policies related to Engineering and Operations.

### **BACKGROUND / PROPOSAL**

#### **Background**

Engineering and Operations policies have been reviewed to determine ongoing relevance and to reflect contemporary trends and practices. Engineering and Operations policies are affected as follows:

- Policy 7.1 – Asset Management – Significant change to contemporary practices;
- Policy 7.2 – Crossovers – Significant change to better align processes;
- Policy 7.3 – Engineering specifications (Subdivision Land Development) – No change
- Policy 7.4 – Fleet and Plant – Moderate change to improve processes;
- Policy 7.5 – Roads (Extra Mass Permits) – No change;
- Policy 7.6 – Roads (Seal Width) – Changes to reflect contemporary design standards;
- Policy 7.7 – Roads (Verges) – Changes to reflect contemporary design standards;
- Policy 7.8 – Road Upgrade Contributions – No change; and
- Policy 7.9 – Unmade Road Reserves – Minor changes to improve wording.

No new policies are required at this time.

#### **Proposal**

Council to adopt updated Engineering & Operations Policy 7.1 – Asset Management, Policy 7.2 Crossovers, Policy 7.4 – Fleet and Plant, Policy 7.6 – Roads (Seal Width), Policy 7.7 Roads (Verges) and Policy 7.9 – Unmade Road Reserves.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

#### **Section 2.7(2)(b)**

(b) that Council is to determine the local government policies.

### **POLICY IMPLICATIONS**

The adoption of the proposed updated policies will establish a new reference for subsequent policy decisions.

## **FINANCIAL IMPLICATIONS**

### **Budget**

There are no budget implications to the review of these policies.

### **Long Term**

There may be longer term financial implications in the adoption of some of these policies. For example, Policy 7.1 – Asset Management sets objectives for the development of an Asset Management Strategy and Asset Management Plans which in themselves are likely to require long term adjustments to the way the Council manages (and therefore funds) assets. Similarly, Policy 7.6 – Roads (Seal Width) aligns road design with contemporary industry standards, which will affect the capital and operating expenditure of roads both positively and negatively depending on circumstances.

The long term financial implications are not quantified.

### **Whole of Life**

Whole of life financial implications are not quantified, but are likely to be influenced by changes to some policies. Asset development, operation and renewal are likely to be affected by virtue of the decision making around assets affected by policy.

## **SUSTAINABILITY IMPLICATIONS**

The policy review process has been undertaken employing the principles of sustainability, with a view to the future. The policy review process considered the economic, social, environmental and governance framework of each policy, aligned with the strategic objectives of the Council.

## **STRATEGIC IMPLICATIONS**

This policy review is consistent with the following strategic objectives of the Community Strategic Plan 2013 -2031:

- 1.1 Ensure continuous improvement of the organisation.
- 1.2 Maintain a safe and rewarding working environment.
- 1.4 Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation.
- 1.5 Ensure the effective management of Council's resources.
- 3.3 Preserve and protect the character of the towns as they expand.
- 5.1 Provide and maintain a safe and efficient transport, cycle and pedestrian network throughout the Shire.
- 5.2 Maintain and enhance the quality of our built environment.
- 5.3 Improve connectivity throughout our communities and to the region.
- 5.6 Effectively manage the Shire assets and resources.

## **CONSULTATION**

This policy review was undertaken as a collaborative exercise with input from various Engineering and Operations staff.

## **COMMENT**

These updated policies elevate aspects of the Engineering and Operations service areas to contemporary standards and practices. The updated policies are designed to improve strategic direction and give clarity for decision makers.

The updated policies are attached for reference. Removed wording that has been ~~struck through~~ and new wording is in **bold**.

#### Policy 7.1 – Asset Management

This policy has been significantly updated to reflect contemporary practices required to bring the Shire of Capel to a higher level of asset management strategy. It moves from the previous policy that outlined “how to” prepare asset management documentation, towards more focus on “what to” objectives and outcomes. The policy principles have been elevated from basic theoretical concepts to strategic outcome focus areas.

Basic definitions have been removed and the importance of responsibilities of the Council, the Chief Executive Officer, the Executive, the Steering Group and staff are established.

This updated policy supports an important shift in the Shires asset management focus from basic compliance towards future systems development.

#### Policy 7.2 – Crossovers

This policy has been overhauled to bring it into line with contemporary management of crossovers in accordance with proper application, contemporary design standards, and the regulatory framework governing crossover subsidies.

Staff have been frustrated with the current policy (reviewed in February 2014) as it does not fully capture the necessary design standards and application process, whilst over emphasising the opportunity for a subsidy for developers.

The policy outlines the need for crossovers to:

- Be approved subject to a proper assessment and approval process;
- Be constructed in accordance with approved designs, grades and materials; and
- Become eligible for a subsidy in accordance with regulations if it meets criteria.

#### Policy 7.4 – Fleet and Plant

This policy has been updated to separate elements of policy from guidelines. It shifts from being a decision making tool on what type of vehicle may be procured based on positional entitlement and/or role requirements, to a policy framework outlining the decision making parameters affecting the procurement of a vehicle or plant item.

The elements of the policy that relate to positional requirements and/or conditions of employment are to be captured under reviewed Council Policy 3.8 – Staff – Vehicle Use.

#### Policy 7.6 – Roads (Seal Width)

This policy has been updated to reflect contemporary design standards for road works, in accordance with Austroads Guide to Road Design – Part 3 and Main Roads WA. Austroads is a recognised industry technical expert in road and transport policy development and Main Roads WA is the State road authority. Adopting Austroads design standards aligns the Shire of Capel with national best practice and removes previous design limitations based on low traffic volumes.

#### Policy 7.7 – Verges

This Policy has been updated to remove inconsistencies and strengthen strategic outcomes with the Activities in Thoroughfares and Public Places and Trading Local Law 2016 (to be considered at the February 2016 meeting). The policy updates also reflect a better link to subordinate guidelines including:

- Nature Verge – Verge Planting Guide (Shire of Capel, 2014)
- Managing Phytophthora Dieback – Guidelines for Local Government (Dieback Working Group, 2000)
- Utility Providers Code of Practice (Main Roads WA, 2010)

Policy 7.9 – Unmade Road Reserves

This policy has been updated with modified wording to better reflect the objectives of the policy.

**VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATIONS – 14.6</b>
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**That Council endorses:**

**1. the following updated policies as detailed in the attachments:**

- **Policy 7.1 – Asset Management;**
- **Policy 7.2 – Crossovers;**
- **Policy 7.4 – Fleet and Plant;**
- **Policy 7.6 – Roads (Seal Width);**
- **Policy 7.7 – Roads (Verges); and**
- **Policy 7.9 – Unmade Road Reserves; and**

**2. the following policies which remain unchanged:**

- **Policy 7.3 – Engineering specifications (Subdivision Land Development);**
- **Policy 7.5 – Roads (Extra Mass Permits); and**
- **Policy 7.8 – Road Upgrade Contributions.**

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**14.7 Review of Policies – Health Services**

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	21.12.15
Author:	Manager Health Services, C Dent
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1 Draft Policy 5.5 Integrated Mosquito Management; 2 Draft Policy 5.6 Integrated Pesticide Management; and, 3 Draft Policy 5.7 Events Management.

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**MATTER FOR CONSIDERATION**

Council to consider adopting three new policies related to Health Services (Integrated Mosquito Management, Integrated Pesticide Management and Events Management).

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

A review was conducted on the Health Services Policies in 2013, OCO206/13, to assess whether they remained current and reflected current trends and best practice. The Policies were:

- Policy 5.1 - Temporary Accommodation;
- Policy 5.2 - Food Regulation Compliance and Enforcement; and,
- Policy 5.3 - Shade and Sunsmart.

This review saw the introduction of a new Policy 5.4 - Trading in Public Places.

Health Services staff are continuing to review both current trends and best practice and have developed three new policies, which are aimed at better delivery of services, clarification of why we do what we do, define Council's position and improve services to the public.

**Proposal**

Council to consider adopting three new policies related to Health Services:

- Policy 5.5 Integrated Mosquito Management;
- Policy 5.6 Integrated Pesticide Management; and,
- Policy 5.7 Events Management.

**STATUTORY ENVIRONMENT****Local Government Act 1995**

Section 2.7 (2) (b)

(b) That Council is to determine the local government policies.

Integrated Mosquito Management

**Health Act 1911 Part 1X Infectious Diseases**

Section 250. Power of local government to check infectious diseases.

In order to check or prevent the spread of any infectious disease, the local government may from time to time, of its own motion, and shall, when the Executive Director, Public Health so requires – Exercise any function or power conferred by this Act or the Local Government Act 1995.

### **Shire of Capel Health Local Laws 2000 Part 6 Mosquitoes**

6.2.9 Officer may give notice directing measures to be taken – where in the opinion of an Environmental Health Officer mosquitoes are breeding – the officer may issue a notice directing that the owner of occupier take such measures as to ;

- a) Control the prevalence;
- b) Effect the eradication; or
- c) Effectively prevent the breeding of mosquitoes.

Integrated Pesticide Management

### **Heath Act 1911 Part V11A – Drugs, medicines, disinfectants, therapeutic substance and pesticides**

Section 246C – Regulation relating to pesticides

- y) Prescribing all matters that are required or permitted by this Division to be prescribed or are necessary or convenient to prescribed for giving effect to the purposes of this Division for the protection of health in relation to pesticides

### **Health (Pesticide) Regulations 2011 Part 6, Division 2**

Section 88. Spraying from vehicles: warning signs

- (1) A person must not undertake verge or park spraying unless –
  - (a) Warning signs are displayed in accordance with subregulations (2) and (3); and
  - (b) Every vehicle being used in verge or park spraying operations displays a flashing yellow warning light at all times while the verge of park spraying is in progress.

Section 89. Use of registered pesticides in public places: warning signs

- (2) A person must not use a registered pesticide in a public place unless warning signs are displayed in accordance with subregulations (3) and (4) –
  - (a) While the pesticide is being used; and
  - (b) After the pesticide has been used until any surface to which it has been applied has dried.

### **Poisons Act 1964 Part 111 – Poisons and other substances**

Section 20 Declaration of Poisons

Events Management

### **Health Act 1911 Part V1 – Public buildings**

Section 180 Regulations

- (1) The Governor may make regulations providing for the safety and health of persons in public buildings



## **Health (Public Buildings) Regulations 1997 Part 2 Administration**

4 Applications relating to construction etc.

- (2) An application for the purposes of section 176 of the Act that is in respect of a building or place or part of a building or place where 5000 or more persons may assemble for religious, entertainment, recreational or sporting purposes shall be accompanied by a risk management plan that has been developed in accordance with AS/NZS 31000 Risk Management – principles and guidelines.

### **Delegation Number 203**

In accordance with the provisions of Section 26 of the Health Act 1911 (as amended), the Manager Health Services is authorised to be Council's "Deputy" pursuant to the Health Act and to exercise and discharge all or any of the powers and functions of the local authority.

### **POLICY IMPLICATIONS**

At this stage there are no policies affecting these matters.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

Whilst draft policies 5.5, 5.6 and 5.7 have financial implications there will be no additional costs as these Policies will be funded in the context of the Council annual budget.

#### **Long Term**

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

#### **Whole of Life**

There are no whole of life costs relevant to this item as there are no assets created.

### **SUSTAINABILITY IMPLICATIONS**

The three proposed Health Services Policies will have a direct health and social impact on the community and will assist in guiding Council to achieve both acceptable and sustainable Environmental Health objectives. The direct health and social impact is expected to outweigh the sustainability negatives in the use of services such as helicopters for mosquito management and the continued use of potentially hazardous chemicals.

### **STRATEGIC IMPLICATIONS**

This policy review is consistent with the following strategic objectives of The Community Strategic Plan 2013 – 2031

- 1.1 Ensure continuous improvement of the organisation.
- 1.2 Maintain a safe and rewarding working environment.
- 1.3 Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation.
- 1.5 Ensure the effective management of Council's resources.
- 2.1 Provide Social, recreational and cultural opportunities and facilities for our communities.
- 2.4 Enhance community safety through community awareness and participation program
- 3.1 Promote the diverse lifestyle opportunities in the Shire.
- 4.2 Pursue diversity and vitality in the local economy.
- 5.6 Effectively manage the Shire assets and resources.

## **CONSULTATION**

The three policies have been put out for comment and review to the relevant staff, through the Executive Management Team and the Department of Health.

## **COMMENT**

The draft policies provide improved direction and clarity to Council's activities with regards to the three areas. Mosquito management has a direct impact on the health and wellbeing of the population with the reduction of nuisance and disease bearing mosquitoes and the pesticide policy clarifies Council's position on reducing the risk to the environment and community members of the effects of pesticides used in Council pest control programs. Both policies lay out the principles that Council and staff should follow.

The number of events held in the Shire is increasing yearly, and while there are no major events based in the Shire, the smaller events are having a positive impact on their local community, for example the recent troll scavenger hunt in Capel.

The proposed policies cover three areas:

### 5.5 Integrated Mosquito Management

Mosquito management involves health, environmental and socio-economic values and whilst disease control is the primary focus, reduction of mosquitoes is a legitimate aspect of improved community wellbeing. Effective mosquito management requires a holistic approach and the cooperation and coordination of all stakeholders. Integrated mosquito management, which includes mosquito reduction, personal protection, community education, land use planning, coordinated programs and ongoing monitoring, is necessary for effective mosquito management in the long term.

An Integrated Mosquito Management Plan has been developed to implement the policy.

### 5.6 Integrated Pesticide Management

The aim of this Integrated Pesticide Management Plan is to assist in the development of a pesticide use policy, based on a number of principles, including legislative, community views, all underpinned by risk management, contract management and auditing the outcome of the programs.

Pesticide issues are typically contentious, in part because it is framed in a yes/no adversarial context. However, with a well-considered policy and practice applying an Integrated Pesticide Management Plan along with a more transparent notification program, Council could be seen as a leader in this field.

An Integrated Pesticide Management Plan has been developed to implement the policy.

### 5.7 Events Management

This policy will be used to manage the application and approval process of all types of events conducted within the Shire of Capel.

Well managed events are an important part of the development of vibrant sustainable local communities, contributing to the community social fabric and local economy. Increasingly, successful events have become an important strategy underpinning local economic development. On the other hand, poorly managed events can result in significant environmental and physical harm, disruption and impact on local communities, loss of character and bad publicity.

Council has the responsibility to ensure that premises and organisers of events and organised gatherings satisfy the basic statutory requirements and to ensure that all identified risks are minimised.

**VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATIONS – 14.7</b>
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**That Council endorses the following policies as detailed in the attachments:**

- **Policy 5.5 - Integrated Mosquito Management;**
- **Policy 5.6 - Integrated Pesticide Management; and**
- **Policy 5.7 - Events Management.**

## 15 CORPORATE SERVICES REPORTS

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### 15.1 Policy Review - Corporate Services

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	21.12.15
Author:	Executive Manager Corporate Services, S Stevenson
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	Amended Policies, Corporate Services

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#### **MATTER FOR CONSIDERATION**

Council to consider the annual review of Corporate Services Policies and adopt the recommended amendments.

#### **BACKGROUND / PROPOSAL**

##### **Background**

The *Local Government Act 1995* requires Council to determine the local government's policies. The Shire of Capel Policy 2.1 (Policy Manual) requires that these policies be reviewed by the end of every second year.

The Corporate Services Policies have been reviewed in 2015 to assess whether they remain relevant, reflect legislative changes, current trends and follow best practice. This review has examined 27 Policies, of which, 13 require minor amendment.

##### **Proposal**

Council to consider the annual review of Corporate Services Policies and adopt the proposed amendments.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 s2.7

##### **2.7 Role of council**

- (1) The council –
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions
- (2) Without limiting subsection (1), the council is to –
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

#### **POLICY IMPLICATIONS**

Minor policy changes will result from the deletions, additions and amendments detailed in this report.

**FINANCIAL IMPLICATIONS****Budget**

The minor changes complement or improve existing financial management policies and procedures. There are no direct costs associated.

**Long Term**

There are no long term financial implications resulting from the policy review.

**Whole of Life**

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

**SUSTAINABILITY IMPLICATIONS**

These Policies assist in the sound management of Council's financial resources, governance procedures and financial systems. This assists Council in creating positive social and environmental impacts in the community.

**STRATEGIC IMPLICATIONS**

The Strategic Plan 2013 – 2031 includes the following Strategy which has relevance.

- 1 The Leadership Experience
  - 1.1 Ensure continuous improvement in the organisation.
  - 1.4 Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation.

**CONSULTATION**

The policies have been reviewed by, and comments received from relevant staff and the Executive Management Team.

**COMMENT**

The changes proposed to Corporate Services Policies as a result of this review are relatively minor. The policies underwent a major review and restructure in 2013 and there were significant amendments, alterations and deletions at that time.

Proposed changes are detailed below (with the exception of minor typographical and spelling corrections). Every Policy has had the review date altered from 2015 to 2017. Attachment 1 contains those policies with proposed changes. Suggested deletions are ~~struck through~~ and proposed amendments and insertions are shown in red.

- 2.1 Policy Manual
 

There is no change to this policy other than replacing the word 'even' with the word 'odd' in Policy Statement 4 to reflect the current biennial review timing.
- 2.2 Common Seal Affixing
 

Introductory text has been altered to reflect the requirements of the *Local Government Act 1995* more appropriately; there is no change to the body of the policy.

2.3 Council Chambers Usage

Changes have been made to the list of functions or meetings that may be held in Chambers. Staff training and Executive Management Team meetings have been deleted, *"local government elections"* has been inserted.

2.4 Rewards – Payment Conditions.

The following sentence has been added to the Policy Statement. *"A sum of \$200 will be paid on receipt of an initial sworn statement, with the balance paid on successful prosecution"*.

2.5 Donations

No change

2.6 Financial Reports

No change

2.7 Preparation of Integrated Financial Plan and Budget

Corporate Business Plan dates have been updated from *2013-17* to *2014-18*. The following words were added to the end of the Policy Statement first paragraph – *"although the timing may vary by one month"*.

2.8 Purchasing

Purchasing Thresholds – The tender threshold value has increased from *\$100,000* to *\$150,000* as per changes in the *Local Government (Functions and General) Regulations 1996*.

2.9 Budget Management – Capital Acquisitions and Works

No change

2.10 Fixed Asset Accounting

No change

2.11 Fair Value of Assets

Policy Statement Item 5. Independent assessment changed from *"four to six yearly cycle"* to *"three yearly cycle"*.

2.12 Investment of Funds

References to the use of facsimile machine removed from Policy Statement 3.

2.13 Self-Supporting Loans

No change

2.14 Corporate Credit Card

No change

2.15 Authorisation of Payments

No change

2.16 Customer Service

No change

2.17 Contributions to School Chaplaincy Programs

- Second paragraph of the introduction removed – no longer relevant.
- The word 'primary' removed as Council resolved in 2014 (OC0211) that the policy be revised to include secondary schools as well as primary schools.
- Policy Statement 4 removed as not consistent with Policy Statement 5, or current budget allocations.
- Example listing theoretical financial calculations removed – content is procedural rather than policy.

- The Policy Application statement was altered to reflect Policy Statement 1 and now reads "*This Policy applies to Schools within the Shire of Capel that are not privately funded and have an enrolment of greater than 100 students*".

2.18 Volunteers  
No change

2.19 Use of Shire Logo  
No changes

2.20 Records Management  
No changes

2.21 Information Technology  
Incorrect reference to *State Records Act 2000* corrected.

2.22 Electronic mail / Internet  
Policy Statement 2, Usage, fourth paragraph. Text concerning registration of emails deleted and replaced with the following to improve clarity. "*ensure that any email that meets the criteria below is registered into the Electronic Document Management System*".

2.23 Strategic Risk Management  
No change

2.24 Operational Risk Management  
References to OSH Committee removed, responsibility for operational risk management now sits with EMT.

2.25 Corporate Sustainability  
No change

2.26 Council Facilities Hire and Usage  
The word "*annual*" has been added to specify the regularity with which users must provide evidence of insurance liability coverage. Incorrect references to legislation have been corrected.

2.27 Superannuation Contribution  
No change

## **VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATIONS – 15.1</b>
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**That Council:**

**1. endorses the following unaltered policies –**

- 2.5 Donations;**
- 2.6 Financial Reports;**
- 2.9 Budget Management – Capital Acquisitions and Works;**
- 2.10 Fixed Asset Accounting;**
- 2.13 Self-Supporting Loans;**
- 2.14 Corporate Credit Card;**
- 2.15 Authorisation of Payments;**
- 2.16 Customer Service;**
- 2.18 Volunteers;**
- 2.19 Use of Shire Logo;**
- 2.20 Records Management;**
- 2.23 Strategic Risk Management;**
- 2.25 Corporate Sustainability; and**
- 2.27 Superannuation Contributions; and**

**2. endorses the amendments to the following Policies as detailed in this report –**

- 2.1 Policy Manual;**
- 2.2 Common Seal Affixing;**
- 2.3 Council Chambers Usage;**
- 2.4 Rewards – Payment Conditions;**
- 2.7 Preparation of Integrated Financial Plan and Budget;**
- 2.8 Purchasing;**
- 2.11 Fair value of Assets**
- 2.12 Investment of Funds**
- 2.17 Contributions to School Chaplaincy Programs;**
- 2.21 Information Technology;**
- 2.22 Electronic mail / Internet;**
- 2.24 Operational Risk Management; and**
- 2.26 Council Facilities Hire and Usage.**



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## 15.2 Accounts Due and Submitted for Authorisation

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	27.01.16
Author:	Finance & Accounts Payable Officer, S Searle
Senior Officer:	Executive Manager Corporate Services, S Stevenson
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 Act 1995, section 6.10

#### **6.10. Financial management regulations**

- (d) The general management of, and the authorisation of payments out of-
  - (i) the municipal fund; and
  - (ii) the trust fund,  
of a local government.

Local Government (Financial Management) Regulations 1996, regulation 13, 1 & 2

#### **13. List of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared-
  - (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transactions.
- (2) A list of accounts for approval to be paid is to be prepared each month showing-
  - (a) For each account which requires council authorisation in that month-
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) sufficient information to identify the transactions;
 and
    - (b) the date of the meeting of the council to which the list is to be presented.

**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 staffs have been consulted and authorised the payments. Documents have been reviewed by Manager Finance, A Mattaboni.

**COMMENT**

Accounts due and submitted for authorisation are as follows:

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT20731	27/01/2016	AMITY SIGNS	100X METAL GUIDE POSTS & 13X VARIOUS SIGNS	4863.10
EFT20732	27/01/2016	SOUTHWEST TYRE SERVICE	REPLACE TWO FRONT TYRES. WHEEL ALIGNMENT-CP9477	620.00
EFT20733	27/01/2016	BELL FIRE EQUIPMENT COMPANY	SUPPLY 1 X 3.5KG CO2 FIRE EXTINGUISHER WITH SIGN AND WALL BRACKET	291.50
EFT20734	27/01/2016	BUNBURY TYREPOWER	CP 1125-REPAIR OF TYRE	40.00
EFT20735	27/01/2016	BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE SUPPLIES DEC 15	187.51

EFT20736	27/01/2016	STAPLES AUSTRALIA PTY LTD	2015/16 STATIONERY	401.34
EFT20737	27/01/2016	PROTECTOR ALSAFE	3 X HELMETS, 30 X FIREFIGHTING GLOVES	1302.05
EFT20738	27/01/2016	FULTON HOGAN INDUSTRIES PTY LTD	SEAL MALLOKUP ROAD & 400L EMULSION	14791.01
EFT20739	27/01/2016	PRESTIGE PRODUCTS-BUSSELTON	SUPPLIES DEC 15	135.96
EFT20740	27/01/2016	RTW STEEL FABRICATION	INSTALL SIGN RACK TO MOWER, FABRICATE 1 X RESERVE SIGN, REPAIR CAGE TO BOYANUP OVAL BUILDING	2901.80
EFT20741	27/01/2016	STEWART & HEATON CLOTHING CO PTY LTD	1 X LADIES TROUSERS	108.96
EFT20742	27/01/2016	TCS INSTRUMENTS	1 X ROAD TUBE 30M, 6 ROAD TUBE CLAMPS, 8 ROAD TUBE FIGURE 8 CLEAT	218.35
EFT20743	27/01/2016	VISIMAX	1 RANGER CAP	16.50
EFT20744	27/01/2016	WESTRAC EQUIPMENT	7 X BOLT PLUS DELIVERY, 10 X BLADES, 190 X NUT & 183 X BOLT	3129.96
EFT20745	27/01/2016	THE PRINT SHOP	500 BUSINESS CARDS-RANGERS	118.00
				\$ 29,126.04

OUTSTANDING CREDITORS AS AT 31 DECEMBER 2015: \$87,113.74

#### 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 27 January 2016 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

#### **OFFICER'S RECOMMENDATIONS – 15.2**

**That Council authorises the Schedule of Accounts covering vouchers EFT20731 to EFT20745, a total of \$29,126.04, for payment.**

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**15.3 Accounts Paid During the Month December 2015**

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Location: Capel  
Applicant: Shire of Capel  
File Reference: N/A  
Disclosure of Interest: Nil  
Date: 27.01.16  
Author: Finance & Accounts Payable Officer, S Searle  
Senior Officer: Executive Manager Corporate Services, S Stevenson  
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 Act 1995, section 6.10

**6.10. Financial management regulations**

- (d) The general management of, and the authorisation of payments out of-
- (iii) the municipal fund; and
  - (iv) the trust fund,  
of a local government.

Local Government (Financial Management) Regulations 1996, regulation 13, 1 & 2

**13. List of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared-
- (a) the payee's name;
  - (b) the amount of the payment;
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transactions.
- (2) A list of accounts for approval to be paid is to be prepared each month showing-
- (a) For each account which requires council authorisation in that month-
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) sufficient information to identify the transactions;and
  - (b) the date of the meeting of the council to which the list is to be presented.

**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 staffs have been consulted and authorised the payments. Documents have been reviewed by Manager Finance, A Mattaboni.

**COMMENT**

Payments made during the month of December 2015 are as follows:

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
601	02/12/2015	JILL ALDRIDGE	BOND REFUND	150.00
602	02/12/2015	CANCELLED	CANCELLED	0.00
603	10/12/2015	BUILDING & CONSTRUCTION IND TRAINING FUND	BCITF LEVY COLLECTED NOV 15	11403.96
604	10/12/2015	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	NOV 15 BSL	9195.58
605	10/12/2015	SHIRE OF CAPEL	NOV BSL COMMISSION COLLECTED	588.50
606	16/12/2015	CANCELLED	CANCELLED	0.00
607	16/12/2015	SOUTH WEST ROSE SOCIETY	BOND REFUND	150.00

608	17/12/2015	SATTERLEY PROPERTY GROUP PTY LTD	DALYELLUP STAGE 19B DEFECT BOND REFUND	42864.00
609	22/12/2015	JULIE POLLOCK	BOND REFUND	500.00
2015	01/12/2015	WESTNET PTY LTD	SHIRE OF CAPEL INTERNET ADMINISTRATION - DEC 15	274.84
EFT20394	02/12/2015	AMITY SIGNS	10X VARIOUS SIGNS, 100X SADDLE BRACKET	2879.25
EFT20395	02/12/2015	ALL WEST BUILDING APPROVALS PTY LTD	SITE INSPECTION AND ISSUE THE CDC (CERTIFICATE OF DESIGN COMPLIANCE) AND CBC (CERTIFICATE OF BUILDING COMPLIANCE) FOR RELOCATING THE TRANSPORTABLE OFFICE AT SHIRE DEPOT	467.50
EFT20396	02/12/2015	ARRB GROUP LTD	FWD SURVEY TESTING ON ELGIN RD	3630.00
EFT20397	02/12/2015	BOYANUP LIONS CLUB	6 MONTHLY DONATION	1250.00
EFT20398	02/12/2015	BELL FIRE EQUIPMENT COMPANY	FIRE INDICATOR PANEL ANNUAL, MONTHLY SERVICE - CAPEL & BOYANUP LIBRARY - OCT 15	229.16
EFT20399	02/12/2015	BESAFE BUILDING INSPECTIONS	50X SWIMMING POOL INSPECTIONS @\$65.00 PLUS GST	3575.00
EFT20400	02/12/2015	BOYLES PLUMBING & GAS	INSTALL DRAINAGE PIPE FOR DOWNPIPES AT CAPEL SENIORS CENTRE	1498.20
EFT20401	02/12/2015	CAPEL CRANE HIRE	SUPPLY ALL LABOURS, MATERIALS AND EQUIPMENTS TO RELOCATE THE 12MX6M TRANSPORTABLE OFFICE FROM THE SHIRE ADMINISTRATION BUILDING PREMISES TO THE SHIRES DEPOT	3327.50
EFT20402	02/12/2015	COUNTRY WOMEN'S ASSOCIATION BOYANUP BRANCH	BUS HIRE REIMBURSEMENT	92.00
EFT20403	02/12/2015	DM & S CURTIN	SUPPLY AND INSTALL REPLACEMENT REVERSE CYCLE AIRCONDITIONER TO MARRI ROOM AT CAPEL SHIRE OFFICES AS PER QUOTE OF 30/10/15	1750.00
EFT20404	02/12/2015	C & D CUTRI	CARRY OUT PREVENTATIVE MAINTENANCE FOR SHIRE OWNED BRIDGES (16X)	34166.00
EFT20405	02/12/2015	CLEANWAYXTRA	CARRY OUT WINDOW CLEANING AT SHIRE OWNED BUILDINGS (9X)	2445.00
EFT20406	02/12/2015	CASTROL AUSTRALIA PTY LIMITED	2 BOXES OF GREASE	165.79

EFT20407	02/12/2015	CAPEL CLEANING	CLEANING OF CAPEL INFANT HEALTH/PLAYGROUP	270.00
EFT20408	02/12/2015	DELRON CLEANING	CLEANING - COMMUNITY CENTRES-AS PER TENDER 14/03	9327.05
EFT20409	02/12/2015	LGIS RISK MANAGEMENT	FIRST INSTALMENT SOUTH WEST REGOINAL RISK COORDINATOR CONTRIBUTION	4778.40
EFT20410	02/12/2015	EARTHMAC	50X HR TRAFFIC MANAGEMENT MALLOKUP ROAD TREE REMOVAL	7500.00
EFT20411	02/12/2015	GOLDEN WEST PLUMBING & DRAINAGE	UNBLOCK MALE TOILET DALYELLUP LAKES 13/11	93.50
EFT20412	02/12/2015	FLEXI STAFF	2X FLEXI STAFF: WEEK ENDING 21/11/15	3168.88
EFT20413	02/12/2015	SOUTHERN HYDRAULIC SERVICES	REPAIR TO JOHN DEERE & REPAIR TO BOWSER AT DEPOT	351.78
EFT20414	02/12/2015	JUMOR WASTEWATER SERVICE & REPAIRS	SERVICE ANAEROBIC TREATMENT UNIT - NOV 15	105.00
EFT20415	02/12/2015	PERTHWASTE GREEN RECYCLING	PROCESSING OF DOMESTIC RECYCLING - OCT 15 ANNUAL CONTRACT	5835.05
EFT20416	02/12/2015	STATE LIBRARY OF WESTERN AUSTRALIA	150X PURCHASE OF SACHELS FOR ILLS DISTRIBUTION	1585.65
EFT20417	02/12/2015	LD TOTAL	REMOVE TIMBER STAIRCASE, INSTALL JUTE MATTING AND MULCH. REPAIR SEE SAW AT WENTWORTH PARK, & NOV ADDITIONAL MAINTENANCE	8236.53
EFT20418	02/12/2015	MARISA MOORE	MELBOURNE CUP LUNCH REIMBURSEMENT	68.60
EFT20419	02/12/2015	MARKETFORCE	3X VARIOUS ADVERTISING FOR OCT 15	864.53
EFT20420	02/12/2015	MARAS CONSTRUCTIONS	REINSTALL FENCE SECTION AND REPAIR HANDRAIL - JAMIESON BRIDGE/SLIP SITE	2640.00
EFT20421	02/12/2015	NIGHTGUARD SECURITY SERVICE PTY LTD	ALARM RESPONSE & SECURITY FOR SHIRE BUILDINGS FOR OCT 15	1247.69
EFT20422	02/12/2015	OFFICEWORKS SUPERSTORES PTY LTD	LIBRARY SPECIFIC STATIONERY - DIVIDERS, BLU TAK, ADHESIVE CD POCKETS	53.66
EFT20423	02/12/2015	FULTON HOGAN INDUSTRIES PTY LTD	6.75T HOTMIX AND 800L EMULSION	2467.63
EFT20424	02/12/2015	MICHELLE PLUME	STAFF ACKNOWLEDGEMENT	100.00
EFT20425	02/12/2015	PICTON TYRE CENTRE PTY LTD	REPAIR FLAT TYRE - LOADER ON SITE	359.50
EFT20426	02/12/2015	PRIME EARTHMOVING BUSSELTON	50 TON OF 75 TO 150 DRAINAGE ROCK DELIVERED TO CAPEL SHIRE	2155.67

EFT20427	02/12/2015	PROTECTOR FIRE SERVICES	EXTINGUISHER AND BRACKET ATTACHED TO THE SLASHER	464.59
EFT20428	02/12/2015	RTW STEEL FABRICATION	REPLACE PINS ON RAMP HYDRAULIC RAMS ON ISUZU CP578	261.80
EFT20429	02/12/2015	SOUTHERN'S WATER TECHNOLOGY	HUNTERS RM SPRINKLER	48.02
EFT20430	02/12/2015	SW PRECISION PRINT	PROMOTIONAL MATERIAL FOR INZONE ACTIVITY - YACOUSTIC 2015 YOUTH MUSIC AND ENGAGEMENT EVENT	33.00
EFT20431	02/12/2015	SUSSEX TURF CONTROL	SUPPLY AND APPLY FERTILISER TREATMENT TO BOYANUP OVALS AS PER QUOTE SOC191015	5294.00
EFT20432	02/12/2015	SITE SAFE TEMPORARY FENCING SOUTH WEST	SUPPLY, INSTALL AND DISMANTLE OF 100 METRE TEMPORARY FENCE WITH SHADED CLOTH BESIDE THE SHIRE ADMINISTRATION BUILDING AT CAPEL FOR SIX MONTH PERIOD START FROM 20 NOVEMBER 2015	2145.00
EFT20433	02/12/2015	SOUTH BUNBURY JUNIOR FOOTBALL CLUB	KIDSPORT REGISTRATIONS FOR INVOICE # 121115	320.00
EFT20434	02/12/2015	JAXON SAWYER	SPORT PARTICIPATION SCHEME CONTRIBUTION	300.00
EFT20435	02/12/2015	TRUE TRACK TRUCK ALIGNING	FRONT END WHEEL ALIGNMENT TO STIRLING BUSH FIRE TRUCK	198.00
EFT20436	02/12/2015	TOTALLY WORKWEAR	PAIR BOOTS	223.65
EFT20437	02/12/2015	TARVIA	JAMIESON ROAD BOARDWALK - SUPPLEMENTARY JOISTS AT INTERFACES WITH BRIDGE	3253.80
EFT20438	02/12/2015	TRADE HIRE	HIRE - COMBO ROLLER - 17/11 & 18/11/15 + MOB	1488.60
EFT20439	02/12/2015	THINKWATER BUNBURY	MISC RETIC PARTS	440.65
EFT20440	02/12/2015	IT VISION	MAPPING LAYER FIX	353.10
EFT20441	02/12/2015	VISIMAX	PERMIT TO BURN BOOKS	196.95
EFT20442	02/12/2015	LANDMARK OPERATIONS LIMITED	20L ROUNDUP 540	382.12
EFT20443	02/12/2015	WA LIBRARY SUPPLIES	100 X LIBRARY TOTE BAGS	641.00
EFT20444	02/12/2015	WEST AUSTRALIAN NEWSPAPERS LIMITED	PROMOTION AND MARKETING FOR INZONE PROGRAM ACTIVITY - YACOUSTIC 2015 YOUTH MUSIC AND ENGAGEMENT EVENT	1324.40



EFT20445	02/12/2015	WOOD & GRIEVE ENGINEERS	PROVISION OF STRUCTURAL, MECHANICAL, ELECTRICAL AND HYDRAULIC SERVICES FOR EAST DALYELLUP SPORTS PAVILION. FEE PROPOSALS DATED 31 MAY 2013 AND 14 MAY 2015. NOTE: PROJECT SERVICES 2014/15 AND 2015/16	12320.00
EFT20446	02/12/2015	CAPEL HARDWARE & FARM SUPPLIES	60 BAGS KWIKSET CONCRETE	2003.05
EFT20447	02/12/2015	PROCRACK SEAL	AS PER QUOTE #0001017 - CRACK SEALANT TO MAIDMENT, SAMROSE, HORNIBROOK, KWELL ROADS; MOORT ST; KOULBERRY, KOORDEN, QUONDAY, KARDEN, WONGIN, PIARA, WARUT WAY	14630.00
EFT20448	To	EFT20475	PAYMENT ALREADY APPROVED BY COUNCIL PLEASE REFER TO AGENDA ON 16.12.2015	
EFT20476	01/12/2015	WESTNET PTY LTD	DALYELLUP LIBRARY INTERNET - DEC 15	94.94
EFT20477	10/12/2015	AMITY SIGNS	30X VARIOUS SIGNS	3461.70
EFT20478	10/12/2015	ASB MARKETING	250X DRINK BOTTLES & 1032X STICKERS, PART OF FIMMWA FUNDING	1557.78
EFT20479	10/12/2015	AUSQ TRAINING	ADVANCED WORKSITE TRAFFIC MANAGEMENT COURSE - 18 JAN 2016 21 JAN 2016	1500.00
EFT20480	10/12/2015	BUNBURY PLASTICS	2 SAFETY GLASS FOR BENCH GRINDER	46.20
EFT20481	10/12/2015	BUNBURY MOWER SERVICE	SERVICE HEDGE CLIPPER, REPAIR HEDGE TRIMMER & CHAINSAW, 20L LUBRICATION OIL	857.25
EFT20482	10/12/2015	CR BARRY BELL	15/16 COUNCILLOR ALLOWANCE-DEC 15	2829.00
EFT20483	10/12/2015	BULLIVANTS PTY LTD	CHAIN FOR TIE DOWNS	157.54
EFT20484	10/12/2015	BUNBURY CITY GLASS	REPLACE GLASS ON MOWER & ON LOADER	190.40
EFT20485	10/12/2015	BUNBURY POTHoles & ASPHALT REPAIRS	REPAIR CAR PARK AT CAPEL HARDWARE - 20/11/15	1650.00

EFT20486	10/12/2015	BENDIGO BANK BUSINESS CREDIT CARD	ESPLANADE HOTEL-LGMA STATE CONFERENCE CEO ACCOMMODATION & MEAL EXPENSES, COLES-WASTE COUNCIL MEETING, BIG W- PLANTS & POT FOR ADMIN, MAPWORLD-5X GPS UNIT FOR FIRE TRUCK, MISS MAUD SWEDISH HOTEL- ACCOMMODATION 2X STAFF TO ATTEND TRAINING COURSE ON 5 & 6 NOV 15, JB HIFI-5X 16GB MEMORY CARD, LGMA WA- SW PROFESSIONAL DEVELOPMENT DAY CEO, JUADE HUA- PLANTS FOR ADMIN, BUNNINGS GROUP- PLANTS FOR ADMIN, DEPARTMENT OF TRANSPORT- 4X REGO RENEWAL	5895.85
EFT20487	10/12/2015	SIDDHARTHA BAXI	15/16 COUNCILLOR ALLOWANCE-DEC 15	2829.00
EFT20488	10/12/2015	BAREFOOT BOOKS	13X BOOKS	268.51
EFT20489	10/12/2015	MYLES BOVELL	REIMBURSEMENT FOR PURCHASE OF WIRES FOR SAFETY BUNTING FOR FORREST RD	69.79
EFT20490	10/12/2015	BUILT RIGHT APPROVALS	23 HR OF BUILDING SURVEYING CONTRACTOR SERVICE @ \$80EA	2068.00
EFT20491	10/12/2015	BRAD BROOKSBY	19HR - REVIEW ELGIN RD AND BOUNDARY ROAD FOR TENDER	1567.50
EFT20492	10/12/2015	CR MURRAY SCOTT	15/16 PRESIDENT ALLOWANCE - DEC 15	10091.00
EFT20493	10/12/2015	CLEANAWAY	DISPOSAL OF HOUSEHOLD WASTE FROM THE DOMESTIC PICKUP - NOV 15	13146.37
EFT20494	10/12/2015	DM & S CURTIN	SUPPLY AND INSTALL AIR CON AT BOYANUP LIBRARY CHILDRENS ROOM AS QUOTED	2775.00
EFT20495	10/12/2015	CAPEL CELLARBRATIONS	COUNCIL REFRESHMENTS	205.09
EFT20496	10/12/2015	CAPELBERRY	DINNERS FOR COUNCIL MEETINGS (\$25/PERSON FOR 14 PEOPLE) - NOV 15	350.00
EFT20497	10/12/2015	SUSAN DALGLEISH	RUG FOR CHILDREN'S AREA IN LIBRARY	159.00
EFT20498	10/12/2015	EARTHMAC	9X DAYS OF TRAFFIC MANAGEMENT - MALLOKUP RD	12825.00
EFT20499	10/12/2015	GOLDEN WEST PLUMBING & DRAINAGE	REPLACE & DAMAGED CISTERNS AT DALYELLUP BEACH TOILETS END OF NORTON PROM & REPAIR PIPE AT CAPEL CIVIC PRECINCT	1177.00
EFT20500	10/12/2015	DEPT OF FIRE AND EMERGENCY SERVICES (DFES).	ESL QTR 2	151164.00

EFT20501	10/12/2015	FENNESSY'S	50,000KM SERVICE-CP9503	242.18
EFT20502	10/12/2015	FLEXI STAFF	1XFLEXI STAFF -WEEK ENDING 24/10/15	1994.50
EFT20503	10/12/2015	FIT 2 WORK.COM.AU	3X EMPLOYEE POLICE CHECK & FIT2WORK AUDIT FEE	396.77
EFT20504	10/12/2015	GHD PTY LTD	LANDFILL GAS MONITORING, ISPECTION TO BOYANUP LANFILL, RUBBISH SITE WATER MONITORING	8261.00
EFT20505	10/12/2015	CR BRIAN HEARNE	15/16 DEPUTY PRESIDENT ALLOWANCE-DEC 15	3981.00
EFT20506	10/12/2015	JULIES LAWNMOWING	MOWING OF BOYANUP MUSEUM GROUNDS & BOYANUP HALL	235.00
EFT20507	10/12/2015	JLL (VIC) PTY LTD	FEE FOR THE HIRE OF SITE 2 DALYELLUP SHOPPING CENTRE	220.00
EFT20508	10/12/2015	STATE LIBRARY OF WESTERN AUSTRALIA	2015/16 RECOVERY OF LOST AND DAMAGED ITEMS	28.60
EFT20509	10/12/2015	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	REGISTRATION FOR EXEC MANAGER COMMUNITY SERVICES - PROFESSIONAL RISK & NATURAL HAZARDS SEMINAR 9 NOVEMBER 2015	100.00
EFT20510	10/12/2015	LANDGATE	NOV 15 VALUATION CHARGEABLE	2037.93
EFT20511	10/12/2015	MINING & PASTORAL COMMUNICATION SERVICES	INSTALLATION OF RADIO IN OFFICE, DUCTING, ANTENNA AND CONNECTIONS	327.25
EFT20512	10/12/2015	CR P MCCLEERY	15/16 COUNCILLOR ALLOWANCE-DEC 15	2829.00
EFT20513	10/12/2015	CR GREG NORTON	15/16 COUNCILLOR ALLOWANCE-DEC 15	2829.00
EFT20514	10/12/2015	AUSTRALIAN COASTAL COUNCILS ASSOCIATION INC.	REGISTRATION FEES FOR CR G NORTON TO ATTEND 2016 AUSTRALIAN COASTAL COUNCILS CONFERENCE IN ROCKINGAHM ON 4-6 MAY 2016	1364.00
EFT20515	10/12/2015	OASIS PARTY CENTRAL	TABLE CLOTHS AND TABLE DECORATIONS FOR THANK A VOLUNTEER BREAKFAST	484.00
EFT20516	10/12/2015	PROTECTOR ALSAFE	50X GOGGLES \$12.30 EA	676.50
EFT20517	10/12/2015	PRESTIGE PRODUCTS-BUSSELTON	CLEANING SUPPLIES FOR NOV 15	275.00
EFT20518	10/12/2015	PRIME INDUSTRIAL PRODUCTS P/L	80X PACKS SAFETY GLASSES	630.00
EFT20519	10/12/2015	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING GROSS \$200,910.09, TAX \$43,910	43910.00
EFT20520	10/12/2015	RADIOWEST BROADCASTER PTY LTD	MOSQUITO AWARENESS CAMPAIGN	1100.00

EFT20521	10/12/2015	SOUTH WEST TREE SAFE	REMOVE DANGEROUS PEPPI TREE FROM BOYANUP MEMORIAL WALK	880.00
EFT20522	10/12/2015	CAPEL FRESH IGA	SUPPLIES NOV 15	100.51
EFT20523	10/12/2015	SOUTHERN LOCK & SECURITY	ATTEND ALARM FAULT AT DALYELLUP COMMUNITY CENTRE AND REPLACE ALARM PAD	377.25
EFT20524	10/12/2015	CR JENNIFER SCOTT	15/16 COUNCILLOR ALLOWANCE-DEC 15	2829.00
EFT20525	10/12/2015	CR BRIAN SMITH	15/16 COUNCILLOR ALLOWANCE-DEC 15	2829.00
EFT20526	10/12/2015	STRATHAM BOBCAT HIRE	DIG OUT ANCHOR HOLES FOR TRANSPORTABLE SHIRE DEPOT	365.75
EFT20527	10/12/2015	SONIC HEALTHPLUS PTY LTD	PRE EMPLOYMENT MEDICALS, CHECK	291.50
EFT20528	10/12/2015	CR SEBASTIAN SCHIANO	15/16 COUNCILLOR ALLOWANCE-DEC 15	2829.00
EFT20529	10/12/2015	SURVEYING SOUTH	CNR WILLIAM AND LINCOLN STS BOYANUP ROAD UPGRADE SURVEY, DESIGN AND SETOUT	990.00
EFT20530	10/12/2015	T & P DESIGN	COMPILE DESIGN; CONVERT DESIGN TO SETOUT DATA - MALLOKUP RD	1373.63
EFT20531	10/12/2015	THINKWATER BUNBURY	ROAM KIT FOR IRRIGATION	297.60
EFT20532	10/12/2015	TOTAL BUSINESS TECHNOLOGY	1 X IPHONE CASE - OPERATIONS	89.95
EFT20533	10/12/2015	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 75 - CAPEL HARD COURTS INTEREST AND LOAN REPAYMENT	33012.87
EFT20534	10/12/2015	WESTERN AG PTY LTD	SUPPLY TWO SETS OF BLADES PLUS BOLTS FOR MOWER	468.73
EFT20535	10/12/2015	WARREN BLACKWOOD WASTE	WASTE COLLECTION NOV 15	61170.85
EFT20536	10/12/2015	INSPIRED DEVELOPMENT SOLUTIONS	EXECUTIVE TEAM WORKSHOP FACILITATION	3737.25
EFT20537	10/12/2015	MARISA MOORE	REFUND FOR PRIZES AND CHOCOLATES CHRISTMAS PARTY	355.11
EFT20538	10/12/2015	PHOEBE TUCKER	ICE AND ONION FOR CHRISTMAS PARTY REIMBURSEMENT	46.50
EFT20539	10/12/2015	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 76 INTEREST & LOAN REPAYMENT- ADMINISTRATION BUILDING UPGRADE	84004.51
EFT20540	16/12/2015	CLAIRE ANDERSON	CHRISTMAS FUNCTION REIMBURSEMENT	583.30
EFT20541	16/12/2015	AMD CHARTERED ACCOUNTANTS	AUDIT OF 2014/15 HACC FINANCIAL STATEMENTS	2970.00
EFT20542	16/12/2015	BOYANUP LIONS CLUB	ANNUAL DONATION	310.00

EFT20543	16/12/2015	BUNBURY PLUMBING SERVICES BPS	PUMP OUT GREASE TRAP	202.30
EFT20544	16/12/2015	B & B STREET SWEEPING	13/11/15 - 2 HOURS OF STREET SWEEPING OF DALYELLUP BLVD FROM ROUNDABOUT TO THE SURF CLUB (INCLUDING CARPARK), FOR THE FUN RUN	385.00
EFT20545	16/12/2015	BUNBURY SWIMMING CLUB INC	KIDSPORT REGISTRATION FOR INVOICE # 61215	200.00
EFT20546	16/12/2015	BOYANUP SENIOR CITIZENS	ANNUAL DONATION	310.00
EFT20547	16/12/2015	BESAFE BUILDING INSPECTIONS	2015 SWIMMING POOL INSPECTIONS @\$65.00 PLUS GST FOR EACH PROPERTY WITH BARRIER DUE FOR ASSESSMENT	7150.00
EFT20548	16/12/2015	BUNBURY POTHOLES & ASPHALT REPAIRS	THURSDAY 3/12/15 ZIRCON WAY CAPEL, SEAL WORKS FOR ROAD REPAIR WORK	2530.00
EFT20549	16/12/2015	BUNBURY SEA RESCUE	ANNUAL DONATION	320.00
EFT20550	16/12/2015	BUNBURY HARVEY REGIONAL COUNCIL	PROCESSING OF ORGANIC WASTE COLLECTION & REGIONAL WASTE EDUCATION PROGRAM NOV 15	7203.61
EFT20551	16/12/2015	BRANDICOOT	WEBSITE PACKAGE AS PER 12 MONTH CONTRACT	238.00
EFT20552	16/12/2015	BUILT RIGHT APPROVALS	BUILDING SURVEYING CONTRACTOR SERVICE	1496.00
EFT20553	16/12/2015	BELLE DONI	SPOT PRIZES FOR VOLUNTEER BREAKFAST	77.00
EFT20554	16/12/2015	COATES HIRE SERVICE	17X DAY ROLLER HIRE, 19X DAY PUMP HIRE, 19X DAY 6X HOSE SUCTION HIRE, 19X DAY 20XHOSE SUCTION HIRE, REPLACE STOLEN RADIO & 17X DAY PORTABLE TOILET HIRE	10648.89
EFT20555	16/12/2015	CLEANAWAY	COLLECTION AND DISPOSAL OF MOST WASTES FROM CAPEL WASTE TRANSFER STATION NOV 15	13029.99
EFT20556	16/12/2015	CAPEL CWA	ANNUAL DONATION	310.00
EFT20557	16/12/2015	CAPEL RSL	ANNUAL DONATION	790.00
EFT20558	16/12/2015	CAPEL RIVER GIRL GUIDES	ANNUAL DONATION	310.00
EFT20559	16/12/2015	CAPE MARQUEES EVENT HIRE & LIGHTING	CHRISTMAS BBQ - TABLES & CHAIRS HIRE	198.00
EFT20560	16/12/2015	CAPEL TUART GIRL GUIDES	ANNUAL DONATION	310.00
EFT20561	16/12/2015	CAPEL BUTCHERS	CHRISTMAS BBQ: RISSOLE BURGERS, BEEF SAUSAGES & CHICKEN SATAYS	280.12

EFT20562	16/12/2015	CARBONE BROS PTY LTD	1826.67 TONNES OF GRAVEL	33793.42
EFT20563	16/12/2015	COLROYS COUNTRY KITCHEN	CATERING FOR BUSHFIRE INCIDENT GOODWOOD RD X IRONSTONE 22/11/15. 53 ROUNDS SANDWICHES AND DRINKS	515.00
EFT20564	16/12/2015	DELRON CLEANING	CARRY OUT CLEANING OF CAPEL SPORTS PAVILION FROM 12 OCTOBER TO 21 OCTOBER (END DATE TO BE CONFIRMED)	2442.00
EFT20565	16/12/2015	FENNESSY'S	PURCHASE NEW VEHICLE HOLDEN CALAIS V V6 SERIES II AUTO SEDAN + ACCESSORIES DASH MAT, CARPET MATS AND NITRATE SILVER COLOUR	15021.09
EFT20566	16/12/2015	FLEXI STAFF	1X FLEXI STAFF WEEK ENDING 5/12/15	1486.94
EFT20567	16/12/2015	FRONT-LINE SIGNS	SHIRE DECAL FOR RANGER VEHICLES FOR 60CP& 40CP	814.00
EFT20568	16/12/2015	GRACE RECORDS MANAGEMENT	RECORD STORAGE & DESTRUCTION-NOV 15	212.80
EFT20569	16/12/2015	HARVEY FARM SERVICE	SERVICE & VARIOUS PARTS FOR FRONT LOADER	3082.33
EFT20570	16/12/2015	LAKESIDE WHOLESALE NURSERY	TREES FOR 2015 DALYELLUP PILOT TREE GIVEAWAY PROJECT	352.82
EFT20571	16/12/2015	CAPEL LIONS CLUB	ANNUAL DONATION	310.00
EFT20572	16/12/2015	M2 TECHNOLOGY PTY LTD	2015 CHRISTMAS HOLIDAY MESSAGE	242.00
EFT20573	16/12/2015	OASIS PARTY CENTRAL	BALLONS FOR EDUCATION PROGRAM	220.00
EFT20574	16/12/2015	PEPPERMINT GROVE BEACH COMMUNITY ASSOCIATION	COMMUNITY SAFETY STALL AT PEPPI GROVE BEACH FAMILY FUN DAY	500.00
EFT20575	16/12/2015	PRIME MEDIA GROUP	TELEVISION ADVERTISING IN CONJUNCTION WITH LESCHENAULT CLAG	4881.80
EFT20576	16/12/2015	J & S PIETERSE	RATES REFUND	75.00
EFT20577	16/12/2015	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 10/12/15-GROSS \$4857.56, TAX-\$1554	1554.00
EFT20578	16/12/2015	ROYAL FLYING DOCTORS SOCIETY	ANNUAL DONATION	310.00
EFT20579	16/12/2015	ST JOHN AMBULANCE ASSOCIATION - CAPEL	ANNUAL DONATION	1680.00
EFT20580	16/12/2015	STEWART & HEATON CLOTHING CO PTY LTD	7X JACKETS, 7X TROUSERS FOR FIRE FIGHTERS	1792.18

EFT20581	16/12/2015	CAPEL SENIOR CITIZENS	ANNUAL DONATION	310.00
EFT20582	16/12/2015	SOUTH WEST RUBBER STAMPS	DATE STAMPER BOYANUP LIBRARY	71.50
EFT20583	16/12/2015	SUSAN STEVENSON	REFUND OF PROFESSIONAL FEES	1262.97
EFT20584	16/12/2015	CR SEBASTIAN SCHIANO	TRAVEL ALLOWANCE - SEBASTIAN SCHIANO - PERTH WALGA COUNCILLOR TRAINING, 460KM @ .78C/KM	358.80
EFT20585	16/12/2015	SIMMO'S ICECREAMERY	CHRISTMAS FUNCTION - SIMMO'S ICECREAMERY	990.00
EFT20586	16/12/2015	TOTAL BUSINESS TECHNOLOGY-TOTALITY	1 YEAR UTM BUNDLE (8X5 FORTICARE PLUS NGFW, AV, WEB FILTERING AND ANTISPAM SERVICES) FOR FORTIGATE 80C INCLUDING 8X5 PHONE SUPPORT AND HARDWARE REPLACEMENT	620.40
EFT20587	16/12/2015	THINKWATER BUNBURY	MISC RETIC PURCHASE FOR REPLACEMENT OF STOLEN SPRINKLERS AND RISERS ETC	260.70
EFT20588	16/12/2015	RAY TINK ROOFING	HOOK UP DOWN PIPE TO UNDERGROUND DRAIN ATFRONT OF SHIRE OFFICES & GUTTER CLEANING AND ROOF INSPECTION FOR 17X SHIRE BUILDINGS	3505.00
EFT20589	16/12/2015	WEST AUSTRALIAN NEWSPAPERS LIMITED	'EXPERIENCE THE SHIRE OF CAPEL' ADVERTISEMENT IN 8 PAGE SOUTH WEST SENIORS' EXPO WRAP IN SOUTH WESTERN TIMES	240.00
EFT20590	16/12/2015	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 93 INTEREST AND LOAN REPAYMENT - PUCHASE BINS	24684.60
EFT20591	16/12/2015	WINDOW IMAGERY	SUPPLY 12 LINE HOLDERS AND 2 WANDS FOR DALYELLUP COMMUNITY CENTRE	52.80
EFT20592	16/12/2015	WESTERN POWER	DESIGN FEE 72 BRIDGE STREET BOYANUP	1708.50
EFT20593	17/12/2015	AUSTRALIND WATER BORING	SUPPLY AND INSTALL A 100MM BORE TO AN ESTIMATED DEPTH OF 50M AT CAPEL CIVIC PRECINCT AS QUOTED.	6116.00
EFT20594	17/12/2015	LOCAL GOVERNMENT MANAGERS AUSTRALIA LGMA	LGMA MANAGEMENT CHALLENGE	4700.00
EFT20595	17/12/2015	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA	LGMA MANAGEMENT CHALLENGE	4700.00
EFT20596	22/12/2015	AMITY SIGNS	5X VARIOUS SIGN OF CAPEL CIVIC PRECINCT,26X VARIOUS ROAD SIGNS,2X GALV PST AND 6X SADDLE BRACKETS	4973.38

EFT20597	22/12/2015	AUSTRALIA POST	POSTAGE NOV 15	1612.40
EFT20598	22/12/2015	JOHN ANDERSON ELECTRICIAN	CHECK REPAIR LIGHT (BUZZING) MAIN HALL DALYELLUP COMMUNITY CENTRE	148.50
EFT20599	22/12/2015	ADVENTURE WORLD	DEPOSIT FOR ADVENTURE WORLD EXCURSION - INZONE JANUARY 2016	640.00
EFT20600	22/12/2015	AIR SOUTHWEST BUNBURY	SUPPLY AND INSTALL OF AIR CONDITIONER TO CAPEL VOLUNTEER BUSHFIRE BRIGADE SHED	2140.00
EFT20601	22/12/2015	BUNBURY 2ND SEA SCOUTS	KIDSPORT REGISTRATIONS FOR INVOICE # 128	800.00
EFT20602	22/12/2015	BUNBURY AUTO ONE	1 X PAIR OF KINCHROME BOLT CUTTERS (PART NO. BC30, 800MM)	107.95
EFT20603	22/12/2015	BOC LIMITED	13KG DRY ICE	20.59
EFT20604	22/12/2015	CARDNO BSD PTY LTD	BICYCLE NETWORK PLAN - SHIRE OF CAPEL BIKE PLAN	5500.00
EFT20605	22/12/2015	BULLIVANTS PTY LTD	8 EYELETS FOR TRANSPORTABLE BUILDING	183.92
EFT20606	22/12/2015	BUNBURY TRUCKS	REPAIR LEAKS TO GELORUP BUSH FIRE TRUCK	1195.80
EFT20607	22/12/2015	BAREFOOT BOOKS	23X BOOKS	309.99
EFT20608	22/12/2015	BUILT RIGHT APPROVALS	BUILDING SURVEYING CONTRACTOR SERVICE	1738.00
EFT20609	22/12/2015	BELLE DONI	GIFT FOR VOLUNTEERS BREAKFAST	94.00
EFT20610	22/12/2015	BLUE DOOR BEAUTY THERAPY	SPOT PRIZES AND GIFT FOR GUEST SPEAKER AT VOLUNTEER BREAKFAST	47.50
EFT20611	22/12/2015	BP AUSTRALIA	9920L FUEL	10992.53
EFT20612	22/12/2015	BUNBURY TOWING	TOWING ABANDONED VEHICLE FROM TUART DRIVE NISSAN SKYLINE 10/11/15	400.00
EFT20613	22/12/2015	CIVITEST AUSTRALIA	FIRST SURVEY TEST - 25/11/15	1188.22
EFT20614	22/12/2015	CARTERS FENCING	DEMOLISH, SUPPLY AND RE- INSTALL FENCING - FORREST BEACH CARPARKS - QUOTE 11455	2255.00
EFT20615	22/12/2015	CAREY PARK SCOUT GROUP	KIDSPORT REGISTRATIONS FOR INVOICE # 15-15	200.00
EFT20616	22/12/2015	COVS PARTS	2X 20L GREASE TUBS; 1X HANDPUMP FOR GREASE; 20L DEGREASER	999.94
EFT20617	22/12/2015	CAPEL HARDWARE & FARM SUPPLIES	SUPPLIES NOV 15	2575.10
EFT20618	22/12/2015	CASTLEDEX PTY LTD	POCKET FILE M40MM PLUS FREIGHT	314.60
EFT20619	22/12/2015	COATES CIVIL CONSULTING PTY LTD	PROVIDE SURVEY WORK, PAVEMENT RECTIFICATION DESIGN AND DESIGN WORKS FOR ELGIN AND LOWRIE ROADS AND STIRLING STREET	4081.00



EFT20620	22/12/2015	CARBONE BROS PTY LTD	51.09 TON GRAVEL	945.17
EFT20621	22/12/2015	DYMOCKS BUSSELTON	LOCAL BOOKSTOCK FOR PROMOTIONS - RED QUEEN	24.99
EFT20622	22/12/2015	DELRON CLEANING	CLEANING OF SHIRE OFFICES & SPORTS PAVILION 30/11/15-13/12/15	470.25
EFT20623	22/12/2015	DEPARTMENT OF PREMIER & CABINET	TPS NO 7 AMENDMENT NO 63 FINAL WA GOVERNMENT GAZETTE ADVERTISEMENT	71.25
EFT20624	22/12/2015	DEPARTMENT OF TRANSPORT	VEHICLE SEARCH FEES NOV 15	16.75
EFT20625	22/12/2015	DOME BUNBURY	VOLUNTEERS CHRISTMAS MORNING TEA	240.85
EFT20626	22/12/2015	ELGIN HALL COMMITTEE	REIMBURSE POWER TO ELGIN HALL	188.40
EFT20627	22/12/2015	EASIFLEET MANAGEMENT	NOVATED LEASE CEO - DEC 15	753.86
EFT20628	22/12/2015	GOLDEN WEST PLUMBING & DRAINAGE	REPAIR TAP AT SENIOR BUILDING, BACKFLOW TEST AT BOYANUP STANDPIPE CHARLOTTE ST, YEARLY UV MAINTENANCE & GLOBES REPLACEMENT AT 4X CAPE SITES	1668.70
EFT20629	22/12/2015	FLEXI STAFF	1X FLEXI STAFF WEEK ENDING 11/12/15	1657.57
EFT20630	22/12/2015	GANNAWAYS	CHRISTMAS BBQ - COACH SERVICE 9 DECEMBER 2015	695.00
EFT20631	22/12/2015	GRESLEY ABAS PTY LTD	EAST DALYELLUP SPORTS PAVILION CONCEPT DESIGN, DETAILED DESIGN & CONTRACT ADMINISTRATION	12544.40
EFT20632	22/12/2015	GHD PTY LTD	RUBBISH SITE WATER MONITORING & LAND FILL GAS MONITORING	4724.50
EFT20633	22/12/2015	GEOGRAPHE FORD	TAIL LIGHT LENS - 43CP	234.90
EFT20634	22/12/2015	GIRL GUIDES WA INC	KIDSPORT REGISTRATION FOR INVOICE # 7677	400.00
EFT20635	22/12/2015	GUTTER-VAC SOUTH WEST WA	CLEANING OF THE GELORUP VOLUNTEER BUSHFIRE BRIGADE'S WATER TANK	297.00
EFT20636	22/12/2015	FAT BIRDIE CAFE	CHRISTMAS BBQ SALAD, CATERING FOR BOOK LAUNCH DALYELLUP LIBRARY, CATERING - ART EXHIBITION EVENT CAPEL LIBRARY, CATERING WORKSHOP AT PEPPI GROVE ON 11/12/15 & CATERING FOR BUSH FIRE FIRST AID TRAINING	1758.00
EFT20637	22/12/2015	FULTON HOGAN INDUSTRIES PTY LTD	400L EMULSION	558.80
EFT20638	22/12/2015	RURAL CINEMA	MOVIE IN THE PARK IN CAPEL JAN 2015	1050.00

EFT20639	22/12/2015	D & K THOMAS ELECTRICAL	INSTALL POWER POINT AT BOYANUP FOOTBALL PAVILION & CAPEL INFANT HEALTH CENTRE, REPAIR BBQ AT BEACH PARK PEPPY GROVE WIRE AIR CONDITIONER AT BOYANUP LIBRARY AND CONNECT AIR CON IN MARRI ROOM AT CAPEL SHIRE, SHORTEN UP POWER CORD ON SEPTIC TANK AT BOYANUP OVAL	2831.63
EFT20640	21/12/2015	CALTEX AUSTRALIA	NOVEMBER FLEET FUEL	4096.30
EFT20641	22/12/2015	INTERVID	EAGLE EYES PROJECT FOR DALYELLUP SURF LIFE SAVING CLUB CAR PARK (CCTV)	21978.75
EFT20642	22/12/2015	STAPLES AUSTRALIA PTY LTD	OFFICE FURNITURE FOR EXECUTIVE MANAGER - COMMUNITY SERVICES AND COMMUNITY DEVELOPMENT OFFICERS	705.65
EFT20643	22/12/2015	WA ELECTORAL COMMISSION	COSTS FOR CONDUCTING LOCAL GOVT ELECTION IN OCTOBER 2015	35992.11
EFT20644	22/12/2015	ST JOHN AMBULANCE WA	SERVICING OF FIRST AID KITS FROM FIRE APPLIANCES	783.86
EFT20645	22/12/2015	SOUTHERN HYDRAULIC SERVICES	HYD LEAK IN LOADER REPAIRED IN SHIRE YARD	342.98
EFT20646	22/12/2015	INSIGHT CCS PTY LTD	CALL CENTRE CHARGES NOVEMBER 2015	422.57
EFT20647	22/12/2015	SOUTH WEST ISUZU	15,000KM SERVICE 1CNS 506 BUSH FIRE TRUCK	903.71
EFT20648	22/12/2015	LESLEY JACKES	RATES REFUND	600.00
EFT20649	22/12/2015	KLEENHEAT GAS	45KG VAP CYL - FACILITY FEE / CYLINDER SERVICE CHARGE FOR BUSH FIRE BRIGADE	68.20
EFT20650	22/12/2015	PERTHWASTE GREEN RECYCLING	PROCESSING OF DOMESTIC RECYCLING NOV 15	4715.22
EFT20651	22/12/2015	STATE LIBRARY OF WA	2015/16 RECOVERY OF LOST AND DAMAGED ITEMS	55.00
EFT20652	22/12/2015	MCLEODS BARRISTERS AND SOLICITORS	LEGAL FEES FOR PLANNING APPEALS	4545.51
EFT20653	22/12/2015	MARKETFORCE	NOV 15 ADVERTISEMENTS	2398.31
EFT20654	22/12/2015	MARAS CONSTRUCTIONS	28X HOURS BOBCAT HIRE - ZIRCON WAY	3080.00
EFT20655	22/12/2015	NIGHTGUARD SECURITY SERVICE PTY LTD	ALARM RESPONSES NOVEMBER 15	2045.19
EFT20656	22/12/2015	VODAFONE PTY LTD	BRIGADE MESSAGING SERVICE DEC 15	310.95
EFT20657	22/12/2015	PIACENTINI & SON PTY LTD	24.05 T OF LIMESTONE	351.85
EFT20658	22/12/2015	PROTECTOR ALSAFE	FIRE FIGHTING BOOTS X 1 PAIR	198.95

EFT20659	22/12/2015	PRESTIGE PRODUCTS-BUSSELTON	SUPPLIES DEC 15	189.97
EFT20660	22/12/2015	PERTH MANAGEMENT SERVICES	RENT AND OUTGOINGS - DALYELLUP LIBRARY- JAN 16	1522.75
EFT20661	22/12/2015	PICTON TYRE CENTRE PTY LTD	4X TYRES FITTED TO CP1125 + WHEEL ALIGNMENT, TYRE FITTING TO CP4991	2113.50
EFT20662	22/12/2015	PJ & EV PAGE	WAXING AND BUFFING FLOOR BOYANUP HALL NOV 15	70.00
EFT20663	22/12/2015	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 15.12.15 GROSS \$194,413.83, TAX \$41,718.00	41718.00
EFT20664	22/12/2015	RTW STEEL FABRICATION	REPAIR TO BRACKET ON LOADER	456.50
EFT20665	22/12/2015	RID (AUSTRALIA)	MOSQUITO REPELLANT FIMMWA FUNDING	1188.00
EFT20666	22/12/2015	SOUTH WEST TREE SAFE	CLEAR VEGETATION FROM BRIDGE	2090.00
EFT20667	22/12/2015	SOUTHERN LOCK & SECURITY	SUPPLY LABOUR, MATERIAL AND EQUIPMENT TO REKEY 2 LOCKS OF TRANSPORTABLE OFFICE WITH SHIRE KEY SYSTEM AT SHIRE DEPOT	428.10
EFT20668	22/12/2015	SOUTH WEST RUBBER STAMPS	SELF INKING STAMP IN RED WITH 2 INK PADS & POSTAGE	83.00
EFT20669	22/12/2015	SCITECH	SCITECH EARLY CHILDHOOD WORKSHOP, BUBBLES WORKSHOP	552.00
EFT20670	22/12/2015	TOTAL BUSINESS TECHNOLOGY-TOTALITY	PARTNER SUPPORT RENEWAL FOR ZONEFLEX FOR 3YR	385.00
EFT20671	22/12/2015	TOTALLY WORKWEAR	2X STAFF UNIFORMS	528.00
EFT20672	22/12/2015	T & P DESIGN	SET OUT SEAL MALLOKUP ROAD CONSTRUCTION	457.88
EFT20673	22/12/2015	TOTAL GREEN RECYCLING PTY LTD	RECYCLING OF E-WASTE COLLECTED AT CAPEL WASTE TRANSFER STATION INCLUDING TRANSPORT	1597.42
EFT20674	22/12/2015	IT VISION	TRAINING SYNERGY HEALTH MODULE	2826.26
EFT20675	22/12/2015	WORK CLOBBER BUNBURY	2X STAFF UNIFORMS	530.85
EFT20676	22/12/2015	WML CONSULTANTS	JAMIESON ROAD FOOTBRIDGE - ENGINEERS SURVEY (STORM 30/31 JULY 2015) - REF 6559 - STAGE 1	643.50
EFT20677	22/12/2015	WIGHT & EMMETT	10X FLY REPELLANT CREAM	120.00
EFT20678	23/12/2015	BRUSH HAIR	RETURN OF FUNDS TRANSFERRED IN ERROR	684.47
EFT20679	23/12/2015	CAPELBERRY	DINNERS FOR COUNCIL MEETINGS (\$25/PERSON FOR 15 PEOPLE) DEC 15	375.00
EFT20680	23/12/2015	DELRON CLEANING	CLEANING - SHIRE COMMUNITY CENTRE-AS PER TENDER 14/03-DEC 15	9327.05

EFT20681	23/12/2015	GEOGREEN	SERVICING OF WATERLESS URINALS AT 12X SHIRE BUILDINGS	2036.20
EFT20682	23/12/2015	LD TOTAL	REPLACE VANDALISED SPRINKLERS IN VARIOUS PARKS, & MAIDMENT PARADE GARDEN UPGRADE AS QUOTED	14241.70
EFT20683	23/12/2015	FULTON HOGAN INDUSTRIES PTY LTD	400 L EMULSION & 1T OF HOT MIX	758.80
EFT20684	23/12/2015	THE PERTH MINT	75 X 2016 AUSTRALIAN CITIZENSHIP \$1 COIN	389.46
EFT20685	23/12/2015	SUSSEX TURF CONTROL	SUPPLY AND APPLY FERTILISER TREATMENT TO CAPEL & BOYANUP OVAL DEC 15	4688.00
EFT20686	23/12/2015	SPRAYMOW SERVICES	SPRAY FOOTPATHS, ISLANDS, GARDENS AND ROUNDABOUTS THROUGHOUT DALYELLUP	9581.00
EFT20687	23/12/2015	WA BUILDING CODES CONSULTANCY	ASSISTANCE WITH BUILDING SERVICES 10 DAYS AT 6.5HRS AT \$90 PLUS GST	6435.00
EFT20688	23/12/2015	WATER WISE WATER TRUCKS AUSTRALIA P/L	PARTS - FANS DRIBBLE BAR AND CAM LOCKS	1524.53
EFT20689	23/12/2015	MUIR'S MANJIMUP	2X NEW VEHICLES - 60CP & 45CP	53385.42
DD18202.1	08/12/2015	FUJI XEROX AUSTRALIA P/L	LEASE OF PHOTOCOPIER DEC 15	132.00
DD18247.1	31/12/2015	FUJI XEROX AUSTRALIA P/L	PHOTOCOPIER RENTAL & SERVICE DEC 15	1369.61
47857	02/12/2015	COURIER AUSTRALIA INTERNATIONAL	POSTAGE AND FREIGHT NOV 15	44.75
47858	02/12/2015	SHIRE OF CAPEL	PETTY CASH RECOUP	282.50
47859	02/12/2015	DALE ALCOCK HOMES	REFUND FEE PAID- AMENDMENT TO DA APPROVAL NOT REQUIRED	86.00
47860	02/12/2015	JONATHAN HARDAKER	RATES REFUND	102.88
47861	02/12/2015	ILUKA RESOURCES LTD	RATES REFUND	469.64
47862	02/12/2015	MEYNELL PTY LTD	RATES REFUND	295.70
47863	02/12/2015	SYNERGY	ELECTRICITY	5670.70
47864	02/12/2015	WATER CORPORATION	WATER USAGE	625.16
47865	02/12/2015	WA COUNTRY BUILDERS	OVERCHARGE RECEIPT 211799	110.00
47866	03/12/2015	COUNCIL ON THE AGEING	RETURN OF UNSPENT FUNDS	192.50
47867	10/12/2015	GC & CE BRYAN	RATES REFUND	182.19
47868	10/12/2015	BUSINESS MACHINES ONLINE	RAPID 5080 ELECTRIC STAPLER (INC GST AND FREIGHT)	1295.00
47869	10/12/2015	BELLE DONI	ERROR WITH CHEQUE CANCELLED REPAID VIA EFT	0.00

47870	10/12/2015	COURIER AUSTRALIA INTERNATIONAL	POSTAGE AND FREIGHT NOV 15	83.71
47871	10/12/2015	SHIRE OF CAPEL	BUILDING APPLICATION FEE FOR DOG POUND	156.65
47872	10/12/2015	CAPEL PHARMACY	BOX OF UNIVERSAL EXAMINATION VINYL GLOVES	92.55
47873	10/12/2015	MW & SJ DAVIES	RATES REFUND	174.76
47874	10/12/2015	DORAL MINERAL SANDS	RATES REFUND	135.12
47875	10/12/2015	GROENEWOLD W	RATES REFUND	305.96
47876	10/12/2015	CITY OF MELVILLE	PAYMENT FOR DAMAGED ITEM: SILENT WITNESS SERIES 2 DVD	11.00
47877	10/12/2015	SYNERGY	ELECTRICITY	949.10
47878	10/12/2015	SHIRE OF WYNDHAM - EAST KIMBERLEY	PAYMENT FOR LOST ITEM LIVE AID DVD	55.00
47879	10/12/2015	TELSTRA CORPORATION LTD	LANDLINE NOV 15	2307.75
47880	10/12/2015	DALE & TAMMY VINNICOMBE	REFUND VARIATION NOT REQUIRED A8619	147.00
47881	10/12/2015	WATER CORPORATION	WATER USAGE	1564.22
47882	16/12/2015	CWA OF WA BOYANUP	ANNUAL DONATION	310.00
47883	16/12/2015	SHIRE OF CAPEL	STATIONERY	131.50
47884	16/12/2015	DALYELLUP SENIORS	ANNUAL DONATION	310.00
47885	16/12/2015	G & S HAMILTON	CROSSOVER CONTRIBUTION	300.00
47886	16/12/2015	DALYELLUP LIONS CLUB	ANNUAL DONATION	310.00
47887	16/12/2015	KYM MILLER	CROSSOVERS CONTRIBUTION	300.00
47888	16/12/2015	PAUL RICHARDSON	SUPPLY AND INSTALLATION OF POWER TO NEW BFB RADIOS	156.95
47889	16/12/2015	SALVATION ARMY	ANNUAL DONATION	310.00
47890	16/12/2015	SYNERGY	ELECTRICITY-STREET LIGHTS 1666X	31882.35
47891	16/12/2015	THE ART OF HEARING PTY LTD	WORKCOVER BASELINE FULL AUDIOLOGICAL ASSESSMENT	220.00
47892	16/12/2015	WATER CORPORATION	WATER USAGE	1115.31
47893	16/12/2015	LORD MAYOR'S DISTRESS RELIEF FUND	ANNUAL DONATION	1000.00
47894	22/12/2015	COURIER AUSTRALIA INTERNATIONAL	POSTAGE AND FREIGHT - ADMIN	21.51
47895	22/12/2015	SHIRE OF CAPEL	APPLICATION FEE FOR SEPTIC TANKS FOR NEW DOG POUND	326.15
47896	22/12/2015	DALE ALCOCK HOMES	REFUND - R-CODE VARIATION NOT REQUIRED	147.00

47897	22/12/2015	VICKI HARPER	WITHDRAWAL OF PLANNING APPLICATION & EXTRACTIVE IANINDUSTRY LICENCE LOT 546 PLANTATION ROAD CAPEL	3682.00
47898	22/12/2015	SYNERGY	ELECTRICITY	5629.30
47899	22/12/2015	WATER CORPORATION	WATER USAGE	3405.29
				<b>\$ 1,256,330.37</b>

01.12.15	SHIRE OF CAPEL PAYROLL PAYMENTS	\$146,534.83
10.12.15	SHIRE OF CAPEL PAPROLL PAYMENTS	\$3303.56
15.12.15	SHIRE OF CAPEL PAYROLL PAYMENTS	\$143,982.33
29.12.15	SHIRE OF CAPEL PAYROLL PAYMENTS	

**\$291,325.48**

01.12.15	TRANSFER FROM MUNICIPAL ACCOUNT	\$-980,000.00
10.12.15	TRANSFER TO MUNICIPAL ACCOUNT	\$400,000.00
22.12.15	TRANSFER TO MUNICIPAL ACCOUNT	\$495,000.00

**-\$85,000.00**

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 27 January 2016 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

**OFFICER'S RECOMMENDATIONS – 15.3**

**That Council receives:**

- 1 The Schedule of Accounts covering vouchers 601-609, 2015, EFT20394 to EFT20689, DD18247.1 & DD18247.1, CHQ47857 to CHQ47899 totalling \$1,256,330.37 during the month of December 2015;**
- 2 Payroll payments for the month of December 2015, totalling \$291,325.48 and**
- 3 Transfers to and from investments as listed.**

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**15.4 Financial Statements for 31 December 2015**

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	06.01.16
Author:	Manager Finance, A Mattaboni
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Financial Statements for December 2015

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**MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for December 2015.

**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**

Local Government Act 1995, Section 6.4 (1) & (2).

**6.4 Financial Report**

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

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as prescribed.
- (2) The financial report is to –
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.

Local Government (Financial Management) Regulations 1996, Regulation 34 (1).

**Financial Activity Statement Report**

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, 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 2.6 – Financial Reports, Policy 2.8 – Purchasing, Policy 2.9 – Budget Management – Capital Acquisition & Works, 2.10 – Fixed Asset Accounting, Policy 2.11 – Fair Value of Assets, Policy 2.12 – Investment of Funds.

### **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 Community Plan 2013 to 2031 includes the following strategic objectives which have relevance:

- Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation.
- Ensure the effective management of Council's resources.

### **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.

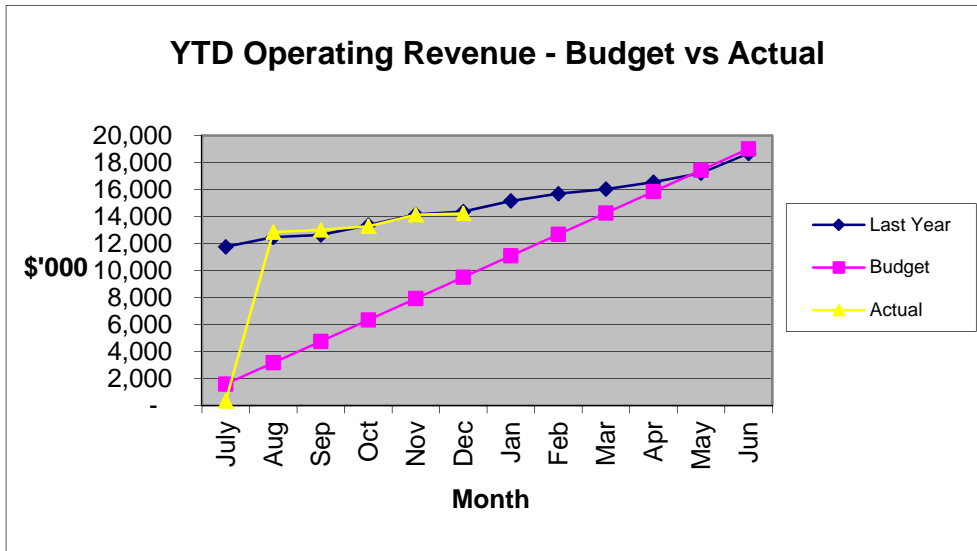
### **COMMENT**

At 31 December 2015, Council's net current assets position was a surplus of \$6,898,421. The forecast year end net current asset position is a surplus of \$170,702. This is the current projected surplus and this amount may change as the accounts forecasts are updated. A detailed Mid-Year Review of the forecast year end position will be carried out after December 2015 and reported to Council. Depreciation costs have been calculated for the year to date actuals.

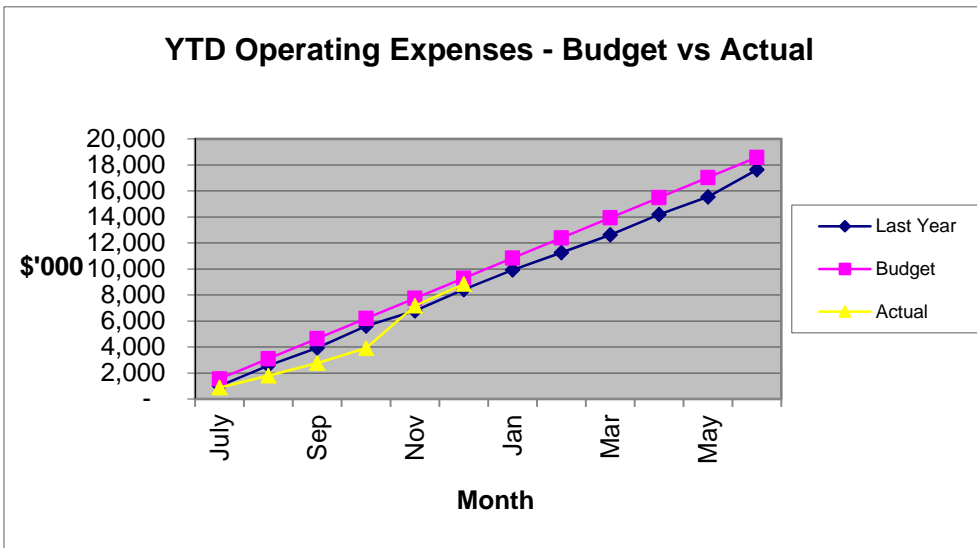
Compared to the annual budget, 91% of Operating Revenue has been invoiced and 48% of the Operating Expenditure budget has been spent. On a year to date comparison, actual operating revenue is above budget and actual operating expenditure is below budget.

A comparison of employee costs shows that 44% of the annual budget has been spent. The employee costs year to date actual amount is below the year to date budget amount by \$413,708 or 6.1%. The employee costs category expenses includes salaries & wages, superannuation, workers compensation, leave liability expense, training/conferences and fringe benefits taxation. The salaries & wages and superannuation year to date expenditure is about \$105,000 below the year to date budget amount due to delays in staff appointments. The leave liability expense is still to be calculated and is \$232,000 below budget. The training budget is \$39,000 below budget and the fringe benefits taxation expenditure is \$37,000 below budget. An examination of the year end forecast employee costs will be carried out with the Mid Year budget review to determine if under budget expenditure is a timing difference or a permanent change to the year end result.

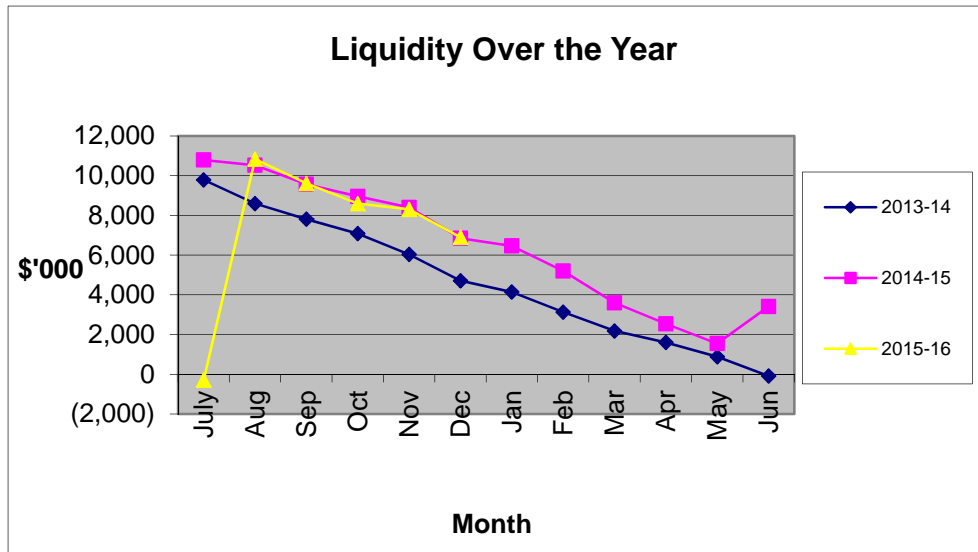
The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. Last year's actual is also included for comparative purposes. The skew in August reflects the raising of rates in August 2015. This revenue is now trending as per previous years. The non-cash operating revenue for 2015/16 has yet to be posted.



Year to date actual expenditure continues to compare favourably with the budget.



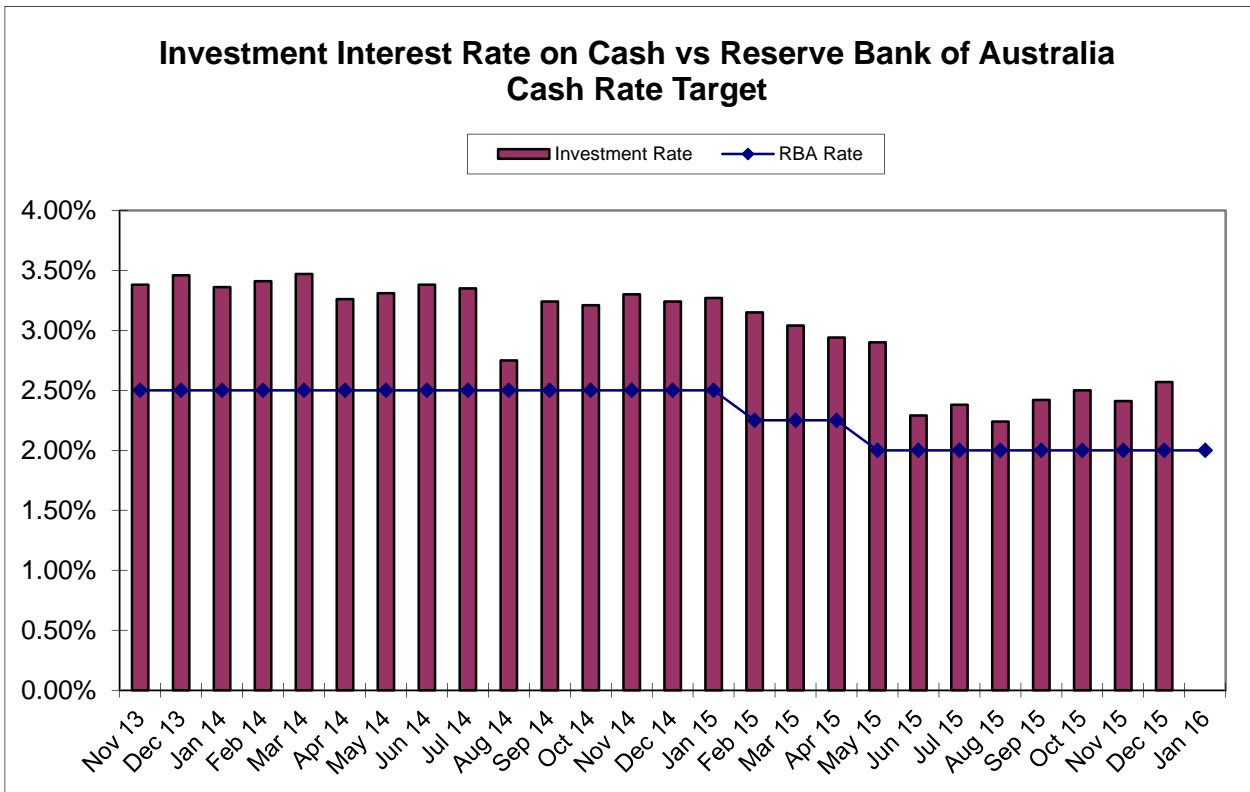
The liquidity graph compares the current year’s net current assets position against that of the two previous years.



Council’s municipal cash and investments position has decreased by \$1,035,732 compared to November 2015. The Municipal cash position is an amount of \$15,441,388 of which \$11,153,397 is restricted for specific purposes as shown at Note 3. Cash revenue came from Rates receipts. Major cash expenses were for payroll, contractor payments and plant purchases.

Total interest earned for the year is \$134,057 which is below the year to date budget of \$189,744. This is due to timing differences on interest earnings and the reversal of year end interest accruals on cash term deposits. The forecast year end Statement of Comprehensive Income interest earnings amount is \$379,519. This amount may change with the Mid-Year budget review. The average investment rate of return has increased from last month’s amount of 2.41% to 2.58% which exceeds the Reserve Bank’s cash reference rate of 2.00%. The Reserve Bank Board on 1 December 2015 kept their target cash rate at 2.00%. The Shire has term deposits maturing from January 2016 to June 2016, investment terms ranging from 91 days to 273 days and interest rates from 2.30% to 3.01%.

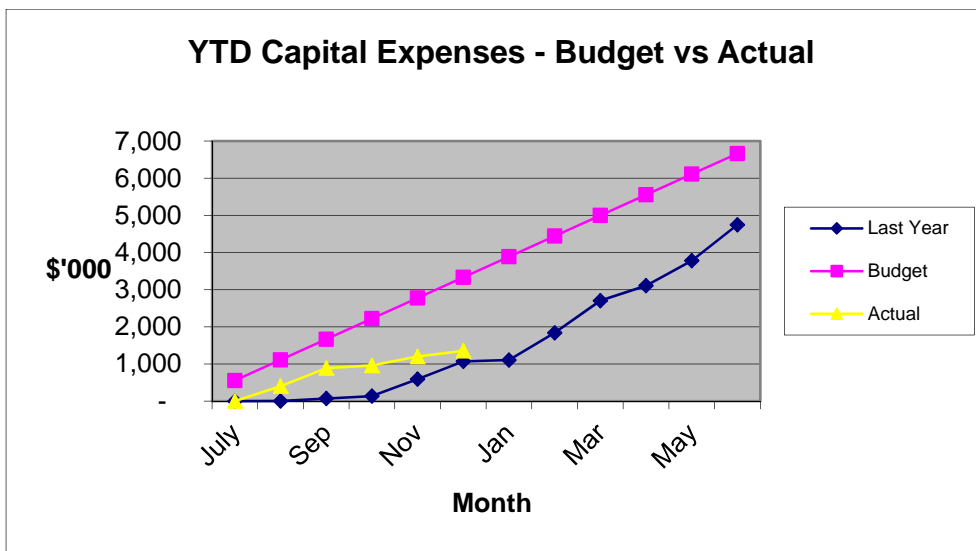
The budgeted interest earnings amount of \$379,519 is derived from several sources. \$40,898 is budgeted rate installment interest with the interest rate being 3.50% as allowed under Local Government (Financial Management) Regulation 68, the maximum rate allowed being 5.5%. \$16,700 is budgeted interest on unpaid rates with the interest rate being 10% as allowed under Local Government (Financial Management) Regulation 70, the maximum rate allowed being 11%. \$861 is budgeted interest charged on unpaid Emergency Services Levy as allowed under the Emergency Services Levy Act at a rate of 11% and \$200 is budgeted interest from Pensioner deferred rates which is paid by the Western Australian Department of Finance. \$320,860 of budget interest earnings will be subject to the market interest rates for cash deposits.



Capital works expenditure of \$286,177 was incurred during the month on:

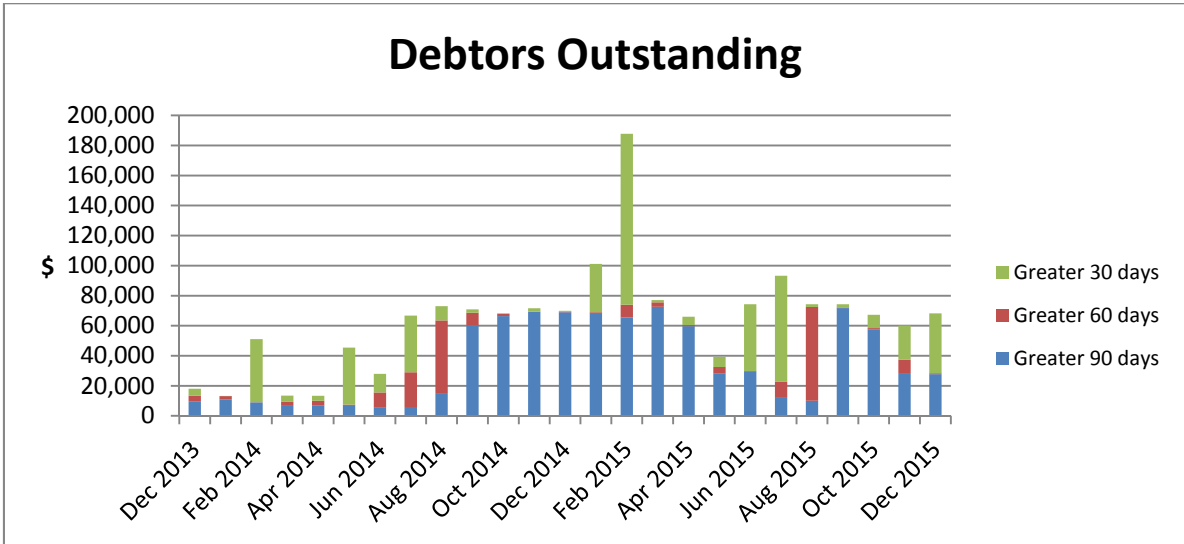
- \$ 7,446 Gravel resheets,
- \$ 84,263 Road widening,
- \$ 13,300 Crack seals,
- \$ 5,135 Road design,
- \$ 25,417 Capel Civic Precinct,
- \$ 20,241 East Dalyellup Primary School Oval Facilities,
- \$ 4,114 Airconditioner replacement,
- \$ 1,877 Administration Building; and
- \$120,125 Vehicles.

The following graph compares actual capital expenditure against budget on a year to date basis. Last year's actual is included for comparative purposes. Non cash infrastructure has not been included in the graph.

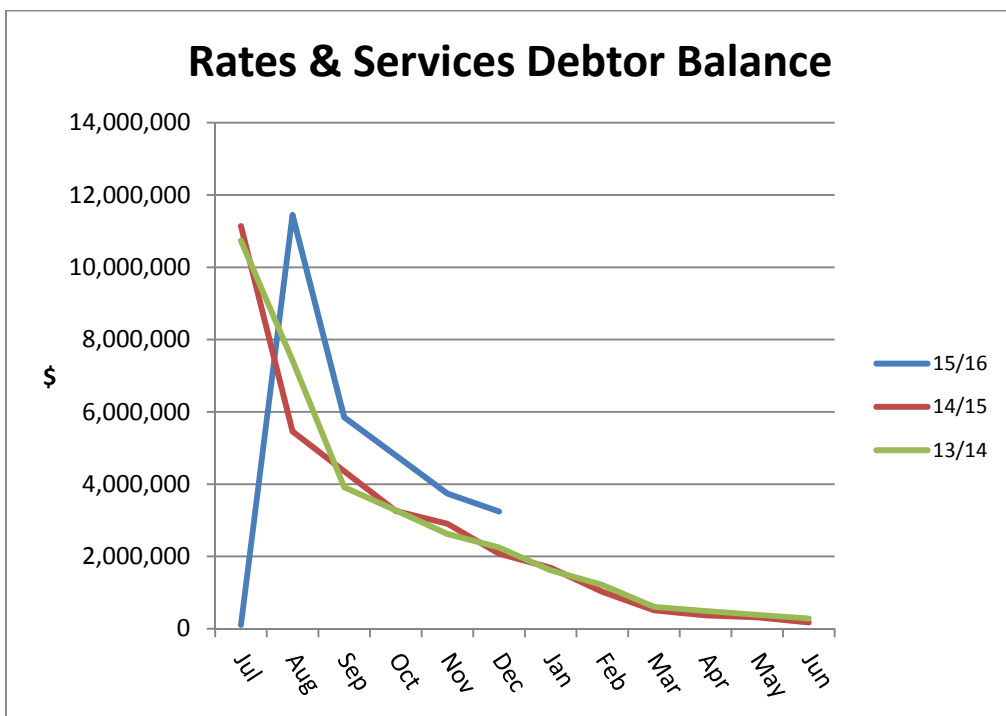


Council's financial ratios are disclosed in Note 14. The current ratio will move down to historical levels as cash current assets decrease towards the end of the financial year.

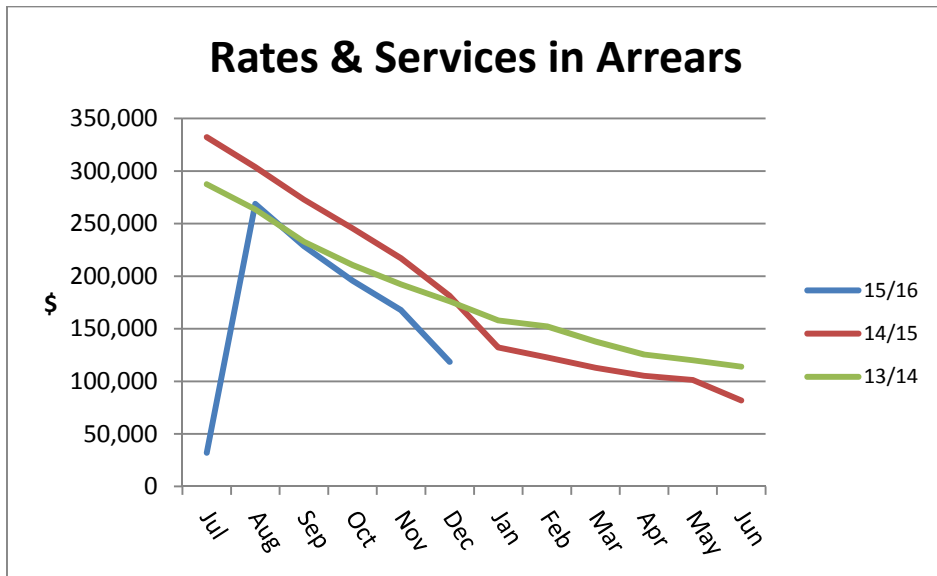
The following graph illustrates Council's current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.



The following illustrates Council's current level of Rate Debtors recovery and compares this with previous years. The amount includes both current and in arrears rates & services debtor balance. The Rates Debtor balance continues to fall in line with previous years.



The following graph shows the level of rates and services in arrears for the last three years. The arrears figure is calculated at the end of the financial year meaning the arrears figure for rates and services raised in 2014/15 will be calculated when rates are raised in 2015/16. Rates have been raised for 2015/16. Rates and Services in Arrears at the start of each financial year as a percentage of the Rates and Services Debtor Balance has been: 2015/16 2.35%, 2014/15 2.98% and 2013/14 2.68%.



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 December 2015.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER'S RECOMMENDATION – 15.4**

**That Council adopts the financial statements for the period ending 31 December 2015 as attached.**

- 16 COMMUNITY SERVICES REPORTS**
- 17 NEW BUSINESS OF AN URGENT NATURE**
- 18 PUBLIC QUESTION TIME**
- 19 MOTIONS WITHOUT NOTICE (ABSOLUTE MAJORITY BY COUNCIL)**
- 20 NOTICES OF MOTION FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF THE COUNCIL**
- 21 ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS**
- 22 MEETING CLOSURE**