

# Shire *of* Capel

## MINUTES

ORDINARY COUNCIL MEETING  
Wednesday, 21 December 2016



*Experience the*  
Shire *of* Capel



Forrest Road, Capel  
PO Box 369, Capel

T 9727 0222  
F 9727 0223

[info@capel.wa.gov.au](mailto:info@capel.wa.gov.au)  
[www.capel.wa.gov.au](http://www.capel.wa.gov.au)



## SHIRE OF CAPEL

### ORDINARY COUNCIL MEETING – 21.12.16

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## SHIRE OF CAPEL

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, FORREST ROAD, CAPEL ON WEDNESDAY, 21 DECEMBER 2016 COMMENCING AT 4.31PM.

PRESENT:	President Councillors	MT Scott SH Baxi BW Bell BW Hearne PK McCleery GJ Norton SV Schiano JA Scott BH Smith PF Sheedy A Mataboni MI Plume JM Gick C Dent LD Freeman A Coulson C Campbell A Evans
	Chief Executive Officer Acting Executive Manager Corporate Services Executive Manager Community Services Executive Manager Engineering & Development Services Manager Health Services Manager Emergency & Ranger Services Coordinator Engineering Development Engineering Technical Officer - Design Minute Secretary	
LEAVE OF ABSENCE:		Nil
VISITOR:	Journalist, South Western Times	C Eadie
MEMBERS OF PUBLIC:		8

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

Nil

### **PUBLIC QUESTION TIME**

Mr Glenn Miller, 10 Jade Crescent, Dalyellup: I live at 10 Jade Crescent, Dalyellup to up which is adjacent to Piacentini's Sand Pit. From our position we can hear quite clearly machines and trucks reversing up and revving motors. My concern is, with the installation of a limestone crusher the noise will be well above the acceptable levels even with bund walls in place. I built here in 2011 because of the peace and quiet. Why can't it stay that way?

Executive Manager Engineering & Development Services, Mr Jason Gick: In terms of the noise concerns that he has acknowledged as a present risk, it is something that will need to be managed. The applicant has prepared a Noise Management Plan and they have given commitments that they will deal with noise complaints. There will be noise, there is no such thing as "no noise", but it will need to be managed.

**OC1201 APPLICATIONS FOR LEAVE OF ABSENCE**

Moved Cr Smith, Seconded Cr Bell

That Cr Baxi be granted a Leave of Absence for the Council meeting to be held on 25 January 2017.

Carried 9/0

**VOTING REQUIREMENTS**

Simple majority

**DECLARATION OF INTEREST** Nil

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

**OC1202 CONFIRMATION OF MINUTES**

Moved Cr McCleery, Seconded Cr J Scott

That the Minutes of the Ordinary Council meeting held on 23 November 2016 be confirmed.

Carried 9/0

**VOTING REQUIREMENTS**

Simple majority

**ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION** Nil

**PETITIONS/DEPUTATIONS/PRESENTATIONS**

Mr Richard Denby, Project Manager, Piacentini & Son, gave a presentation on Item 14.1 Extractive Industry – Lots 2 and 3 Minninup Road, Stratham.

The President thanked Mr Denby for his presentation.

Mr Todd Kirkness, Site Supervisor, Filtrex Innovative Wastewater Solutions, gave a presentation on Item 14.4 Amendment to the Special Rural Zone Area 1B Land Use Management Plan.

The President thanked Mr Kirkness for his presentation.

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

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

## **CHIEF EXECUTIVE OFFICER REPORTS**

### **OC1203 (13.1) Annual Report 2015/16**

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	24.11.16
Author:	Chief Executive Officer, PF Sheedy
Senior Officer:	Chief Executive Officer, PF Sheedy
Attachments:	Annual Report 2015/16 (provided to Councillors under separate cover)

### **MATTER FOR CONSIDERATION**

Council is requested to consider and accept the Annual Report for the 2015/16 financial year and endorse the holding of the Annual Electors meeting on 25 January 2017, in Capel after the monthly Council meeting.

### **BACKGROUND / PROPOSAL**

#### **Background**

A local government must prepare an Annual Report each financial year. The Annual Report is to include:

- A report from the President
- A report from the CEO
- An overview of the plan for the future of the district
- The annual financial report
- The Auditor's report
- A report in accordance with the Disability Services Act
- A report on the Register of Complaints.

#### **Proposal**

The Annual Report includes some facts and figures on the Shire, details of the Strategic Community Plan, Elected Member details and meeting attendance in 2015/16, reports from the President, Chief Executive Officer and the Divisions outlining achievements of the past financial year and the audited financial reports of the Council to comply with Local Government Act requirements.

The adoption of the Annual Report by Council allows for the holding of the Annual Electors Meeting which is set for Wednesday 25 January 2017, commencing at 7.00pm, in the Council Chambers, Capel, following the completion of the monthly Council meeting.

### **STATUTORY ENVIRONMENT**

The Local Government Act 1995, sections 5.53, 5.54 and 5.55

#### **5.53. Annual reports**

(1) The local government is to prepare an annual report for each financial year.

(2) The annual report is to contain —

- (a) a report from the mayor or president; and
- (b) a report from the CEO; and
- [(c), (d) deleted]
- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
- (f) the financial report for the financial year; and
- (g) such information as may be prescribed in relation to the payments made to employees; and
- (h) the auditor's report for the financial year; and
- (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
- (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
  - (i) the number of complaints recorded in the register of complaints; and
  - (ii) how the recorded complaints were dealt with; and
  - (iii) any other details that the regulations may require; and
- (i) such other information as may be prescribed.

#### **5.54. Acceptance of annual reports**

(1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

\* *Absolute majority required.*

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

#### **5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

### **POLICY IMPLICATIONS**

There is no policy implications related to this matter.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The Annual Report is produced in a glossy format document at an estimated cost of \$1,000 and an amount of \$1,000 is included in the annual budget under printing and stationery to cover this cost.

The annual financial report presents the financial performance for the past financial year and is scrutinised by an independent auditor to ensure compliance with legislation and accounting standards. The financial impact upon the current financial year is that the audited net current assets position becomes the actual brought forward surplus/(deficit) for the Rate Setting Statement.

#### **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**

Due to its size the printing of the Annual Report has the potential to unnecessarily consume scarce resources if the number of printed copies exceeds demand.

The Annual Electors' Meeting provides the opportunity for community members to meet with Councillors and senior staff in a social environment.

## **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 – 2031

The Leadership Experience, strategic objective 'Ensure open, transparent, effective and good governance and communication within the organisation and the community' is relevant to this item.

## **CONSULTATION**

The Annual Electors Meeting will be advertised in the local newspaper and questions on the Annual Report are taken at the Electors Meeting.

## **COMMENT**

In addition to the financial report the Annual Report includes commentary on the past year's activities and performance for each of the Shire's Divisions as well as statements from the President and Chief Executive Officer and other information to comply with various statutory requirements.

The Independent Audit Report and Management Letter were completed on 3 November 2016 and both reports were provided to the Audit Committee at its meeting on 23 November 2016, the Committee reviewed and accepted the reports and recommended them to Council.

The minutes of the Audit Committee are to be provided to Council at its meeting on 21 December 2016. The Audit Report indicated that:

- I. There are no material matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- II. There are no other matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law noted during the course of our audit.
- III. The asset consumption ratio and the asset renewal funding ratio included in the annual financial report are supported by verifiable information and reasonable assumptions.
- IV. All necessary information and explanations were obtained by us.
- V. All audit procedures were satisfactorily completed during our audit."

The Management Letter included three areas where the Auditor recommended that appropriate action be taken to rectify minor internal control deficiencies. The 30 June 2016 Management



Report and Independent Auditor's Report have been included within the Annual Report in the Financial Statements section.

It is proposed that Council hold its Annual Electors' meeting on 25 January 2017 commencing at 7.00pm. The availability of the Annual Report will be advertised so it is available for people attending this meeting.

**VOTING REQUIREMENTS**

Absolute majority

<b>OC1203 OFFICER'S RECOMMENDATIONS – 13.1/COUNCIL DECISION</b>
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**Moved Cr McCleery, Seconded Cr J Scott**

**That Council:**

- 1. Receives and endorses the Annual Report 2015/16 that also includes the Annual Financial Report 2015/16 with an amendment on Page 8 to indicate that the Councillor attendance figures detailed were for Ordinary and Special Council meetings during the 2015/16 financial year; and**
- 2. Endorses the holding of the Annual Electors Meeting on Wednesday 25 January 2017, commencing at 7.00pm in the Council Chambers, Forrest Road, Capel.**

Carried with an Absolute majority 9/0

## **ENGINEERING AND DEVELOPMENT SERVICES REPORTS**

### **OC1204 (14.1) Extractive Industry – Lots 2 and 3 Minninup Road, Stratham**

Location:	Lot 2 and 3 (formerly Lots 313 and 314) Minninup Road, Stratham
Applicant:	Piacentini and Sons Pty Ltd
File Reference:	C5.2.D.44/PA189/2016
Disclosure of Interest:	Nil
Date:	28.11.16
Author:	Coordinator Engineering Development, A Coulson
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachments:	1 – Location Plan 2 – Limestone Slot Location Plan 3 – Extraction Slot Layout Plan 4 – Temporary Bund Plan 5 - Schedule of Submissions 6 – Draft Complaints Management Procedure 7 – Draft Licence conditions

### **MATTER FOR CONSIDERATION**

The Shire has received a development application and extractive industry licence application for the extraction and crushing of limestone at Lots 2 and 3 Minninup Road Stratham in addition to the already approved extraction of sand for which approval was granted in 2015.

### **BACKGROUND / PROPOSAL**

#### **Background**

June 2000 – Initial application was made proposing a sand and limestone extractive industry from Lots 313-317 Harewoods Road over approximately 60 hectares for the duration of 21 years. The proposal was referred to the Environmental Protection Authority (EPA) which resulted in the need for a formal assessment. The process was delayed following discussions between the Western Australian Planning Commission (WAPC) and EPA over recommendations on the future land uses of Lots 313-317.

June 2005 – The EPA advised the applicant that a reduced proposal for Lots 313 and 314 only be pursued as both lots are urban deferred under the Greater Bunbury Region Scheme (GBRS), it is of a size and quality that it can commence without reliance on the outcome of future development options to Lots 315 and 316, and a post extraction landform can be designed conforming with engineering and planning requirements for long term residential development.

September 2006 – A Noise Impact Assessment Report for a modified proposal to extract.

January 2007 – Council resolved to grant Planning Consent subject to conditions and agreed to issue an Extractive Industry Licence for the extraction of sand on the site.

July 2010 – An application to renew the licence for a further four year period was lodged with the Shire.

September 2010 – A Noise Impact Assessment was requested to determine the impacts on the then newly developed residential area to the north of the extraction area.

October 2010 – The Updated Noise Report was submitted to the Shire.

December 2010 - Council resolved to renew Planning Consent subject to conditions and agreed to re-issue an Extractive Industry Licence (EIL) for the extraction of sand on the site for a further four years, expiring in January 2015.

October 2014 - An application to renew the licence for a further four year period with the addition of limestone with no crushing was lodged with the Shire.

January 2015 – Council resolved to renew Planning Consent subject to conditions and agreed to re-issue an EIL for the extraction of sand and low grade limestone for a further four years, expiring in January 2019.

May 2015 – During the rezoning of the subject land from Rural to Urban, a subdivision and amalgamation of Lots 313, 314, 315 and 316 resulted in Lots 2, 3, 4 and 5 zoned urban on the eastern side of Minninup Road, Stratham and Lot 6 zoned Regional Open Space on the western side of Minninup Road, Stratham.

## **Proposal**

The applicant has submitted plans indicating the proposed location of the limestone resource within the approved extractive industry boundary, as well as plans indicating site layouts to suppress the noise emissions to within EPA guidelines and has provided the following comments and information in support of the application to extract and process limestone with the use of a crusher.

- Limestone extracted will be crushed and stockpiled for utilisation at the site as part of future residential development as well as limited local supply.
- To enable crushing to occur without impacting on the Dalyellup residential area, it is proposed to create an "extraction slot" of 200m by 150m which will have its floor 4 metres below the existing sandpit floor.
- The proposed slot floor will be a minimum of 1.5 metres above the maximum groundwater level in the area.
- Once limestone extraction and crushing has occurred, the limestone stockpiles will be relocated to the existing sand extraction area floor at 11.0m AHD and the extraction slot will be backfilled and compacted with sand to 11.0m AHD and reshaped as per the approved rehabilitation plan.
- It is expected that up to 60,000m<sup>3</sup> of limestone will be available for crushing from Lot 2. Crushing will not exceed 40,000 tonnes per year (27,000m<sup>3</sup>), and the total amount of sand and limestone stockpiled at the site will remain below the approved 200,000m<sup>3</sup> limit.
- The truck volumes to and from the site will remain unchanged. Most of the limestone will be stockpiled for future use in building roads in the future subdivision. The small amount of uncrushed limestone currently sold will be replaced with the crushed limestone.
- An Environmental Noise Assessment for the proposed limestone extraction operations has been prepared by Lloyd George Acoustics which concluded that the initial stages of crushing would require an earth bund to be constructed next to the extraction slot to reach compliance with the Noise Regulations. Once the crusher is moved to the extraction slot floor, compliance with the Noise Regulations will be achieved without the bund.
- There is an economic advantage to the region if the recovery of this resource is maximised.

**STATUTORY ENVIRONMENT**Town Planning Scheme No. 7 (TPS7)

Lots 2 and 3 are zoned Urban Development and have areas of 40.5698 and 41.1767 hectares respectively. Development approval was granted in 2015 for renewal of the EIL for sand extraction and in May 2015 the land was rezoned from Rural to Urban Development. The landowner is in the process of developing a structure plan relating to the future urban land uses for the site.

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

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

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 —
  - (b) granting development approval with conditions; or
  - (c) refusing to grant development approval.

Greater Bunbury Region Scheme – October 2007

At the time of considering the application for an extractive industry the site was zoned rural under the GBRS but it has subsequently been re-zoned to Urban. The aims of the scheme are set out in clause 6 and the following are of relevance to this application:

- (f) provide for future urban purposes and prevent development which could prejudice the future development of urban land;
- (h) protect strategic minerals and basic raw materials of State and regional importance and provide for the efficient and timely extraction of minerals and raw materials and subsequent rehabilitation of affected land.

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

The purpose of the Urban zone is: *to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities'.*

The proposal is consistent with both purposes, as it enabled the extraction of basic raw materials while ensuring the long term landscape setting and environmental values in the locality are enhanced and can be developed for residential purposes without sterilising the basic raw material resource.

The site is not located within any strategic resource areas identified in the GBRS. However, the site is located within the Basalt Extraction Referral Area. This requires referral to the Department of Mines and Petroleum where a noise sensitive use is proposed.

#### Extractive Industry Local Laws

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

'A person shall not carry out an extractive industry –

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

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

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

#### **POLICY IMPLICATIONS**

There are no current Policies relevant to this item.

#### **FINANCIAL IMPLICATIONS**

##### **Budget**

The application has resulted in fees being paid of \$739 for planning application.

##### **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 Law 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 \$6,600 for every 200,000m<sup>3</sup> of material trucked along Harewoods 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 2016/17 lists the minimum bond per hectare for sand extraction sites as \$16,326 and for limestone extraction sites as \$27,179.

The rehabilitation required for this extraction site is purely for the preparation of subdivision activities. The object of the rehabilitation is to achieve the desired slopes and ground levels in line with an approved urban design and stabilise the surface by seeding with pasture grasses.

Blocks 1 and 2 have been successfully rehabilitated and the Shire currently holds \$100,000 bond which is adequate for the rehabilitation of Blocks 3 and 4.

Prior to the commencement of limestone excavation within the extraction slot, additional bond will be required to cover the difference between the limestone bond rate and the sand bond rate of \$10,853 per hectare. The bond will be reviewed annually and increased as further blocks are excavated and decreased as previous blocks have rehabilitation completed.

### **Whole of Life**

There are no whole of life financial implications for this proposal.

### **SUSTAINABILITY IMPLICATIONS**

The environment has been impacted by the extraction industry by way of clearing of the existing vegetation. The intended land use for this area is urban residential which would have resulted in similar clearing being necessary to develop the subdivision minus perhaps small areas set aside for public open space.

The approval of the limestone extraction will reduce greenhouse gasses due to the close proximity of the limestone pit to the major market – being Dalvellup land development.

Extractive industries can have impacts on the community by way of noise, dust and traffic. The measures taken to reduce noise impact to the surrounding community have been found to be successful with no complaints made during the operation activities for the past number of years. The Environmental Noise Assessment for the proposed limestone extraction operations provides evidence that noise could be managed within legal requirements.

Dust has also been kept under control with the implementation of the Dust Management Plan with no detrimental impacts reported. Truck traffic impacts have been recognised to be the most likely negative impact on residents. When problems have been identified in the past during campaign carting, prompt action by Piacentini's management has rectified the issues.

The activity will provide crushed limestone for various developments in the region which contributes to economic growth.

## **STRATEGIC IMPLICATIONS**

### The State Planning Framework Policy

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

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

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

The objectives of this policy are:

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

Section 5.7 of the policy focuses on minerals, petroleum and basic raw material resources. This section states that planning strategies, schemes and decision making should:

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

The GBRS reflects the intent of this policy through the identification of strategic minerals and basic raw materials resource policy area.

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

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

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

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

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

Shire of Capel Land Use Strategy (1999)

The subject land is contained within Planning Unit BU6 – Gelorup/Dalyellup of the Shire of Capel Land Use Strategy. The objective is to provide for urban expansion whilst conserving significant areas of natural environmental value. Issues affecting the unit include the preservation of the wetland environment and infrastructure planning for future urban development envisaged by the Dalyellup Structure Plan. Desirable uses include 'Mining of valuable minerals prior to urban development.'

Whilst fill sand is not a mineral resource it has nevertheless become a valuable basic raw material due particularly to the pursuit of environmental objectives to retain remnant vegetation which have focused options for urban development on cleared lowlands and limited access to sand in dune systems that have remained uncleared. Fill sand that can be readily accessed has therefore become a strategically important resource which in the case of the application site is of particular importance because of its proximity to a site like Dalyellup East which will require as much if not a greater volume of fill than will be available from the application site in the immediate future.

Strategic Minerals and Basic Raw Materials Resource Policy (2005)

This policy assisted in informing the GBRs mapping and methodology in defining areas that require long term security and access of minerals and basic raw materials. The subject land is not within the Strategic Minerals and Basic Raw Materials Resource Policy area.

Greater Bunbury Strategy (2013)

This strategy is intended to guide urban and regional land use planning growth and infrastructure delivery in the Greater Bunbury Sub-Region from 2011 to 2031 and beyond. The objectives of the strategy are to identify:

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

It contains four (4) integrated layers that create the key structural elements, consisting of:

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

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

Strategic Community Plan 2013 – 2031

3 The Environmental Experience 'To preserve and enhance the natural and built environment to ensure it is liveable, sustainable and adapts to our communities' needs and expectations.'

Strategic Outcomes:

- 3.1 Promote the diverse lifestyle opportunities in the Shire.
- 3.2 Maintain and enhance the quality of our unique natural environments.



5 The Infrastructure Experience 'Plan and facilitate safe, sustainable and efficient infrastructure and transport networks to meet the needs of the community.'

Strategic Outcome:

5.6 Effectively manage the Shire's assets and resources.

### **CONSULTATION**

This application was advertised for comment as follows:

- An advisory letter sent to all residences within 500m of the site (256) mailed on 4 October 2016;
- A notice erected at Lot 2 Minninup Road, Stratham on 4 October 2016;
- A notice in the 'South Western Times' newspaper on Thursday 6 October 2016;
- A notice on the Shire of Capel website on 4 October 2016;
- A referral letter sent on 4 October 2016 to the following government agencies:
  - Department of Planning
  - Department of Environment Regulation
  - Department of Mines and Petroleum
  - Department of Water
  - Main Roads WA.

The date for close of submissions for government agencies to comment was the 16 November 2016 which allowed for the minimum 42 days as per the Planning and Development Regulations.

The date for close of submissions for adjacent landowners to comment was initially the 19 October 2016 which allowed for the minimum 14 days as per the Planning and Development Regulations. Only 6 submissions were received by the due date.

Following a query by a resident, Shire staff determined to extend the consultation period for adjoining landowners to the 16 November 2016 to align the consultation period with that for government agencies being 42 days. This extension was notified on the website and resulted in a further 14 submissions being received. The notice on-site remained in position until the 19 October 2016.

The following comments were received:

Main Roads – no objection.

Department of Water – no objection.

Department of Environmental Regulation (DER) - The applicant needs to apply for a 'works approval licence' for the activity. DER will undertake parallel processing of applications, however, works approvals may not be granted until such time as planning approval is in place.

DER appeared to misinterpret the application volumes as 93,000 tonne of limestone per year, where the proposal is for a maximum of 40,000 tonne per year. Currently the applicant is seeking clarification as to the licencing requirements for the proposal.

Department of Planning - advise that under the provision of the Greater Bunbury Region Scheme (GBRS) a development application is required to be submitted to the Shire for planning consent.

The GBRS application will be lodged pending favourable Council resolution.

Department of Mines and Petroleum - notes that there is limestone mapped to the north of the proposal area, but it is sterilised by urban development. The August 2012 Western Australian Planning Commission publication titled "Basic Raw Materials: Demand and Supply Study for the Bunbury-Busselton Region" highlights the scarcity of limestone in the South West in its findings. Therefore, this limestone occurrence could be a valuable proximal resource to the community should the extractive industry licence amendment be approved.

Residents - 20 objections were received from the adjacent landowners in Dalyellup and Stratham.

Objections - The objections to the proposal cited many concerns which fall under the following headings:

1. **Noise** generated by the extraction, crushing and transport activity could affect neighbouring properties.
2. **Vibration** generated by the proposed crushing plant could affect the neighbouring residences.
3. **Dust** generated by the extraction, crushing and transport activity could affect neighbouring properties.
4. **Increase in truck movements** could impact on the amenity of the adjacent residences.
5. What is the likely **duration of extraction activities** at this site into the future?
6. What is the **source of water** being used for dust suppression?

The submissions to the Shire were compiled into a schedule of submissions and forwarded to the applicant for comment.

#### Applicant Response

The response to the schedule of submissions from the applicant included the following advice.

*Thank you for your concerns. We will be acting so your concerns will not happen.*

*Piacentini & Son have identified a limestone source below our current approved floor level and above the water table.*

*We are proceeding with our plans to develop a new subdivision south of Harewoods Road and relocate this sand pit further south, away from the existing Dalyellup.*

*We wish to use some of this limestone to build the new roads within the new subdivision and sell some for local small projects like house driveways, carparks and as road repair material to the local shires.*

*By using local materials we lower the cost, do less kilometres on the roads, and by doing things locally we all benefit in lower costs and money being used efficiently. This all helps to build our community with continuing supply of low-cost basic raw materials.*

*It is our intention not to change the current impact on the neighbourhood.*

*Piacentini & Son has been operating the Harewoods sand pit for about 10 years. During this time we have had little complaint.*

*We have done this by controlling the dust with our water cart, limiting operation on strong windy days and building a sealed entry road.*

*Noise has been controlled by building a noise bund around the pit operations and the use of well-maintained equipment.*

*The new control will match the noise outcome of the existing sand operations, which give us confidence that we will be maintaining the same low impact we are currently having.*

*Piacentini & Son have addressed the items that you have submitted by:-*

- **Noise.** *We had an independent environmental noise assessment done on the proposed works. This requires us to build a temporary noise bund and for the crusher to work behind this bund and later behind the edge bank of the extraction area. This deflects or dissipates the noise to the north. With this temporary noise bund in place, we meet the Regulations.*
- *The independent environmental noise assessment uses the worst noise traveling weather scenarios. However, if the weather causes the sounds above that the model predicted, we **will stop** the crushing and delay until better weather patterns.*
- *We undertook a noise study before for the operation of the sand pit, which we have been running for 10 years. The prediction of low impact in this first noise report have been realised over the 10 years. It is armed with this knowledge that we have every confidence that this second noise report will also be accurate and we will have **little impact** on our neighbours as is the case now.*
- *We have reduced noise impact by extracting only a small volume of limestone, 40,000t a year. At this volume, we will only be running the crusher spasmodically, as we do not need to use the crusher continuously, we will do a couple days or a week at a time.*
- *We are working in normal daytimes only and not at night or early in the morning.*
- *The limestone material is a soft rock compared to hard rock, like the blue metal mined in Gelorup. Limestone crushing would be naturally quieter.*
- *There should be no **vibrations**. Vibration is not normally a problem with this type of modern equipment, however, if it is a problem, we **will stop** work and address it so it is not a problem.*
- **Dust.** *We have controls in place for dust control. These include the water cart, wetting the stockpiles, roads, material; also the crushers are fitted with moisture sprays. If the weather looks like it will cause the dust to be unable to be controlled, we **will stop** the crushing and delay until better weather patterns.*
- *The **truck volumes** from and to the site will be **about the same** as the current truck movements. We will be using the same personnel on the limestone as the sand operations, so the amount of work on average, on the site will be the same.*
- **Water.** *We currently have a licensed bore and 2 storage tanks we use for dust control, which will be **adequate** for the planned limestone crushing. Our plan is not to undertake sand screening and limestone at the same time.*

A full copy of the response to the Schedule of Submissions is shown as **Attachment 5 – Schedule of Submissions.**

## **COMMENT**

### Strategic Considerations

The location of suitable base material for road works close to projects can have significant impacts on development costs. The site also has obvious benefits in respect to the short distance it is required to be transported over local roads to access the regional road transportation routes at Bussell Highway. The applicants in this instance are also the owners

of a substantial part of Dalyellup South and have secured local structure planning to enable future subdivision development to proceed. The applicants have indicated that the limestone will provide a resource for this development.

It is noted that the Shire's Land Use Strategy has acknowledged the importance of basic raw materials in a developing region and promotes that it is important that the Council avoid sterilisation of these known resources by allowing urban development prior to extraction. The Strategy also acknowledges that basic raw material extraction is a desirable land use in this locality, provided all external impacts are adequately managed.

Also of note, is the submission from the Department of Mines and Petroleum indicating that the limestone occurrence could be a valuable proximal resource to the community should the extractive industry licence amendment be approved.

#### Impact on nearby properties

Many objections were received from property owners in Dalyellup and Stratham with concerns about the impact of noise, vibration and dust they may receive from the addition of a limestone crushing plant at the extraction site.

To date the sand extracted from site has been screened to remove limestone ensuring a consistent product. The separated limestone material has then been 'track rolled' to break down further prior to removal from site where possible.

The Shire has not received any formal complaints of note since the extractive industry has been in operation for a period of approximately 10 years, demonstrating that the applicant's responsibility to manage the site in a way as not to disturb the neighbours is taken very seriously.

An independent environmental noise assessment submitted by Lloyd George Acoustics indicates that with the implementation of recommended noise bunds and placing of the crusher on the pit floor, noise emissions will be similar to what is currently experienced by the surrounding residences and will be compliant with Environmental Noise Regulations. Additional recommendations which are already employed at the site include the use of broad band reversing beepers and ensuring all plant is maintained to original condition in regards to noise emissions.

Shire officers will recommend that the applicant review and revise their **Noise Management Plan** to include the crushing plant and provisions in the complaints handling procedure for work to be suspended pending complaint resolution as indicated in their response.

The applicant has advised that modern small scale crushers such as what is proposed have advanced in the technology and emissions in comparison to crushers of the past. Vibration from these modern machines is not usually any concern which is helped by the softer properties of limestone in comparison to harder rock during the crushing process. If concerns are raised regarding vibration caused by limestone crushing from the site, the applicant has committed to addressing the concern through their complaint handling procedure and will stop crushing activities until the issue is rectified.

Current controls in place for dust control will apply; these include utilising water carts, wetting the stockpiles and roads. The proposed crusher is also fitted with moisture sprays. If the weather looks like it will cause the dust to be unable to be controlled, the applicant will stop the crushing and delay until better weather patterns.

Shire officers will recommend that the applicant review and revise their **Dust Management Plan** to include the crushing plant and provisions in the complaints handling procedure for work to be suspended pending complaint resolution as indicated in their response.

The applicant has forwarded a revised draft Complaints Handling Procedure which clearly shows how they will deal with any complaints received which is shown in **Attachment 6**.

#### Setback to water table

As mentioned above in the Statutory Environment, the Extractive Industries Local Law sets a setback of 2 metres for any extraction from the estimated water table level. Any approval to reduce this setback must be given in writing by the Local Government.

The proposal is to reduce this setback temporarily for the limestone slot to 1.5 metre to remove the valuable limestone resource as well as provide sufficient depth within the slot to deflect the noise emissions away from the surrounding residential area.

The reason that a 2 metre setback from the water table is specified in the Local Law is to maintain an adequate separation so as to not sterilise the land for future development. As the extraction slot will be completely filled and compacted with clean sand to give a separation of 5.5 metres to the water table, the future use of the land will not be jeopardised which is acceptable.

#### Harewoods Road truck traffic

The proposal does not include any increase to truck movements from and to the site and no additional impacts are expected.

#### Land End use

Another important factor to note is that the applicant has made significant moves towards urban design and rezoning that will facilitate the subdivision of the land. The urban design exercise will form the final finished ground levels design after sand extraction and will make a cause and affect link between the sand extraction, earth working and sand cartage that is similar to that which continues to occur in the approved Dalyellup residential areas. It is also significant that crushed limestone is required in large quantities to make roads within residential subdivisions in the district and on balance the opportunity to transport limestone over the shortest distance possible is a relevant consideration, not just for economic but also energy efficiency reasons.

#### Conclusion

The current sand pit has been operated without incident or complaint and provides a local source for fill sand ensuring low cost land development expansion in the Dalyellup area.

The proposal to extract and crush limestone will further enhance the viability of the site as well as the future residential subdivision planned for this area and will ensure that the valuable resource is not sterilised by development.

The applicant has indicated that they have no intention of disturbing the surrounding residents and have committed to stopping work if any impacts are felt that require further management.

The applicant would appear to have a vested interest in maintaining a good relationship with the surrounding residents, given their aspirations to continue quarrying of sand and limestone, as well as developing a large scale residential subdivision and the eventual sale of those lots.

On balance staff are of the view that the proposed crushing activity is appropriate for the site and the revision of the noise and dust management plans to include provisions for works to be suspended during complaint resolution, together with the applicant's commitments should ensure a satisfactory operation.

**VOTING REQUIREMENTS**

Simple majority

**OC1204 OFFICER'S RECOMMENDATIONS – 14.1/COUNCIL DECISION****Moved Cr Bell, Seconded Cr Baxi****That Council:**

1. Pursuant to Clause 41 of the Greater Bunbury Region Scheme and Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015, grants approval for sand and limestone extraction and crushing of limestone at Lot 2 and 3 Minninup Road, Stratham subject to the following conditions:
  - (a) Development being limited to that detailed in the Application Report dated December 2006, the application report (for renewal) dated 10 October 2014, the Amendment to Extractive Industry Licence Report dated 9 September 2016 and the Approved Development Plans.
  - (b) The approval being limited to 24 January 2019.
  - (c) The issue of an Extractive Industry Licence in accordance with the Shire of Capel Extractive Industry Local Laws – 2016 and compliance with the conditions of that licence;
  - (d) Prior to the Commencement of limestone extraction and crushing a Noise and Dust Management Plan is to be submitted for approval by the Shire of Capel incorporating the complaints management procedure and demonstrating measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997 and thereafter implemented in accordance with the approved plan to the specification and satisfaction of the Shire of Capel.
2. On the granting of Planning Consent, agrees to issue an Extractive Industry Licence pursuant to the Shire of Capel Extractive Industry Local Laws – 2016 subject to, but not necessarily limited to, the conditions as detailed in the pages 1 to 4 of Attachment 7 to this item report.
3. Advises the applicant this planning consent is confined to the authority of the Shire of Capel Town Planning Scheme No. 7 under the Planning and Development Act 2005. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements and encumbrances are adhered to, nor does it infer that other necessary approvals are forthcoming as an outcome of this planning consent.
4. In respect the condition requiring a noise management plan consultation with an Acoustic Engineer will be required in the preparation of this plan.
5. Advises all submitters of the above decision.

Carried 9/0

Mr Coulson left the Chambers at 4.54pm and did not return.

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**OC1205 (14.2) Development Approval - Outbuilding**

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Location:	Lot 1714 Hornibrook Road, Dalyellup
Applicant:	Sheds Down South
File Reference:	PA 161/2016
Disclosure of Interest:	Nil
Date:	24.10.16
Author:	Planning Officer, L Sandon
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1. Location Plan 2. Development Plans 3. Schedule of Submissions 4. DA supporting information submitted by the applicant (2 pages)

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**MATTER FOR CONSIDERATION**

Council is requested to consider an application for Development Approval for an outbuilding which does not meet the Deemed-to-comply requirements of the Residential Design Codes (R Codes).

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

A Building Permit was approved on 30 July 2009 for a dwelling - Class 1A Residential.

**Proposal**

The applicant is seeking approval for an outbuilding which does not meet the Deemed-to-comply requirements of part 5.4.3 'Outbuildings' of the Residential Design Codes. The applicant is proposing a wall height of 3m in lieu of 2.7m and a setback of 0.5m in lieu of 1m for the side and rear boundary.

The applicant has submitted that "*The proposed shed is to store the owner's current boat which requires 2.70m clearance to enter the shed*". The proposed outbuilding complies with the roof ridge height of 3.66m (not exceed 4.2m) and site area of 44.1m<sup>2</sup> (not exceed 60m<sup>2</sup>).

**STATUTORY ENVIRONMENT****Town Planning Scheme No. 7 (TPS7)**

Lot 1714 Hornibrook Road, Dalyellup is zoned 'Urban Development' with a residential density coding of R20 under the adopted Dalyellup Beach Estate Local Structure Plan.

**Planning and Development (Local Planning Schemes) Regulation 2015**

Clause 61 (c) of the Planning and Development (Local Planning Schemes) Regulations 2015 states that development approval of the local government is not required for the erection or extension of a single house on a lot if the R Codes apply and the development satisfies the Deemed-to-comply requirements of the R Codes. The proposal does not comply with the Deemed-to-comply requirements of the R Codes as listed in part 5.4.3 'Outbuildings' and 5.1.4 'Open Space' and therefore development approval is required.

## **POLICY IMPLICATIONS**

The proposal has been considered in the context of the following State Planning Policies:

1. State Planning Policy 3.1 Residential Design Codes (R Codes).
2. State Planning Policy 3.7 Planning in Bushfire Prone Areas.

## **FINANCIAL IMPLICATIONS**

### **Budget**

The applicant has paid the relevant Development Application fees.

If Council resolves to refuse the application, or impose conditions to which the applicant objects, the applicant may seek review of the decision through the State Administrative Tribunal (SAT) and costs may be incurred through that process.

### **Long Term**

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

### **Whole of Life**

There are no whole of life financial implications relevant to this matter.

## **SUSTAINABILITY IMPLICATIONS**

There are no immediate environmental, social and economic impacts associated with the development of the outbuilding.

## **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-2031.

3 The Environmental Experience 'To preserve and enhance the natural and built environment to ensure it is liveable, sustainable and adapts to our communities needs and experiences.

Strategic Outcome:

3.1 Promote the diverse lifestyle opportunities in the Shire.

## **CONSULTATION**

The application was referred to the adjoining land owners, and two submissions were received by the Shire. One was 'No Objection' and the second was an 'Objection'. The objector's primary concerns relate to the overshadowing to a habitable room and outdoor living area (refer Attachment 3 Schedule of Submissions).

Following the advertising period the applicant was provided with the opportunity to comment on the objection and the applicant's reply is contained in the Schedule of Submissions and will be discussed further in the 'Comment' section of this report.

## **COMMENT**

### **Assessment against the Residential Design Codes**

The State Planning Policy 3.1 Residential Design Codes comprises dual provisions; the Deemed-to-comply requirements and the Design Principles. Development which does not



satisfy the Deemed-to-comply requirements needs to justify and demonstrate compliances with the Design principles.

### **Issue 1 – Wall height and setback**

The proposed wall height is 3m in lieu of 2.7m as varied through the Dalyellup Beach Estate Local Structure Plan.

#### **Officer comment**

There is a retaining wall on the boundary between Lot 1714 and the adjoining lot to the south. Lot 1714 is on the lower side of the retaining wall and approximately 0.54m lower than the adjoining property. The Dalyellup Beach Estate Structure Plan allows an outbuilding wall height of 2.7m and a roof ridge height of 4.2m. The proposed outbuilding roof ridge height is 3.66m which is lower than the permitted height of 4.2m.

As demonstrated on the Development Application supporting information submitted by the applicant (Attachment 4) the outbuilding with its increased wall height of 3m (instead of 2.7m) is sitting lower than an outbuilding with a wall height of 2.7m at the finished floor level of the adjoining lot. The impact of the outbuilding at a permitted 2.7m wall height could potentially have been greater should the floor levels have been the same.

The visual impact on the adjoining landowners is at a scale suitable to the suburban amenity. The reduced setback of 0.5m in lieu of 1m will have relatively minimal impact to visual amenity in relation to building bulk. The outbuilding is proposed behind the primary street setback and is situated to the rear corner of the lot, therefore not detracting from the streetscape.

### **Issue 2 – Open space provision**

The proposed development results in the open space calculation of 45.2% in lieu 50% of the lot area. Subsequently the proposed development requires variation to part 5.1.4 'Open Space' which requires compliance with the relevant Design principles.

#### **Officer comment**

The development demonstrates compliance with the Design principles of part 5.1.4 as:

- the existing dwelling reflects the existing streetscape;
- it allows for natural light to the dwelling; and
- it is consistent with the scale of development (reduce building bulk, not exceeding the permissible floor area for an outbuilding) for the residential density.

The site provides an attractive setting for the building in relation to the landscaped vegetation and streetscape. The overall site with the proposed outbuilding allows for the external space to the dwelling for outdoor pursuits with established outdoor living areas, pool, landscaped and lawn areas to the streetscape. Therefore it is considered to comply with the Design principles and is considered acceptable.

### **Issue 3 – Over shadowing**

The Design principles for 5.4.3 'Outbuildings' state '*outbuildings that do not detract from the streetscape or the visual amenity of residential or neighbour properties*'. The Residential Design Codes Explanatory Guidelines Clause 2.2.2 details that where proposals have the potential to adversely affect the amenity of neighbouring property, overlooking or overshadowing are to be considered. Therefore overshadowing is considered as amenity, the R-Codes address overshadowing in Part 5.4.2 'Solar Access For Adjoining Sites'.

#### **Officer Comment**

The proposed development satisfies the Deemed-to-comply requirements of part 5.4.2 as the development will not overshadow more than 25% of the site area of the adjoining site and does not affect the habitable internal areas of the dwelling.

Conclusion

The adjoining neighbour's reservation on the potential overshadowing to habitable and outdoor living areas from the proposed development of an outbuilding are measureable in relation to Part 5.4.2 of the R-Codes satisfies the Deemed-to-comply requirement of solar access to the adjoining properties. The application has been assessed against the relevant provisions and is considered to address the requirements of the Design principles and does not have a significant detrimental impact on the subject property, therefore it is recommended for approval.

**VOTING REQUIREMENTS**

Simple majority

**OC1205 OFFICER'S RECOMMENDATIONS – 14.2/COUNCIL DECISION**

**Moved Cr McCleery, Seconded Cr Hearne**

**That Council:**

- 1. Agrees to a variation to Part 5.4.3 of the Residential Design Codes to allow an outbuilding with a wall height of 3m in lieu of 2.7m and rear and side setback of 0.5m in lieu of 1m, and Part 5.1.4 for a reduction of open space at Lot 1714 Hornibrook Road, Dalyellup.**
- 2. Pursuant to Clause 68(2)(b) of the Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015, grants approval for development of an outbuilding at Lot 1714 Hornibrook Road, Dalyellup subject to compliance to the following conditions:**
  - a) All development being in accordance with the Approved Development Plan dated 21 December 2016.**
- 3. Advises all submitters of the above decision.**

Carried 9/0

A member of the public left the meeting at 4.56pm and did not return.

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**OC1206 (14.3) Town Planning Scheme No. 7 – Scheme Amendment No. 64**

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Location:	Part Lot 1181 and Lot 9001 Hawley Parkway, Capel
Applicant:	TPG Town Planning Urban Design and Heritage
Owner:	Meynell Pty Ltd
File Reference:	C5.37.64
Disclosure of Interest:	Nil
Date:	08.12.16
Author:	Planning Officer, M Young
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1. Location Plan 2. Proposed Amendment - Zoning Map 3. Indicative Subdivision Design Amended Plan – Stage 3 4. Schedule of Submissions

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**MATTER FOR CONSIDERATION**

Consideration of submissions received during the advertising of the proposed Scheme Amendment and determination of whether to proceed to seek the final approval of the Hon. Minister for Planning to Amendment No. 64 to Town Planning Scheme No. 7 (the Scheme).

The purpose of the amendment is to facilitate a revised subdivision design for Stage 3 of the Goodwood Estate.

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

September 1995 - Minute TP0916 refers. Council resolved to advise the applicant that it would be prepared to initiate a Scheme Amendment to rezone the land Residential subject to the extent of the rezoning being defined by an economically viable and environmentally acceptable solution to groundwater management.

September 1995 – December 1999. Negotiations occurred between Council and the Applicants in regard to a groundwater investigation report, drainage solutions, an amended Land Use Concept Plan and the submissions received following advertising.

December 1999 - Minute DS1215 refers. Council resolved to proceed with Amendment No. 3 with various modifications. Council also resolved to advise the West Australian Planning Commission (WAPC) that Council strongly holds the view that the site constraints (primarily drainage issues) that must be overcome need to be reflected in the manner of the modifications required by Council. Should the Commission or the Minister not incorporate the modifications, then Council considers the land is not capable of being made suitable for residential subdivision.

January 2003 – After three years of further negotiation with the WAPC the Hon. Minister agreed to grant final approval to the rezoning of Location 871 (Scheme Amendment No. 3).

April 2005 – Minute OC0407 refers. Council resolved to recommend to the WAPC that the proposed subdivision of Location 871 be approved subject to conditions.

August 2006 – Minute OC0822 refers. Council resolved to initiate Scheme Amendment No. 33 which rezoned portions of Location 871 Goodwood Road and Lot 1181 Hawley Parkway from Rural to Residential and Reserve for Recreation and to change the Special Use Zone on Location 871 to Residential with density codes of R2.5, R20 and R30.

May 2008 the WAPC granted conditional approval to the subdivision of Location 871 (WAPC ref 127776).

July 2008 – Following approval from the Minister, Amendment No. 33 was published in the Government Gazette.

February 2009 – the WAPC granted conditional support to the subdivision of Location 871 and Lot 1181 (Ref: 135825) creating 100 residential lots and a 'superlot' containing the R2.5 zoned component. The Shire provided comments in August 2008.

October 2009 – The WAPC granted conditional support (Ref: 140451) to seven lots that were not released as part of stage 1.

July 2014 – The WAPC granted conditional support to re approve Stage 2 of Goodwood Estate. The proposed subdivision included residential lots over the Yelka Road reserve. The WAPC agreed to create a 'superlot' incorporating the Yelka Road reserve with the intent that it be subdivided into residential lots following approval of the subject Scheme Amendment proposal that would rectify the zoning anomaly.

July 2015 – Minute OCO704 refers. Council resolved to adopt Amendment No. 60 to Town Planning Scheme No. 7 and proceed to amend the Scheme. The main purpose of Amendment No. 60 was to introduce provisions into the Scheme that will translate the 'Strategic Vision' set out in the Capel Townsite Strategy and Public Open Space Strategy into development control provisions within Town Planning Scheme No. 7. The Amendment will establish the statutory basis upon which Council can determine subdivision and development applications for future urban development.

March 2016 – Council resolved to initiate Scheme Amendment No. 64, with modifications to the proposed zoning map and was subsequently advertised for public comment.

## **Proposal**

The proposal is to amend the Scheme Map by:

- a) Amend the Scheme Map for part Lot 1181 and 9001 to include the entire subject site within a Residential R20 coding. This would include recoding a portion of the site from R30 to R20; and
- b) Rezoning portions of road reserve from 'No Zone' to 'Residential' zone with a R20 code.

The purpose of the Amendment is to facilitate a revised subdivision design for Stage 3 of the Goodwood Estate. The applicant has submitted an amended indicative subdivision design as part of the Scheme Amendment request. The revised plan indicates a total of 40 residential Lots at a R20 coding.

The applicant states that the Amendment will allow the area to be developed in a more efficient design that allows for additional Lots to be developed for single residential development maintaining a R20 density coding across the site. The applicant is of the opinion that rezoning the whole precinct to R20 with no road reserves indicated will allow flexible subdivision design options if this is required without the need for further significant Scheme Amendments.

## **STATUTORY ENVIRONMENT**

### Town Planning Scheme No. 7

Lot 9001 is zoned "Residential" with the codes "R2.5", "R20" and "R30" pursuant to the Subdivision and Development Guide Plan and Amendment No. 33 to the Shire of Capel Town

Planning Scheme No. 7. Portions of the land are also reserved "Recreation". The whole of Lot 9001 is within Precinct No. 3 listed under Appendix 15 – Residential Precincts.

Amendment provisions listed under Appendix 15 for Precinct No. 3 identify the development standards as they relate to the subdivision of the land and the development of the land. In regards to subdivision the Scheme states:

*"1. Subdivision shall be generally in accordance with the Subdivision and Development Guide Plan 05032P-37 dated 14 June 2007 attached to the Scheme Amendment Report (Amendment No. 33) or any modification to the guide plan as endorsed by the Local Government and the Western Australian Planning Commission."*

It should be noted that the subdivision plan (refer DWG16337-3 dated November 2016) is only an indicative subdivision design plan developed by the applicant to demonstrate the potential for a different lot configuration and internal road layout to what has previously been endorsed by Council and the WAPC.

#### Greater Bunbury Region Scheme

The Greater Bunbury Region Scheme (GBRS) has identified the subject land as "Urban".

#### Planning and Development Act 2005

Section 75 – A local government may amend a planning scheme with reference to any land within its district by an amendment proposed by all or any owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

Section 77 – Every local government in preparing or amending a local planning scheme – is to have regard to any State Planning Policy which affects its district and may include in the scheme a provision that a specified State Planning Policy, with such modifications as may be set out in the scheme, is to be read as part of the scheme.

Section 81 - Requires that when Council resolves to prepare or adopt an amendment that the proposal be referred to the Environmental Protection Authority (EPA) for the determination of whether the amendment requires a formal review.

The Amendment was referred to the EPA and raised no issues with the Amendment.

Section 82 – If the local authority wishes to proceed with the amendment it must firstly comply with or resolve any review requirements of the EPA. The commencement of advertising is not to be undertaken until this action is completed.

Section 83 – A local government, before submitting an amendment to the Minister is to make reasonable endeavours to consult such public authorities and persons as appears to be likely to be affected by the amendment.

Section 84 – After compliance with sections 81 and 82 an amendment to a planning scheme prepared or adopted by a local government is to be advertised for public inspection in accordance with the regulations.

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

The Planning and Development Act 2005 outlines the relevant considerations when preparing and amending local planning schemes. The relevant provisions of the Act have been taken into account in preparing and processing this amendment.

The Planning and Development (Local Planning Schemes) Regulations 2015 identifies three different levels of amendments – basic, standard and complex. The resolution of the local

government is to specify the level of the amendment and provide an explanation of the reason for the local government forming that opinion.

Regulation 35 addresses the requirements for adoption of a scheme amendment. Regulation 47 addresses the requirements for advertising of a standard amendment and Regulation 50, the consideration of submissions.

Other Regulations addresses the specific requirements for amending a local planning scheme e.g. the information to be provided to the Commission when seeking final approval (Regulation 53).

## **POLICY IMPLICATIONS**

### **State Planning Policy 3.7 Planning in Bushfire Prone Areas**

Designated bush fire prone areas have been identified by the Fire and Emergency Services Commissioner as being subject, or likely to be subject, to bushfire attack. The majority of the subject site is within an identified bushfire prone area having been designated in December 2015 and May 2016 following the initial lodgement of the Amendment request.

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) requires assessment against bushfire protection criteria. The broad intent of the SPP 3.7 is to identify where certain sites may require special consideration when located in a bushfire prone area. This is to ensure that bushfire risk management is sufficiently addressed in the planning assessment of land uses.

Although the subject site was designated on 8 December 2015 as a Bush Fire Prone Area the regulations only came into effect on 8 April 2016. This Amendment request was received in June 2015 prior to the new legislation being gazetted. There is no statutory requirement to assess the bush fire risk at this Amendment stage and this could be considered at the subdivision stage.

However, Shire Officers did request that the applicant submit a response to SPP 3.7 to ensure that any potential issues are identified at an early stage. The applicant provided a response that can be summarised as follows:

- *Pursuant to SPP3.7, further planning requirements will apply to the site at the subdivision and building permit stage, notwithstanding that the prevailing lot sizes shown on the indicative subdivision plan are below 1,100sqm and therefore the development of a single house on these lots would be exempt under the policy;*
- *The proponent has indicated that a Bushfire Management Plan will be prepared to accompany a future subdivision application. This would include a BAL Contour Map that shows the indicative BAL ratings across the site including the proposed lot layout, which will then be used to identify land suitable for development and areas of unavoidable risk to ultimately inform an appropriate subdivision design concept that considers the potential for future development in light of the proposed bushfire risk;*
- *Given that the purpose of the proposed Amendment is to provide greater flexibility for future subdivision design by rezoning the entirety of the site 'Residential R20', it is considered that enough flexibility exists in the proposed zoning to potentially reconfigure future lot siting and design to account for the BAL ratings applicable to the site; and*
- *Should the applicable BAL ratings be determined to be 12.5 or above, it is considered that a condition can be imposed on future subdivision approval requiring a notification on the Certificate of Title of the new lots, advising that the land is in a bushfire prone area, may be subject to a Bushfire Management Plan and may have additional planning and building requirements applying to development on the land.*

The entire site was already zoned Residential with a potential to be developed for residential purposes prior to the Regulations coming into effect. The applicants are aware of the requirements of SPP 3.7 and have outlined a number of measures to address issues associated with the Bush Fire Regulations at the Subdivision stage.

## **FINANCIAL IMPLICATIONS**

### **Budget**

Fee rates for Scheme Amendments are set by the Town Planning (Local Government Planning Fees) Regulations and are effectively based on cost recovery. The applicant will be required to meet all administrative and advertising costs. The fees will need to be paid prior to the Scheme Amendment documents being forwarded to the Western Australian Planning Commission for endorsement.

### **Long Term**

Increased development resulting from Amendment 64 may result in some additional demand on infrastructure and services and will contribute additional rate revenue as development occurs.

### **Whole of Life**

There are no whole life costs to consider as there are no capital works proposed.

## **SUSTAINABILITY IMPLICATIONS**

It is anticipated that Amendment 64 will enable a more efficient use of existing urban zoned land through creating a subdivision design that meets current market demand. Amendment 64 will in part implement a key objective of the Capel Townsite Strategy to enhance the built environment to ensure that areas are liveable, sustainable and adapt to the community needs and expectations.

Socially and economically the proposal has little impacts other than the Amendment would facilitate development of Stage 3 of Goodwood Estate resulting in additional residents seeking local goods and services.

## **STRATEGIC IMPLICATIONS**

### Shire of Capel Land Use Strategy 1999

The subject site is contained within Planning Unit CA3 – Capel Townsite. Discussion in this Strategy has been incorporated into the adopted Capel Townsite Strategy.

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

2 The Community Experience *'Provide facilities and services which recognise the diverse needs of the community and strive to make the Shire a safe place to live, work and visit.'*

Strategic Outcome:

2.1 Provide social, recreational and cultural opportunities and facilities for our communities.

3 The Environmental Experience *'To preserve and enhance the natural and built environment to ensure it is liveable, sustainable and adapts to our communities' needs and expectations.'*

Strategic Outcomes:

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;

5 The Infrastructure Experience *'Plan and facilitate safe, sustainable and efficient infrastructure and transport networks to meet the needs of the community.'*

Strategic Outcome:

- 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.

### Capel Townsite Strategy

The Capel Townsite Strategy was adopted by Council in July 2008. The Strategy sets out the long term strategic planning direction for land use and development for the Capel townsite.

A key focus of the Strategy is to identify land for future urban development and to make more efficient use of land within the townsite. In this regard the Strategy identifies areas considered appropriate for urban expansion and by changing the R Code of existing Residential zoned land to allow for an increase in the density of development in appropriate locations.

The Capel Townsite Strategy vision states:

*"To promote and facilitate the growth of Capel townsite as a sustainable and vibrant town that is a significant settlement and economic centre within the Shire of Capel".*

### **CONSULTATION**

Amendment No. 64 was advertised for the purpose of community consultation for 42 days between 28 July and 8 September 2016. Advice was sent to 11 landowners adjoining the Scheme Amendment area and 9 government agencies inviting comment on the proposal. A total of 10 submissions were received including 2 from landowners/residents and 8 from government and servicing agencies.

The consultation process reflected the requirements of Sections 83 and 84 of the Planning Development Act 2005 and the Planning and Development (Local Planning Scheme) Regulations 2015 and included:

- Mail-out to land owners in the locality;
- One notice in the Bunbury South Western Times;
- Shire's web site and social media sites;
- Referral to the following government agencies: Department of Agriculture and Food, Department Parks and Wildlife, Main Roads WA, Department of Environment Regulation, Department of Fire and Emergency Services, Department of Mines and Petroleum, Department of Water, Water Corporation and Western Power; and
- Notices and copies of documentation at the Shire office and Capel Library.

The submissions are summarised in the attached Schedule of Submissions and the issues raised are addressed in the Comment section below.

### **COMMENT**

#### Submissions

The issues raised in the submissions are addressed by subject below.

#### **Main Roads WA**

Main Roads notes that previously a 5 metre road reserve widening has been provided adjacent to most of the Goodwood Road frontage of the subject land. A small section of widening required in the south east corner of the subdivision area has not been provided.



**Comment:** Development standard number 5 listed in Appendix 15 of the Scheme remain applicable and refers to the road widening of Goodwood Road. The issue of the road widening can be addressed at subdivision stage.

### **Department of Water**

The Department of Water recommends comments in regards to stormwater management, run off and water availability.

**Comment:** Future subdivision proposals would be referred to the Department for comment via the normal subdivision application process. These comments would be addressed by standard subdivision conditions.

### **Department of Mines and Petroleum**

The site is within 500m of a Strategic Mineral Resource Protection Area for titanium-zircon mineralisation – the Department will request notifications on any new lots that are within the area.

**Comment:** Subdivision proposals within the Protection Area would be referred to the Department for comment via the normal subdivision application process. Advice and notifications can be imposed as part of any development or subdivision approval by way of advice note or standard subdivision condition.

### **Department of Parks and Wildlife**

No objections to the Amendment apart from the areas mentioned in the following comments:

It is noted that the existing zoning for the subject site, as depicted on the proposed zoning map shows a continuous ecological corridor linkage, zoned as a recreation reserve, to the north of the Goodwood Estate Stage 3 area.

The Strategen Environmental Bushfire Management Plan for Stage 2 of Goodwood Estate dated August 2016 (FMP) depicts two proposed lots identified as Lots 250 and 251 which are indicated to be located within a portion of the POS recreation reserve.

Parks and Wildlife notes the current scheme text (Appendix 15) refers to the former Department of Environment and Conservation in the Goodwood Estate Development Standards 9 and 10 and the former Department of Environment, Water and Catchment Protection in 11. The Goodwood Estate Appendix 15 Development Standards should be amended to reflect the current agency names which are the Department of Parks and Wildlife and the Department of Water, respectively.

**Comment:** This area of Public Open Space is considered to have both streetscape amenity value to the entry of Goodwood Estate and environmental value to encourage wildlife linkages between the areas of Public Open Space.

The previous Council report in March 2016 discussed the request to rezone the Local Scheme Reserve for Recreation to Residential zone. It was a requirement of the Council resolution to amend the zoning map and all associated documentation for Amendment 64 to delete Lots 250 and 251 and retain them as Reserve for Recreation. The applicant has also amended the indicative subdivision plan to not make reference to these two lots reducing the overall lot yield from 42 to 40 lots.

In regards to the text in Appendix 15 Shire Officers support the request that Appendix 15 be modified to accurately refer to the correct agency names. The modification is minor and does not materially change the planning outcomes of the Scheme amendment.

Shire Officers note that other development standards within Appendix 15 refer to previous government agencies names these include:

- Development Standard 13 refers to the Department of Industry and Resources that this now known as the Department of Mines and Petroleum. It is recommended that this be updated as part of this Amendment.
- Development Standard 17 refers to Fire and Emergency Authority (FESA) and this is now known as Department of Fire and Emergency Services (DFES). It is recommended that this be updated as part of this Amendment.

The Department of Planning has confirmed that the recommended modifications to Appendix 15 are logical and can be considered as part of this Amendment. The Officer recommendation includes modifications to the Scheme text in regards to Appendix 15 to update the development provisions to address the points raised.

### **Community/Landowner Submissions**

Concerns about increased water run-off, raised water levels, fill and increased flooding.

**Comment:** Shire Officer has confirmed that negotiations are underway between the Shire and the owners of Capel Dairy Farms to remove sections of the limestone track to allow for the free flowing of the drainage lines surrounding these properties. It is expected that works to clear the drainage alignments will be completed during the 2016/2017 summer.

Future subdivision proposals be required to address issues of water/storm water management prior to any approval as part of the subdivision assessment process.

### **CONCLUSION**

The applicant has made the necessary modifications to the Scheme Amendment map and report and it is recommended that the Amendment request be supported. The blanket residential zoning that includes road reserves would facilitate a more flexible subdivision layout over the site. The reduction in the density coding from R30 to R20 only affected two areas of the proposed subdivision in the south west and south east corners of the site. It is proposed that an R20 coding would still provide a reasonable lot yield and achieve the strategic aims of encouraging efficient use of urban zoned land.

It should be noted that the subdivision plan (refer DWG16337-3) is only an indicative subdivision design plan developed by the applicant to demonstrate the potential for a different lot configuration and internal road layout to what has previously been endorsed by Council and the WAPC. Council could request as a condition of any future subdivision that a 'Basic Amendment' be initiated to reflect any future roads as 'No Zone' to ensure the Scheme Map properly reflects any approved subdivision plan.

### **VOTING REQUIREMENTS**

Simple majority

**OC1206 OFFICER'S RECOMMENDATIONS – 14.3/COUNCIL DECISION**

Moved Cr J Scott, Seconded Cr Bell

That Council:

1. In accordance with Section 75 of the Planning and Development Act, 2005 and Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015 agrees to support 'Standard' Amendment No. 64 to Town Planning Scheme No. 7 with proposed modifications to address issues raised in the submissions by:
  - (a) Modifying Appendix 15 of the Scheme Text under the "Development Standards" column by:
    - i. Development Standards 9 and 10 replace "*Department of Environment and Conservation*" with "*Department of Parks and Wildlife*";
    - ii. Development Standard 11 replace "*Department Environment, Water and Catchment Protection*" with "*Department of Water*";
    - iii. Development Standard 13 replace "*Department of Industry and Resources*" with "*Department of Mines and Petroleum*".
    - iv. Development Standard 17 replace "*Fire and Emergency Authority*" with "*Department of Fire and Emergency Services*";
    - v. Development Standard 17 insert the word "*Bush*" in front of "*Fire Management Plan*".
  - (b) Modifying the Scheme Map by –
    - i. Rezoning portions of 'No Zone' within part Lot 1181 and part Lot 9001 to Residential R20 and the recoding of the R30 to R20.
2. In accordance with Regulation 53 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015, forwards the advertised amendment and recommended modifications to the Western Australian Planning Commission for endorsement and subsequent forwarding to the Minister for Planning for final approval.
3. Requires that the assessment fee pursuant to the Planning and Development Regulations 2009 be paid prior to the Scheme Amendment documents being forwarded to the Western Australian Planning Commission for endorsement.
4. Advises all submitters of the above decision.

Carried 9/0

Two members of the public left the meeting at 5.02pm and did not return.

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**OC1207 (14.4) Amendment to the Special Rural Zone Area 1B Land Use Management Plan**

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Location: Lot 228 Bourne Loop, Stratham  
Applicant: Ms V House/Filtrex Innovative Wastewater Solutions  
File Reference: C.5.1.N.77/A8787  
Disclosure of Interest: Nil  
Date: 15.11.16  
Author: Manager Health Services, C Dent  
Senior Officer: Executive Manager Engineering and Development Services, J Gick  
Attachments: 1. Special Rural Zone Area 1B Land Use Management Plan  
2. Submission Ms House/Filtrex Wastewater Solutions

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**MATTER FOR CONSIDERATION**

Ms Vicki House, and Filtrex Wastewater Solutions, has written to Council requesting that Council amend the Management Plan (the Special Rural Zone Area 1B Stratham, Land Use and Management Plan) to enable her to install a Filtrex effluent disposal system rather than an Aerobic Treatment Unit (ATU) on Lot 228 Bourne Loop, Stratham as required by the Plan.

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

A building licence (No. 14375) was issued for the construction of a dwelling on the above lot on 24 May 2016 to Farnell Constructions who are constructing the dwelling on behalf of Ms House.

**Effluent Disposal Background**

An Approval to Construct or Install an Apparatus for the Treatment of Sewage was issued on 5 May 2016 (approval number 314) to Mr Simon Norton for the installation of an Aquarius 02 Aerobic Treatment Unit with 2 by 10.3 metre Atlantis leach drain, fully inverted (above ground level).

The approval for the installation and operation in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and the Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATUs) WA Department of Health 2001. Also, the requirements on page 3, Effluent Disposal, of the Special Rural Zone Area 1B – Stratham Land Use and Management Plan. It is a requirement of the Land Use Management Plan that only ATUs can be installed.

**Proposal**

The applicants are requesting that “We are now seeking to have a revision of the current “exclusion” of the Filtrex Systems by the Shire of Capel with regards to Stratham Park Estate and in particular Lot 228 Bourne Loop, Stratham.”

The requirement contained within page 3 of the Special Rural Zone Area 1B Stratham Land Use and Management Plan, are that an Aerobic Treatment Unit with phosphorus removal capacity be installed for effluent disposal on Lot 228 be waived to allow the installation of a Filtrex Septic tank system with an amended leach drain. This exemption would then be applicable to the remainder of the subdivision.

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

The subject land is included in the Special Rural Zone in Area No 1B. Specific scheme provisions apply to the area pursuant to Appendix 6 of the TPS No 7

Pursuant to Specific Provision 23 of Special Rural Zone Area 1B:

“At the time of subdivision the subdivider may be required to prepare a Land Use Plan and the report to be adopted by Council.”

**August 2011** – The amendment No. 40 was endorsed by the Minister for Planning effecting the rezoning of Lots 11, 12 and 70 Fisherman’s Road, Stratham from “Rural’ to “Special Rural” (and now known as “Stratham Park Estate”).

**December 2011** – WAPC approved the subdivision of Lots 11, 12 and 70 Fisherman’s Road Stratham into 43 Special Rural lots.

**June 2013 (OCO607/13)** - Council adopted the Stratham Land Use Plan pursuant to Specific Provision 23 of Special Rural Zone Area 1B:

**Amending the Special Rural Zone Area 1B – Stratham Land Management Plan**

Council does not have the discretion to approve an amendment to the Plan as a request to Council from a member of the public or an owner of a lot in the subdivision.

If an amendment to the Special Rural Zone Area 1B Stratham Land Use and Management Plan is proposed the applicant must write to Council requesting a change in the Plan and supplying supporting documentation for the amendment. The proposal would then have to follow the normal Town Planning procedure with amendments, consultation, advertising etc.

There has been one amendment to the plan in September 2015.

MPM, the consultants for the developers, requested minor changes be made to the lot numbers that have resulted with the Stage 2 development based on Department of Parks and Wildlife (DPaW) requirements relating to the Conservation Covenant Lot where DPaW requested building envelope on Lot 227 to become part of the “covenant lot” and then creating a new Lot 244.

The only change to the Land Use Plan was in relation to:

- Removing reference to Lot 227;
- Ensuring that the covenant lot is still referred to as Lot 242;
- Ensuring the small western portion of the old referenced 242 (which is now 244) is referred to correctly and meets the relevant setbacks etc., for the building envelopes; and
- Updating the Development Envelope Plan accordingly.

The amendment was regarded as a minor administration matter not significantly affecting the area and was approved under delegation 207, dated 8 September 2015.

**Land Use Management Plan**

The purpose of the plan is to give a clear indication to the future landowners as to the activities that may occur on the properties and the philosophy and conditions under which the subdivision of the subject land has been approved.

It also, most importantly gives land owners a clear indication of the processes needed to be followed with design of housing affected by fire management, acoustic standards to be met and special effluent disposal needs. These are all significant constraints to the use of the lots being created and prospective purchasers and future land owners need to have knowledge of these matters as there are clearly additional costs with these special housing design requirements.

### **Health Act 1911**

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Code of Practice for the Design, Manufacture, Installation and Operation of Aerobic Treatment Units (ATUs).

The Health Department is the authorising body for all effluent disposal systems and all systems must be submitted to the Department for approval, there are currently ten categories.

### **POLICY IMPLICATIONS**

There are no Policies relevant to this item.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

There is not any budget allocation for the matter but there is not expected to be any significant financial impact in the 2016/17 budget, apart from some administration costs involved in advertising the proposal and seeking comment.

#### **Long Term**

There are not expected to be any long term financial implications related to this matter.

#### **Whole of Life**

There are no long term financial implications associated with this matter as no assets are created.

### **SUSTAINABILITY IMPLICATIONS**

The subdivision and the subsequent Special Area Rural Zone Area 1B, Land Use Management Plan has already been approved with the development, management and environmental controls which apply to the Stratham Park Estate.

ATUs are considered to be more environmentally acceptable for this subdivision as the wastewater from the systems can be irrigated directly onto the soil without any further treatment thus reducing the contamination of both the soil and groundwater. The effluent from septic tank systems can only be disposed of via a leach drain or soak well which leads to a buildup of waste products and pathogens thus contaminating the soil. The cumulative impact of onsite sewerage disposal from septic tanks can have long term detrimental impacts to the environment.

### **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 - 2031

3 The Environmental Experience: "To preserve and enhance the natural and built environment to ensure it is liveable, sustainable and adapts to our communities' needs and expectations.

The proposal is associated with providing a lifestyle opportunity that maintains the quality of the environment and promotes emergency risk awareness. These outcomes meet the objective to preserve the natural environment and to ensure it is liveable and adapts to community expectations.

### **CONSULTATION**

Lengthy consultation occurred between Health Services staff, the consultant for the developer and the Department of Health regarding effluent disposal on the subdivision. Health Services staff had significant concerns about the soil capability with regards to effluent disposal and carried out an extensive survey of the subdivision. The soil is mainly heavy clay interspersed with some sand bands and is very wet in winter.

Soil characteristics at the disposal site should allow for effective soakage of treated wastewater in accordance with the Health Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations and A/NZ Standard 1547: 2012 Onsite domestic wastewater management.

The consultation concluded that ATU's were the preferred method for effluent disposal in the subdivision.

### **COMMENT**

Briefly, ATUs consist of a series of treatment chambers combined with an irrigation or drain disposal system.

The first chamber is similar to a conventional septic system in that the wastewater enters the chamber and the solids settle to the bottom. In this chamber they undergo anaerobic digestion by bacteria and form a layer of sludge on the chamber floor. Scum, consisting of oils, grease, etc., floats to the surface of the liquid and the partially clarified waste water flows into a second chamber. Here the liquid is mixed with air to assist bacteria to break down more of the finer suspended organic matter.

A third chamber allows additional clarification through the settling of suspended solids which are returned to the first chamber. The clarified effluent in the third chamber is of a high enough standard for it to be successfully disinfected, usually by chlorination, into a fourth chamber.

In Western Australia ATUs that incorporate disinfection mechanism are permitted to irrigate treated effluent into a designated area. Irrigation systems can either use above ground spray heads or subsurface or subsoil dripper lines.

There are costs associated with an ATU system:

- Cost of chlorine tablets and other parts;
- Cost of electricity to operate the system; and
- Three monthly service charges for the life of the system.

### **Septic tanks systems**

Septic tank systems essentially consist of two tanks. In the first tank, the wastewater enters the tank and the solids settle to the bottom. In this tank they undergo anaerobic digestion by bacteria and form a layer of sludge on the tank floor. Scum, consisting of oils, grease, etc., floats to the surface of the liquid and the partially clarified waste water flows into a second tank. The second tank partially clarifies the effluent by further settlement of suspended matter and the effluent is disposed of via leach drains or soak wells.

Septic tanks do not significantly reduce micro-organisms or nutrient concentrations; however these may be reduced by movement through the natural soil. Contamination reduction

depends on the soil's properties; travel time and the local environmental conditions surrounding the leach drain or soak well.

When a new subdivision is proposed and there is a concern about the capability of soils to adequately cope with effluent disposal, it is not unusual to insert a requirement on the subdivision land use plan that only certain types of effluent disposal system can be used. This happened in the Albury Farm subdivision in Boyanup. It has also happened in other local governments.

In the case of the Stratham Park Estate, it was decided that ATUs were the most environmentally effective way of dealing with the effluent generated from the estate without generating long term environmental problems. There are currently 14 ATUs approved for the Stratham Park Estate.

Filtrex has expressed concern several times that they feel they are being "excluded" from installing their effluent disposal systems in the subdivision and that Council cannot keep them from installing their systems. It has been pointed out to them that it is a requirement of the Land Use Management Plan as detailed in the Town Planning Scheme and that their systems are not approved as ATUs and don't produce the same quality of effluent.

The proposal to amend the effluent requirements of the Land Use Management Plan is a significant change to the environmental disposal processes and as such the proposal would have to go back to the start of the planning process to enable a thorough assessment of the proposal to take place.

**VOTING REQUIREMENTS**

Simple majority

**OC1207 OFFICER'S RECOMMENDATIONS – 14.4/COUNCIL MOTION**

**Moved Cr Bell, Seconded Cr Baxi**

**That Council does not agree to the request from Ms Vicki House and Filtrex Wastewater Solutions' request to remove the requirement to install an Aerobic Treatment Unit on Lot 228 Bourne Loop, Stratham or other areas of the development known as Stratham Park Estate.**

Lost 3/6

One member of the public left the meeting at 5.18pm and did not return.

**OC1208 COUNCIL MOTION**

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

**That Council agrees to commence action to amend the Land Use Management Plan to allow for the use of "alternative effluent disposal systems". This may include aerobic treatment units or nutrient removing leach drain systems that satisfy the requirements of the Health Department.**

Lost 4/5

Mr Campbell left the meeting at 5.32pm and did not return.



<b>OC1209 COUNCIL DECISION</b>
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**Moved Cr McCleery, Seconded Cr Hearne**

**That Council defers this item to the February 2017 meeting to allow the staff to investigate the potential use of alternative treatment processes to achieve a better than or similar outcome to the specified Aerobic Treatment Units.**

Carried 5/4

Mr Dent and 3 members of the public left the meeting at 5.51pm and did not return.

## **CORPORATE SERVICES REPORTS**

### **OC1210 (15.1) 2015-16 Financial Surplus and Unbudgeted Expenditure**

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	01.12.16
Author:	Executive Manager Corporate Services, S Stevenson
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	Nil

### **MATTER FOR CONSIDERATION**

Council to consider the allocation of the surplus for the 2015-16 financial year and endorse the recommended unbudgeted expenditure, emergency unbudgeted expenditure and increased reserve transfers.

### **BACKGROUND / PROPOSAL**

#### **Background**

Council adopted the Budget for the 2016-17 financial year at its meeting on 27 July 2016. At this time, the forecast surplus carried forward from the 2015-16 financial year was \$151,668. This was based on the latest forecast expenditure and reserve transfers at the time. The 2015-16 annual financial statements have now been completed and audited. This has resulted in an actual surplus carried forward to the 2016-17 financial year of \$527,141. There is therefore an additional surplus of \$375,473 to be allocated.

#### **Proposal**

Council is asked to endorse the recommended allocation of the additional \$375,473 surplus carried forward from the 2015-16 financial year. This proposed allocation is a combination of items not included in the 2016-17 Budget and increased transfers to reserves.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995, Section 6.2

#### **6.2. Local Government to prepare Annual Budget**

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.  
\**Absolute Majority required*
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of –
  - (a) the expenditure by the local government; and
  - (b) the revenue and income, independent of general rates, of the local government; and
  - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

Local Government Act 1995, Section 6.8.

### **Section 6.8. - Expenditure from Municipal Fund not included in Annual Budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.
- \* Absolute majority required.

(1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

### **POLICY IMPLICATIONS**

There are no current policies relevant to this item.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The proposed increases in Reserves will allow Council to better prepare for future infrastructure type expenditure. Within the 2016-17 Budget there are already movements to the Building Reserve, the Infrastructure Asset Preservation Reserve and the Capel Community Facilities Reserve. The proposal would allow additional movement to these specific reserves.

The Shire President has already authorised emergency expenditure of \$17,383.98, including GST, for the purchase of a replacement water tank which connects to the stand pipe at the Gelorup Bushfire Brigade shed. This will be partly offset with funding from the Department of Fire & Emergency Services to the value of \$13,445, including GST, with the balance of funds being provided from the Gelorup Volunteer Bushfire Brigade.

The other additional items listed have no budget allocation but are deemed to be required in the 2016-17 financial year. The values, account allocations and justifications are shown in Table 4.

#### **Long Term**

There are no long term financial implications associated with this matter. In the main, the suggested allocations will either increase reserve balance or improve Shire assets.

#### **Whole of Life**

There will be some minor on-going increases to expenditure as a result of these additional requests. There will be an estimated \$500 operating expenditure per shade sail to install and remove each shade sail in summer and winter and some annual maintenance will be required. Shade sails are typically replaced every ten years at approximately one third of the initial installation cost. The metal structure typically needs replacing every twenty years.

Costs associated with improvements made to assets will be included as part of the asset management planning process or contained within the existing budget allocations.

Should the introduction of the Integrated SMS Messaging be successful this would become an annual operating expense within the Information Technology budget.

### **SUSTAINABILITY IMPLICATIONS**

There are sustainability implications from this item.

### **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 – 2031

1 The Leadership Experience 'Ensure open, transparent, effective good governance and communication within the organisation and the community.'

Strategic Outcomes:

- 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.

5 The Infrastructure Experience 'Plan and facilitate safe, sustainable and efficient infrastructure and transport networks to meet the needs of the community.'

Strategic Outcomes:

- 5.1 Provide and maintain a safe and efficient transport, cycle and pedestrian network throughout the Shire;
- 5.6 Effectively manage the Shire's assets and resources.

### **CONSULTATION**

Consultation was undertaken with the President in regards to the need for the emergency authorisation for the Gelorup water tank replacement. Consultation has taken place with the Capel Country Club and staff have made site visits to assess the requirements. The initial requests have originated from the Capel Country Club. There has also been previous discussion with Council over the requirement to increase financial Reserves in some areas.

### **COMMENT**

This proposed allocation is a combination of items not included in the 2016-17 Budget and increased transfers to reserves as detailed below.

**Table 1. Reserves Increases**

<b>Reserve</b>	<b>Account</b>	<b>Value (ex GST)</b>	<b>Reason</b>
To the <b>Building Reserve</b> – used for the construction of and additions to Council buildings.	176610	\$35,000	To bolster reserves for future use.
To the <b>Infrastructure Asset Preservation Reserve</b> – used for future road preservation works	177210	\$106,284	To bolster reserves for future projects.
To the <b>Capel Community Facilities Reserve</b> – used to fund the development of facilities in Capel	179710	\$35,000	To bolster reserves for future use.
<b>Total Reserve Increases</b>		<b>\$176,284</b>	

**Table 2. Emergency Unbudgeted Expenditure**

<b>Item</b>	<b>Account</b>	<b>Value (ex GST)</b>	<b>Reason</b>
Water Tank for Gelorup Volunteer Bush Fire Brigade	107840	\$15,804	Funding applied for and received from the Department of Fire & Emergency Services (DFES) but the expenditure is not included in the 2016-17 Budget. Emergency approval under the provisions of the Local Government Act 1995 received from the Shire President on 30/11/2016.

**Table 3. Unbudgeted Income**

<b>Item</b>	<b>Account</b>	<b>Value (ex GST)</b>	<b>Reason</b>
Funding Received for Water Tank for Gelorup Volunteer Bush Fire Brigade from DFES	135620	(\$12,223)	Not included in Budget for 2016-17.

**Table 4. Unbudgeted Expenditure**

<b>Item</b>	<b>Account</b>	<b>Value (ex GST)</b>	<b>Reason</b>
Reserves Management	135620	\$10,000	Omitted from final Budget for 2016-17.
Fencing Lot 1 South Western Highway	128540	\$10,000	Omitted from final Budget for 2016-17. Requested to keep stock contained on Shire land leased to third party.
Daablone Vista Shade Sail	128540	\$17,700	Planned for 2015-16 but not completed in time. This was not identified as a carryover project and was not rolled into the 2016-17 Budget.
Murtin Park Shade Sail	128540	\$26,543	Recommended due to community requests and one of the priority shade sails identified in an independent assessment report.
Integrated SMS Messaging (Library)	104020	\$2,065	Requested to allow SMS messages to be sent to library customers when books are due to be returned.
Additional Costs East Dalyellup Sports Pavilion	128540	\$111,000	Total Project Cost in excess of Budget. Additional project costs identified after final 2016-17 Budget was adopted

<b>Item</b>	<b>Account</b>	<b>Value (ex GST)</b>	<b>Reason</b>
Tenderlink On-line setup	104020	\$2,500	Initial set-up costs to facilitate the online tendering process. This will make it more efficient for tenderers to submit documents and will allow improved monitoring and tracking of submissions
Capel Country Club Repairs to kitchen floor	128720	\$1,800	Not requested as part of 2016-17 Budget process, however this area of the kitchen floor has been identified as a safety issue and requires repairing
Capel Country Club air conditioning units	128720	\$4,000	Not requested as part of 2016-17 Budget process however the units are no longer fit for purpose
Capel Country Club upgrade of main power board	128720	\$10,000	Not requested as part of 2016-17 Budget process however this is required due to the additional power need of the country club.
<b>Total Unbudgeted Expenditure</b>		<b>\$195,608</b>	

The total allocation across the above categories is \$375,473.

The President welcomed Mr Mattaboni as Acting Executive Manager Corporate Services to the meeting in the absence of Mrs Stevenson.

Ms Eadie left the Chambers at 5.57pm and returned to the meeting at 5.59pm.

**VOTING REQUIREMENTS**

Absolute majority

<b>OC1210 OFFICER’S RECOMMENDATIONS – 15.1/COUNCIL DECISION</b>
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Moved Cr Hearne, Seconded J Scott

That Council endorses the staff recommendation to allocate the additional 2015-16 financial surplus of \$375,473 as detailed below:-

- 1 Increase the Building Reserve by an additional \$35,000 on Budget for 2016-17;
- 2 Increase the Infrastructure Asset Preservation Reserve by an additional \$106,284 on Budget for 2016-17;
- 3 Increase the Capel Community Facilities Reserve by an additional \$35,000 on Budget for 2016-17;
- 4 Allocate \$15,804 to account 107840 in 2016-17 for a replacement water tank for Gelorup Volunteer Bushfire Brigade;
- 5 Allocate \$12,223 to income account 135620 in 2016-17 for part reimbursement for the purchase cost of the replacement water tank for Gelorup Volunteer Bushfire Brigade;
- 6 Allocate \$10,000 to account 135620 in 2016-17 for reserve management;
- 7 Allocate \$10,000 to account 128540 in 2016-17 for replacement fencing for Lot 1 South Western Highway;
- 8 Allocate \$17,700 to account 128540 in 2016-17 for a shade sail at Daablone Vista Park;
- 9 Allocate \$26,543 to account 128540 in 2016-17 for a shade sail at Murtin Park;
- 10 Allocate \$2,065 to account 104020 in 2016-17 for Integrated SMS Messaging;
- 11 Allocate \$111,000 to account 128540 in 2016-17 to cover additional project costs for East Dalyellup Sports Pavilion;
- 12 Allocate \$2,500 to account 104020 in 2016-17 for Tenderlink On-line set-up;
- 13 Allocate \$1,800 to account 128720 in 2016-17 for repairs to the Capel Country Club kitchen floor;
- 14 Allocate \$4,000 to account 128720 in 2016-17 for upgrades to the Capel Country Club air-conditioning units; and
- 15 Allocate \$10,000 to account 128720 in 2016-17 for upgrades to the Capel Country Club main power board.

Carried with an Absolute majority 9/0

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**OC1211 (15.2) Audit Committee Minutes**

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	06.12.16
Author:	Governance Officer, A Handley
Senior Officer:	Acting Executive Manager Corporate Services, A Mataboni
Attachments:	Minutes of the Audit Committee meeting 23 November 2016

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**MATTER FOR CONSIDERATION**

Council to receive the minutes of the Audit Committee meeting held on 23 November 2016, and adopt the Committee recommendations and advice therein.

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

Changes to the *Local Government Act 1995* (the Act) that were enacted in 2005 required that Council establish an Audit Committee. The delegation of powers and duties to the Audit Committee was agreed to by Council at the meeting of 28 September 2005 (OC0926).

**Proposal**

Council to receive the minutes of the Audit Committee meeting held on 23 November 2016, and adopt the recommendations and advice therein.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**5.22 Minutes of council and committee meetings**

(2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

**7.1A Audit Committee**

(1) A local government is to establish an audit committee

Local Government (Audit) Regulations 1996

**16. Audit Committee, functions of an audit committee —**

- (a) is to provide guidance and assistance to the local government —
  - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
  - (ii) as to the development of a process to be used to select and appoint a person to be an auditor; and
- (b) may provide guidance and assistance to the local government as to —
  - (i) matters to be audited; and
  - (ii) the scope of audits; and
  - (iii) its functions under Part 6 of the Act; and
  - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and
- (c) is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
  - (i) report to the council the results of that review; and
  - (ii) give a copy of the CEO's report to the council.



**17. CEO to review certain systems and procedures**

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
  - (a) risk management;
  - (b) internal control; and
  - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in sub- regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

Local Government (Financial Management) Regulations 1996

**5. CEO's duties as to financial management**

- (2) The CEO is to —
  - (a) ensure that the resources of the local government are effectively and efficiently managed; and
  - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
  - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

**POLICY IMPLICATIONS**

There are no policy implications with this item.

**FINANCIAL IMPLICATIONS****Budget**

The cost of the annual financial review and audit are included as part of AMD Chartered Accountants' tender response. Funds to meet this expense are allocated in Council's annual budget.

**Long Term**

There are no long term financial costs associated with this item.

**Whole of Life**

There are no whole of life financial implications associated with this item.

**SUSTAINABILITY IMPLICATIONS**

Continued financial and legislative compliance and a reduction in exposure to risk has a positive impact on the long term business and operational sustainability of the Shire of Capel.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2013 to 2031

- 1 The Leadership Experience 'Ensure open, transparent, effective good governance and communication within the organisation and the community'.

Strategic Outcomes:

- 1.1 Ensure continuous improvement of the organisation.
- 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.

**CONSULTATION**

There was consultation between various staff and the Auditors resulting in production of the various reports discussed in this item.

**COMMENT**

The Minutes of the Audit Committee meeting held on 23 November 2016 are attached. The Audit Committee was requested to consider the Independent Auditor's Report and Management Report for 30 June 2016, the Annual Financial Report for 2015/16, Regulation 17 Progress Report 6, Progress Report 1 on the development of the Shire of Capel Risk Register and an update on the status of the 2016 Financial Management System Review.

The Committee also met with Ms Maria Cavallo, who represented Council's Auditor, Mr Tim Partridge of AMD Chartered Accountants. An annual meeting with the Auditor is required under the *Local Government Act 1995*.

**VOTING REQUIREMENTS**

Absolute majority

<b>OC1211 OFFICER'S RECOMMENDATIONS – 15.2/COUNCIL DECISION</b>
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Moved Cr Hearne, Seconded J Scott

**That Council receives the Minutes of the Audit Committee meeting held on 23 November 2016 and adopts the Committee's recommendations and advice therein.**

**1. Advice**

**The Audit Committee advises Council that:**

**AC1102**

**It has met with the Auditor and discharged its obligations in accordance with s7.12A(2) of the *Local Government Act 1995*; and**

**AC1107**

**It is satisfied with staff explanations and ongoing actions taken in response to the 2016 Financial Management System Review.**

**2. Recommendations**

**The Audit Committee recommends that Council accept:**

**AC1103**

**The Independent Audit Report and Management Report for the year ended 30 June 2016 and include the Independent Audit Report in the Annual Report;**

**AC1104**

**The Annual Financial Report for 2015/16 and include the Annual Financial Report in the Annual Report;**

**AC1105**

**Progress Report 6 generated in response to the second (April 2016) AMD Regulation 17 Report on the appropriateness and effectiveness of Council's risk management, internal controls and legislative compliance; and**

**AC1106**

**Progress Report 1 on the development of the Shire of Capel Risk Register.**

Carried with an Absolute majority 9/0

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**OC1212 (15.3) Health Local Law Review - 2016**

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Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	02.12.16
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

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**MATTER FOR CONSIDERATION**

Acknowledgement that a desktop review of the Shire of Capel Health Local Law has been undertaken by staff, but given that a new Public Health Act is being finalised, a full review and amendment, including advertising for public comment, be deferred/put on hold whilst the proclamation of the *Public Health Act 2016* progresses.

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

The *Local Government Act 1995* (the Act) empowers Council to make local laws. These pieces of delegated legislation allow a local government to control and regulate activities within district boundaries to ensure good governance over matters of municipal concern. Additional legislation such as the *Health Act 1911*, *Cat Act 2011*, *Dog Act 1976* and *Cemeteries Act 1986* provide specific powers to allow Council to regulate particular issues.

Section 3.16(1) of the Act requires that a local government must, within a period of eight years after the adoption of a local law, conduct a review to ensure that it still retains currency. If after that process of review, a local law is found to require repeal, replacement or amendment, the process for doing so is the same as if that local law were first being made.

Nine local laws were due for Council review by the end of 2016, and to date, 8 have been completed.

A desktop review of the Shire of Capel Health Local Law has determined that significant change will be required given the imminent proclamation of a new Public Health Act. Commencement of the local law making process has been delayed in the hope that the *Public Health Act 2016* would be proclaimed in time for the process to begin this year. The decision to stage the proclamation and implementation of various sections of the *Public Health Act 2016* means however that this will not be achievable in 2016.

**Proposal**

Council to acknowledge that a desktop review of the Shire of Capel Health Local Law has determined it requires remaking however will hold a decision on this matter in abeyance whilst the proclamation of the *Public Health Act 2016* progresses.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**3.5 Legislative power of local governments**

- (1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

**3.16 Periodic review of local laws**

- (1) Within a period of 8 years from the day when a local law commenced or report of a review of the local law was accepted under this section, as the case required, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When the council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.  
\*Absolute majority required

**POLICY IMPLICATIONS**

There are no policy implications for this item.

**FINANCIAL IMPLICATIONS****Budget**

There are no budget implications for this item.

**Long Term**

There are no long term financial implications associated with this matter.

**Whole of Life**

There are no whole of life financial implications for this matter as no assets are being created.

**SUSTAINABILITY IMPLICATIONS**

Local laws allow a local government to control and regulate activities within district boundaries to ensure good governance over matters of municipal concern. Additional legislation such as the *Health Act 1911*, *Cat Act 2011*, *Dog Act 1976* and *Cemeteries Act 1986* provide specific powers to allow Council to regulate particular issues.

This ability to regulate issues and respond to community needs within a local context is a positive contribution to the long term sustainability of the community in terms of health, safety, service provision, resource management and good governance.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2013 – 2031

1. The Leadership Experience “Ensure open, transparent, effective good governance and communication within the organisation and the community.”

Strategic Outcome:

1.1 – Ensure continuous improvement of the organisation.

2. The Community Experience “Provide facilities and services which recognise the diverse needs of the community and strive to make the Shire a safe place to live, work and visit.

Strategic Outcome:

2.3 Preserve and protect the character of the communities.

**CONSULTATION**

Health Services staff consulted with officers from other Councils in the SW Regional Health Group and with the Department of Health. As part of that discussion, the Department of Health has indicated that they have commenced an audit of all existing local laws and it is expected that the scope of the existing Health Local Laws will narrow in view of the risk based framework provided by the new Act. The Department of Health intends to address any gaps in the regulatory framework by developing a model local law or template for adoption by local governments.

This initiative will be undertaken in conjunction with a working group comprising representatives from the Department of Health, Department of Local Government and Communities and the Western Australian Local Government Association.

**COMMENT**

A desktop review of the Shire of Capel Health Local Law (which is made under the *Health Act 2011*) has determined that significant change will be required given the current staged proclamation process of the new Public Health Act. Commencement of the local law making process has been delayed in the hope that the *Public Health Act 2016* would be proclaimed in time for the process to begin this year. The decision to stage the proclamation and implementation of various sections of the *Public Health Act 2016* means however that this will not be achievable in 2016.

The first sections of the *Public Health Act 2016* received Royal Assent on 25 July 2016 however the proclamation and implementation of the remaining sections of the Act will be a staged process occurring over the next three to five years. Stages one and two are already complete.

The administrative framework that will allow local governments to develop new local health laws is currently under construction. It will include an amendment to the *Local Government Act 1995* enabling health local laws to be made under that Act rather than the *Public Health Act 2016*.

The Department of Health is facilitating this transition by auditing all existing health local laws and developing a template local law to address any gaps in the regulatory framework currently being developed.

The Department has advised local governments that any health local laws made before the regulations that sit under the new Act are developed will need to be reviewed and possibly repealed within the next 3-5 years.

Making a local law is an expensive and time consuming process, requiring multiple Council agenda items, two periods of statutory advertising and comprehensive public consultation process. It would not appear to be a cost or time effective process to begin making a new health local law under the existing Health Act when the staged implementation of the *Public Health Act 2016* has already begun, and it is highly likely that any local law made in the near future would face repeal.

**VOTING REQUIREMENTS**

Absolute majority

<b>OC1212 OFFICER'S RECOMMENDATION – 15.3/COUNCIL DECISION</b>
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**Moved Cr McCleery, Seconded Cr Smith**

**That Council acknowledges a desktop review of the Shire of Capel Health Local Law has been undertaken by staff, but given that a new Public Health Act is being finalised, a full review and amendment, including advertising for public comment, be deferred/put on hold whilst the proclamation of the *Public Health Act 2016* progresses.**

Carried with an Absolute majority 9/0

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**OC1213 (15.4) Local Government Election**

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Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	ICR18266
Disclosure of Interest:	Nil
Date:	07.12.16
Author:	Governance Officer, A Handley
Senior Officer:	Acting Executive Manager Corporate Services, A Mataboni
Attachments:	Nil

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**MATTER FOR CONSIDERATION**

Council is requested to consider the method it wishes to adopt for the 2017 Local Government Election, either postal or in person voting. If it determines that postal voting is the preferred method then Council is required to:

- Appoint the Western Australian Electoral Commissioner to be responsible for the conduct of the October 2017 election together with any other elections or polls that may be required; and
- Determine that the method of election will be by postal vote.

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

Council has supported local government elections being conducted by postal vote and managed by the Western Australian Electoral Commissioner since 1999, and the Electoral Commission is currently seeking an indication from the Shire of Capel as to its intentions for the October 2017 elections. This is primarily for the Commission's own internal planning but will also assist Council staff in preparing future budgets.

**Proposal**

1. Council to declare in accordance with section 4.20(4) of the *Local Government Act 1995* that the WA Electoral Commissioner is to be responsible for the conduct of the October 2017 ordinary election together with any other elections or polls which may also be required; and
2. Council to decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the October 2017 election will be by postal vote.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**4.20 CEO to be returning officer unless other arrangements made**

- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

\* *Absolute majority required.*

**4.61 Choice of methods of conducting election.**

- (2) The local government may decide\* to conduct the election as a postal election.

\* *Absolute majority required.*



**POLICY IMPLICATIONS**

There are no policy implications associated with this matter.

**FINANCIAL IMPLICATIONS****Budget**

Funding required to conduct the 2017 elections will be included in the 2017/18 budget. An amount of \$49,000 (including GST) has been quoted by the Electoral Commission. The current Long Term Financial Plan provision is \$38,301.

Costs not incorporated in the Electoral Commission estimate include:

- Non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns;
- One local government staff member to work in the polling place on election day; and
- Any additional postage rate increases by Australia Post.

**Long Term**

There are no long term financial costs associated with this matter.

**Whole of Life**

There are no whole of life financial costs associated with this matter.

**SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this matter.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-31

The Leadership Experience 'Ensure open, transparent, effective good governance and communication within the organisation and the community'.

Strategic Objectives:

- 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.

**CONSULTATION**

Consultation has occurred with the Electoral Commission on the matter and Council has received written advice that the Electoral Commissioner has agreed to conduct the postal election in 2017 (ICR18266).

**COMMENT**

The Electoral Commissioner has indicated his agreement to be responsible for the conduct of the October 2017 election as required by section 4.20(4) of the *Local Government Act 1995* and has provided an estimate of \$49,000 (including GST) to conduct the election based on:

- 11,450 electors;
- A response rate of approximately 25%;

- Four vacancies;
- The count being conducted at the Shire of Capel Administration Office;
- Appointment of a local Returning Officer; and
- Standard Australia Post delivery service to apply.

Under the *Local Government Act 1995*, the only person allowed to conduct postal elections is the Western Australian Electoral Commissioner. It is not possible for local governments or the Federal Electoral Commissioner to conduct postal elections.

Whilst the cost to participate in a postal election conducted by the Electoral Commission is significantly more than the 'in person' voting method, the benefits of participating include:

- Greater elector participation is expected (42% in 2001, 38% in 2003, 41% in 2005, 36% in 2007, 34% in 2009, 28% in 2011 and 24% in 2015). In 2013, the Shire had the same number of vacancies as councillor nominations therefore there was no need for a vote to be held.
- Freeing up staff time, especially the Chief Executive Officer (CEO), to attend to other duties.
- Helps eliminate a perception of bias, especially by the returning officer (which is usually the CEO), towards any candidates or the existing Councillors.

The greater costs of postal voting over 'in person' voting are due to the additional printing, postage and administrative costs of the WA Electoral Commission.

Despite costing more than 'face to face' elections, postal elections are a better method of conducting elections when voting is not compulsory as they generally provide an increased voter response compared to requiring people to attend a polling booth. As such Council is encouraged to continue to support this method for the 2017 local government elections.

The recommendation also includes wording that approves the Electoral Commissioner also conducting any other elections or polls that may be required up to or after October 2017. Whilst there currently are no indications that these may be required, including it as part of the resolution now will assist in the smooth administration process should one of these instances occur.

### **VOTING REQUIREMENTS**

Absolute majority

<b>OC1213 OFFICER'S RECOMMENDATION - 15.4/COUNCIL DECISION</b>
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**Moved Cr J Scott, Seconded Cr Bell**

**That Council:**

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

Carried with an Absolute majority 9/0

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**OC1214 (15.5) 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: 21.12.16  
Author: Finance & Accounts Payable Officer, S Searle  
Senior Officer: Acting Executive Manager Corporate Services, A Mattaboni  
Attachments: Nil

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**MATTER FOR CONSIDERATION**

Adoption of accounts to be paid.

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

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

**Proposal**

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

**STATUTORY ENVIRONMENT**

Local Government 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**

Shire of Capel Strategic Community Plan 2013 – 2031

1 The Leadership Experience 'Ensure open, transparent, effective good governance and communication within the organisation and the community'.

Strategic Outcomes:

1.4: Provide efficient and effective financial management to ensure long term financial viability of the organisation.

**CONSULTATION**

Relevant staff 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:

EFT23167	22/12/2016	BUNBURY MOWER SERVICE	NEW EDGER ATTACHMENT FOR STIHL COMBI TOOL	494.00
EFT23168	22/12/2016	BRANDICOOT	ADDITIONAL CSS CODING - SYNERGY ONLINE	165.00
EFT23169	22/12/2016	BP AUSTRALIA	DISTILLATE NOVEMBER 2016	8903.24
EFT23170	22/12/2016	STAPLES AUSTRALIA P/LTD	2016/17 STATIONERY	793.62
EFT23171	22/12/2016	CARBONE BROS PTY LTD	209 TONNE GRAVEL TO BE DELIVERED TO NORMAN RD	3688.96
EFT23172	22/12/2016	DISCOUNT AUTO PARTS	WINDOW WASHER X 2 & 4X LITTLE TREE BLACK ICE P0082	47.70

EFT23173	22/12/2016	FENNESSY'S	VEHICLE REPAIRS 42CP	34.98
EFT23174	22/12/2016	FRONT-LINE SIGNS	SUPPLY AND FIT RANGER REFLECTIVE STRIPING TO CP9503 AND APPLY RANGER DECAL & SHIRE LOGO	814.00
EFT23175	22/12/2016	FIT 2 WORK.COM.AU	FIT 2 WORK AUDIT FEE	275.00
EFT23176	22/12/2016	LD TOTAL	VARIOUS WORKS DALYELLUP PARKS AND GARDENS	60970.35
EFT23177	22/12/2016	LAKESIDE WHOLESALE NURSERY	SUPPLY & DELIVER 121 TREES FOR 2016 TREE GIVEAWAY PROJECT	3830.09
EFT23178	22/12/2016	MALATESTA ROAD PAVING & HOT MIX	SPRAY & RESEAL GAVINS RD, 6 TONNE HOTMIX AND 400 LTRS OF EMULSION	18591.81
EFT23179	22/12/2016	SJ ROADWORKS	VARIOUS ROLLER HIRE, DRUM ROLLER HIRE, WATER CART AND OPERATOR HIRE, TRAFFIC CONTROL AND SIGNS FOR BROOKDALE ROAD, NORMAN ROAD AND TOWNSITE	9412.70
EFT23180	22/12/2016	RTW STEEL FABRICATION	REPAIR TO TARP WINDING SHAFT AND FABRICATE BACKING AND WELD SIGN TO POLES	638.00
EFT23181	22/12/2016	STEWART & HEATON CLOTHING CO PTY LTD	BOYANUP BFB PROTECTIVE CLOTHING	169.27
EFT23182	22/12/2016	SOUTHERN LOCK & SECURITY	BBQ AT THE PEPPY BEACH COMMUNITY CENTRE CHANGE LOCKS TO SHIRE OF CAPEL L1 KEY AND REPLACEMENT OF BATTERY BACKUP AT DAYELLUP SPORTS PAVILION	558.80
EFT23183	22/12/2016	SONIC HEALTHPLUS PTY LTD	PRE EMPLOYMENT MEDICAL CUSTOMER SERVICE OFFICER	291.50
EFT23184	22/12/2016	TOTALLY WORKWEAR	UNIFORM ALLOWANCE EXPENSES	1258.40
EFT23185	22/12/2016	VISIMAX	RANGERS PATCHES FOR SHOULDERS	56.70
EFT23186	22/12/2016	WORK CLOBBER BUNBURY	PROTECTIVE CLOTHING	704.59
EFT23187	22/12/2016	WORKPAC GROUP	EMPLOYEE HIRE	4953.64
				116,652.35

OUTSTANDING CREDITORS AS AT 30 November 2016: \$237,608.10

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for 21 December 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

**OC1214 OFFICER'S RECOMMENDATIONS – 15.5/COUNCIL DECISION**

**Moved Cr Bell, Seconded Cr McCleery**

**That Council authorises the Schedule of Accounts covering vouchers EFT23167 to EFT23187, a total of \$116,652.35 for payment.**

Carried 9/0

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**OC1215 (15.6) Accounts Paid During the Month of November 2016**

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	21.12.16
Author:	Finance & Accounts Payable Officer, S Searle
Senior Officer:	Acting Executive Manager Corporate Services, A Mattaboni
Attachments:	Nil

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**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month.

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

Accounts paid are required to be submitted each month.

**Proposal**

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

**STATUTORY ENVIRONMENT**

Local Government 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**

Shire of Capel Strategic Community Plan 2013 – 2031

1 The Leadership Experience 'Ensure open, transparent, effective good governance and communication within the organisation and the community'.

Strategic Outcomes:

1.4: Provide efficient and effective financial management to ensure long term financial viability of the organisation.

**CONSULTATION**

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

**COMMENT**

Payments made during the month of November 2016 are as follows:

EFT22858	02/11/2016	AMITY SIGNS	10 X RURAL NUMBER PLATES AND SIGNS FOR SHIRE STREETS	437.80
EFT22859	02/11/2016	AUSLEC	4 BOXS SMALL FLUORO LIGHTS	149.82
EFT22860	02/11/2016	A2K TECHNOLOGIES	REVV STANDARD PERPETUAL SEATS	7934.08
EFT22861	02/11/2016	BOYANUP MEMORIAL PARK COMMITTEE	DONATION REIMBURSEMENT FOR THE PLAQUE AT JACK AND MARY KITCHEN COMMUNITY CENTRE	535.70
EFT22862	02/11/2016	BUNBURY MOWER SERVICE	PARTS AND REPAIR TO POLE SAW	889.50



EFT22863	02/11/2016	CITY OF BUSSELTON	REIMBURSEMENT CLAG FUNDED EXPENSE - EPBC REFERRAL FEE	7352.00
EFT22864	02/11/2016	BUNBURY AUTO ELECTRICS	REPLACE WORK LIGHT ON TRACTOR, REPAIR TAIL LIGHT ON TRACTOR ITJY262 AND REPAIR WIRE WORK ON FUEL TANK ON UTE AND INSTALL UTE LIGHT	2271.05
EFT22865	02/11/2016	BUNBURY HARVEY REGIONAL COUNCIL	DISPOSAL WASTE FOR THIRD ORGANIC BIN DOMESTIC SERVICE, PART COST FOR REGIONAL WASTE EDUCATION OFFICERS AND TRANSPORT MATTRESSES FROM TRANSFER STATION	11273.93
EFT22866	02/11/2016	BUNBURY NETBALL ASSOCIATION	KIDSPORT APPLICATIONS	325.00
EFT22867	02/11/2016	STAPLES AUSTRALIA PTY LTD	DELTA PLUS COMFORT DUO HIGH BACK CHAIR, KITCHEN SUPPLIES AND STATIONERY	660.42
EFT22868	02/11/2016	CARDINALS BCD FOOTBALL CLUB	KIDSPORT APPLICATIONS	220.00
EFT22869	02/11/2016	CENTRECARE CORPORATE	CENTRECARE CORPORATE - ANNUAL FEE AND ONGOING APPOINTMENTS/USAGE	187.00
EFT22870	02/11/2016	CAREY PARK SCOUT GROUP	KIDSPORT APPLICATIONS	900.00
EFT22871	02/11/2016	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE	2498.96
EFT22872	02/11/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	962.68
EFT22873	02/11/2016	DALYELLUP BEACH CRICKET CLUB	KIDSPORT APPLICATION	165.00
EFT22874	02/11/2016	DELRON CLEANING	CLEANING OF SHIRE OFFICES AND CARPET CLEAN IN MEETING ROOM AT BOYANUP COMM CENTRE	223.96
EFT22875	02/11/2016	D'VINCI CONTRACTING	REPLACE OLD MESH & POSTS ON CRICKET NETS	7975.00
EFT22876	02/11/2016	ELGIN HALL COMMITTEE	REIMBURSEMENT FOR ELECTRICITY CONSUMPTION AT ELGIN HALL	124.31
EFT22877	02/11/2016	LGIS RISK MANAGEMENT	1ST INSTALMENT FOR REGIONAL RISK CO-ORDINATOR PROGRAM 16/17	4873.00
EFT22878	02/11/2016	ERG ELECTRICS PTY LTD	MAINTENANCE OF DALYELLUP DECORATIVE STREET LIGHTING	4529.80
EFT22879	02/11/2016	GOLDEN WEST PLUMBING & DRAINAGE	RE-ARRANGE PIPE WORK FOR 2 CHANGE ROOMS AT DALYELLUP SPORTS PAVILION SO HOT WATER CAN BE CIRCULATED THROUGH HEAT PUMP SYSTEM AND ELECTRIC BOOSTER SYSTEM CAN BE DISCONNECTED OR CONNECTED BACK IN	1527.90
EFT22880	02/11/2016	FLEXI STAFF	EMPLOYMENT HIRE	3266.38
EFT22881	02/11/2016	LD FREEMAN	REIMBURSEMENT FOR WORKSHOP EXPENSES	167.48
EFT22882	02/11/2016	INSIGHT CCS PTY LTD	CALL CENTRE CHARGES SEPT 16	278.86

EFT22883	02/11/2016	LESLEY JACKES	REIMBURSEMENT FOR HALLOWEEN STICKERS	135.15
EFT22884	02/11/2016	BRAYDEN JONES	SPORTS PARTICIPATION SCHEME APPLICANT	300.00
EFT22885	02/11/2016	PERTHWASTE GREEN RECYCLING	PROCESSING OF DOMESTIC RECYCLING	5494.31
EFT22886	02/11/2016	METAL ARTWORK CREATIONS	9X NAME BADGES WITH MAGNETIC BACK AND POSTAGE	107.80
EFT22887	02/11/2016	MUIR'S MANJIMUP	FORD RANGER 4X4 DUAL CAB PICK UP CP9503 AND TRADE-IN	29285.69
EFT22888	02/11/2016	PERTH SAFETY PRODUCTS PTY LTD	TRAFFIC CONES - REFLECTIVE - 700MM	1375.00
EFT22889	02/11/2016	PRIME INDUSTRIAL PRODUCTS PTY LTD	FLASHING LED BEACON	146.30
EFT22890	02/11/2016	SOUTH WEST TREE SAFE	EMERGENCY REMOVAL OF 2 X TREES - PENN ST, BOYANUP - 20/10/16	880.00
EFT22891	02/11/2016	SOUTHERN LOCK & SECURITY	SUPPLY 3 PADLOCKS KEYED TO I2 ON SHIRE SYSTEM AND WEEKLY ALARM MONITORING	971.88
EFT22892	02/11/2016	SOS OFFICE EQUIPMENT	CANON PF-04 PRINT HEAD (ENGINEERING CANON LF PRINTER)	658.90
EFT22893	02/11/2016	SELECTUS	PAYROLL DEDUCTIONS	1217.40
EFT22894	02/11/2016	SUSSEX TURF CONTROL	LUTHERAN OVAL (WEST) 2 PASS VERTI CUT AND 2 PASS PICKUP WITH PERUZZO PLUS WASTE REMOVAL	6085.00
EFT22895	02/11/2016	SONIC HEALTHPLUS PTY LTD	PRE EMPLOYMENT MEDICAL LIBRARY OFFICER CASUALS X 2	291.50
EFT22896	02/11/2016	SOUTH BUNBURY JUNIOR FOOTBALL CLUB	KIDSPORT APPLICATIONS	240.00
EFT22897	02/11/2016	THINKWATER BUNBURY	GALCON CONTROLLERS AND POLYPIPE	400.80
EFT22898	02/11/2016	TENNIS EXCELLENCE - BUNBURY	KIDSPORT APPLICANT	100.00
EFT22899	02/11/2016	VISIMAX	6 X RANGER SHOULDER BADGES FOR NEW SHIRTS	40.20
EFT22900	02/11/2016	WORK CLOBBER BUNBURY	WORK UNIFORMS	345.00
EFT22901	02/11/2016	ANITA SCOTT	SPORTS PARTICIPATION SCHEME APPLICANT	200.00
EFT22902	02/11/2016	THE PRINT SHOP	2500 DOG REGISTRATION FORMS	552.00
EFT22903	02/11/2016	DALYELLUP BEACH SURF LIFE SAVING CLUB INC.	KIDSPORT APPLICATIONS	245.00
EFT22904	02/11/2016	DIGGINS PS & L	RATES REFUND	3210.22
EFT22905	02/11/2016	THE FLOWER HOUSE	FLOWERS-GIFT FOR RETIRING VOLUNTEER	50.00
EFT22906	01/11/2016	FUJI XEROX AUSTRALIA PTY LTD	MONTHLY SERVICE CHARGE DALYELLUP LIBRARY COPIER	93.50
EFT22907	01/11/2016	WESTNET PTY LTD	MONTHLY INTERNET	384.78
EFT22908	09/11/2016	AMITY SIGNS	W6-3B FL ORANGE - CHILDREN CROSSING SIGNS - 750X750	587.40
EFT22909	09/11/2016	SAI GLOBAL LIMITED	SAI GLOBAL MEMBERSHIP FEE	620.40
EFT22910	09/11/2016	AUSLEC	30 SMALL FLURO LIGHTS	249.70

EFT22911	09/11/2016	AUSQ TRAINING	ADVANCED WORKSITE TRAFFIC MANAGEMENT RPL TRAINING	395.00
EFT22912	09/11/2016	AMPAC DEBT RECOVERY	SKIP TRACE COSTS	198.00
EFT22913	09/11/2016	BOYANUP LIONS CLUB	BOYANUP CEMETERY MAINTENANCE DONATION	1331.50
EFT22914	09/11/2016	BUSSELTON REFRIGERATION & AIR CONDITIONING	CARRY OUT REMEDIAL WORK ON AIR CON AT BOYANUP HALL AS PER REPAIR QUOTE 00013524	4647.53
EFT22915	09/11/2016	BUNNINGS BUILDING SUPPLIES PTY LTD	SMALL DOOR, HINGES. INDICATOR BOLTS, SPIRAL PLUNGER AND MISC. ITEMS	213.11
EFT22916	09/11/2016	BULLIVANTS PTY LTD	COATED CABLE FOR REPLACEMENT CABLE TO TENNIS NETS AT SPORTS PAVILION	171.31
EFT22917	09/11/2016	BLACKWOODS	FIREFIGHTER BOOTS GELORUP BF BRIGADE	266.65
EFT22918	09/11/2016	BUSSELTON BITUMEN SERVICE & CIVIL	CNR WILLIAM/LINCOLN STREETS BOYANUP ROAD UPGRADE AS PER QUOTE 9381 INCLUDING KEYED KERBING	15006.20
EFT22919	09/11/2016	BENDIGO BANK BUSINESS CREDIT CARD	VISTAPRINT-18/10/16-\$1000.49, 100 X CALENDAR FOR 2016 THANK A VOLUNTEER BREAKFAST	1056.65
EFT22920	09/11/2016	BRANDICOOT	WEBSITE SUBSCRIPTION 12 MONTHS - JULY 2016 TO JUNE 2017	238.00
EFT22921	09/11/2016	BUNBURY & BUSSELTON TOWING	TOW MAZDA 121 FROM FORREST BEACH ROAD TO DEPOT IMPOUND	388.00
EFT22922	09/11/2016	STAPLES AUSTRALIA PTY LTD	2016/17 STATIONERY	833.59
EFT22923	09/11/2016	CAPEL TRANSPORT	CARTAGE OF 3X LARVICIDE	229.91
EFT22924	09/11/2016	COATES HIRE SERVICE	HIRE - SMALL DRUM ROLLER - 11/10/16-12/10/16	251.90
EFT22925	09/11/2016	CAPEL CLEANING	VACUUMING OF SHIRE OFFICES SATURDAYS 1 JULY UNTIL FURTHER NOTICE	270.00
EFT22926	09/11/2016	DISCOUNT AUTO PARTS	LION REVOLVING LAMP/BEACON - AMBER - 12V - LA115GM	193.90
EFT22927	09/11/2016	DELRON CLEANING	CLEANING - DALYELLUP COMMUNITY CENTRE - AS PER TENDER 14/03	11130.23
EFT22928	09/11/2016	DIRT DESIGN	LEWANA POS UPGRADE AS QUOTED.	8823.10
EFT22929	09/11/2016	EARTH 2 OCEAN COMMUNICATIONS	TX4600 RADIO + INSTALLATION AT THE SHIRE OF CAPEL DEPOT	1361.59
EFT22930	09/11/2016	FENNESSY'S	SERVICE CP5186 - FRIDAY 7 OCTOBER 16	329.01
EFT22931	09/11/2016	FLEXI STAFF	FLEXISTAFF 26/10	4022.04
EFT22932	09/11/2016	GHD PTY LTD	GROUNDWATER MONITORING	7562.50
EFT22933	09/11/2016	A INGRAM	24X BOOKSTOCK PURCHASE	358.76

EFT22934	09/11/2016	ISA TECHNOLOGIES	00MJ141 300GB 15K 6GBPS SAS HDD (SAN STORAGE EXPANSION)	2520.80
EFT22935	09/11/2016	LD TOTAL	GRAFFITI REMOVAL FROM VARIOUS LOCATIONS THROUGHOUT DALYELLUP AS QUOTED.	2810.50
EFT22936	09/11/2016	LOCAL GOVERNMENT MANAGERS AUSTRALIA LGMA	LGMA ANNUAL STATE CONFERENCE NOV 9 - 11 2016	1500.00
EFT22937	09/11/2016	LINDA MCINTYRE	WORKING WITH CHILDREN CHECK RENEWAL	83.00
EFT22938	09/11/2016	JUST YOUNGER CATERING	CATERING FOR MONTHLY COUNCIL MEETING DINNERS	432.00
EFT22939	09/11/2016	MPM DEVELOPMENT CONSULTANTS	PROVISION OF ENGINEERING SERVICES FOR THE RECTIFICATION OF THE EXPOSED AGGREGATE PATH FOR STAGE 1 & 2 OF CAPEL CIVIC PRECINCT AS PER THE SUBMITTED FEE PROPOSAL DATED 23 AUGUST 2016. \$1,080 HAS BEEN ALREADY PAID OUT OF TOTAL FEE \$1,350 THROUGH PO 26090. THIS PO IS FOR THE BALANCE AMOUNT	297.00
EFT22940	09/11/2016	MARAS CONSTRUCTIONS	BOBCAT HIRE FOR MONDAY 30/10/16 SPREAD TOP SOIL ON CAR PARK BATTER AND SITE CLEAN UP	550.00
EFT22941	09/11/2016	OTHER SIDE PROPERTY MAINTENANCE	CABLE LOCATE BROKEN WIRE IN SERVICES DURING CONSTRUCTION IN ERLE SCOTT TOWN PARK	99.00
EFT22942	09/11/2016	GJ & LA PONTAGUE	RATES REFUND	369.65
EFT22943	09/11/2016	PRIME INDUSTRIAL PRODUCTS PTY LTD	EAR PLUGS, CTN	404.08
EFT22944	09/11/2016	AUSTRALIA TAXATION OFFICE	PAYGW 1/11/16	48873.00
EFT22945	09/11/2016	RTW STEEL FABRICATION	TAILGATE REPAIR - CP9574	1211.10
EFT22946	09/11/2016	SOUTH WEST TREE SAFE	REMOVE DYING/DANGEROUS TREES FROM VERGE	3135.00
EFT22947	09/11/2016	SOS OFFICE EQUIPMENT	METERBILLING - DC5C5580E - SERIAL NO 785381 & DC5C5580E, AND 785373 X 2 ADMIN COPIER	1915.93
EFT22948	09/11/2016	SOUTHWEST SUPPLIES	FREIGHT FOR EASYPOL FLOOR POLISH	63.53
EFT22949	09/11/2016	SONIC HEALTHPLUS PTY LTD	PRE EMPLOYMENT MEDICAL LIBRARY OFFICER CASUALS X2	291.50
EFT22950	09/11/2016	STAR CONSULTING	CONSULTING FOR STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN	2992.00
EFT22951	09/11/2016	D & K THOMAS ELECTRICAL	REPAIR OF LIGHT SWITCH AT CAPEL SENIOR CITIZEN	115.50

EFT22952	09/11/2016	TONY AVELING & ASSOCIATES PTY LTD	SAFETY LEADERSHIP TRAINING - CERTIFICATE IV IN WORK HEALTH AND SAFETY	550.00
EFT22953	09/11/2016	ZARBELLIKA	GIS CONSULTANCY	4371.13
EFT22954		- EFT 22987	PAYMENT ALREADY APPROVED BY COUNCIL, PLEASE REFER TO AGENDA ON 23.11.16	0.00
EFT22988	10/11/2016	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 63 INTEREST PAYMENT - PGB COMMCNTR 181120.04	6668.89
EFT22989	08/11/2016	FUJI XEROX AUSTRALIA PTY LTD	16/17 LEASE OF PHOTOCOPIER PER MONTH-CAPEL LIBRARY	132.00
EFT22990	11/11/2016	ICE MACHINES ONLINE	KM-75A ICE MACHINE MAKER - QUOTE 01491	3025.00
EFT22991	16/11/2016	AMITY SIGNS	100 X WHITE GUIDE POSTS AND SHARED SIGNAGE BUSSELL HWY AND WASHINGTON AVE DALYELLUP	4102.78
EFT22992	16/11/2016	AUSTRALIA POST	POSTAGE, INCLUDES CAT AND DOG REGISTRATIONS, RATES AND BUSH FIRE ORDERS	11729.20
EFT22993	16/11/2016	ASB MARKETING	FIMMWA FUNDING CAR MAGNETS	1384.68
EFT22994	16/11/2016	TANISHA ANDERSON	SPORTS PARTICIPATION SCHEME	300.00
EFT22995	16/11/2016	SANDRO AGRIZZI FARM MACHINERY PTY LTD	SKIDS REPAIRED ON SLASHER CP9914	358.00
EFT22996	16/11/2016	AMD CHARTERED ACCOUNTANTS	AUDIT FOR FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2016	13497.00
EFT22997	16/11/2016	BUNBURY RETRAVISION	SUPPLY MITSUBISHI MR260GWA REFRIGERATOR	580.00
EFT22998	16/11/2016	BUNBURY MOWER SERVICE	MISC PURCHASES INCLUDING WIP CORD, HEADS, SPOOLS, PLATES ETC, SERVICE HEDGER AND SERVICE BRUSH CUTTER	913.00
EFT22999	16/11/2016	BUNBURY AUTO ONE	DOLLY WHEEL FOR TRAILER	52.95
EFT23000	16/11/2016	BOC LIMITED	DRY ICE	38.28
EFT23001	16/11/2016	BUNNINGS BUILDING SUPPLIES PTY LTD	MISC SHOVELS, RAKES ETC AND STORAGE HOOKS AND PIPING AND HOSES	355.45
EFT23002	16/11/2016	BRANDICOOT	SYNERGY ONLINE - WEBSITE CONSOLIDATION	1072.50
EFT23003	16/11/2016	BP AUSTRALIA	DISTILLATE OCTOBER	3673.75
EFT23004	16/11/2016	STAPLES AUSTRALIA PTY LTD	2016/17 STATIONERY	228.91
EFT23005	16/11/2016	CAPEL SOCCER CLUB	KIDSPORT APPLICATION	150.00
EFT23006	16/11/2016	CAPEL CLEANING	VACUUMING OF SHIRE OFFICES AND PLAYGROUP SATURDAYS	135.00
EFT23007	16/11/2016	CAPEL NEWSAGENCY	NEWSPAPERS FOR LIBRARIES AND MISC STATIONERY	76.95
EFT23008	16/11/2016	DIRT DESIGN	SUPPLY AND INSTALL 120 GREVILLEA'S DALYELLUP BLVD CAPS GARDENS	2712.60

EFT23009	16/11/2016	GOLDEN WEST PLUMBING & DRAINAGE	VARIOUS PLUMBING - REPLACE FAULTY RELEASE VALVE ON HOT WATER SYSTEM AT DALYELLUP PAVILION, REPLACE METER BEND ETC AT CAPEL SENIOR CITIZENS BLDG, UNBLOCK MALE TOILET AT DAYELLUP LAKES, INSTALL MINISIT CONTROLLER ON OVEN AT CAPEL BOWLING CLUB, INSTALL OUTLET VALVE TO CISTERN AT CAPEL SPORTS PAVILION, UNBLOCK FEMALE TOILETS AT DALYELLUP LAKES AND REPLACE BROKEN TOILET SEAT	1837.55
EFT23010	16/11/2016	DEPT OF FIRE AND EMERGENCY SERVICES (DFES).	2016/17 ESL PAYABLE ON SHIRE BUILDINGS 18 X \$71	1278.00
EFT23011	16/11/2016	FLEXI STAFF	EMPLOYMENT HIRE	3144.50
EFT23012	16/11/2016	FIT 2 WORK.COM.AU	EMPLOYEE POLICE CHECKS	81.18
EFT23013	16/11/2016	KITCHEN R & D	RATES REFUND	271.00
EFT23014	16/11/2016	LD TOTAL	REMOVE AND REPLACE DEAD GREVILLEAS ALONG HAREWOODS RD, GRAFFITI REMOVAL AT SOUTH PARK AND WENTWORTH, REMOVE PAPERBARK FROM KAMBANY PARK, SOFTFALL IN SOUTH PARK REPAIR, REPLACE CONTROL VALVE IN LAKE PUMP STATION AND REPLACE/REPAIR VARIOUS IRRIGATION ISSUES THROUGHOUT DALYELLUP	19797.02
EFT23015	16/11/2016	LANDGATE	SUBSCRIPTION SERVICES AND PACKAGE MAPS - SMALL TIER - YEAR 1 OF 3 YEAR AGREEMENT	2556.40
EFT23016	16/11/2016	MALATESTA ROAD PAVING & HOT MIX	400 TONNE HOTMIX	720.00
EFT23017	16/11/2016	JEFF MCDUGALL	REIMBURSEMENT FOR PURCHASE OF DIESEL TRANSFER PUMP AND ASSOCIATED CONNECTORS	1368.27
EFT23018	16/11/2016	NIGHTGUARD SECURITY SERVICE PTY LTD	SECURITY PATROLS	951.79
EFT23019	16/11/2016	PIACENTINI & SON PTY LTD	48.45 TON LIMESTONE	708.82
EFT23020	16/11/2016	FULTON HOGAN INDUSTRIES PTY LTD	400 LITRES EMULSION	710.40
EFT23021	16/11/2016	PRIME INDUSTRIAL PRODUCTS PTY LTD	CORDLESS POWER SAW AND BATTERY	447.96
EFT23022	16/11/2016	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 10/11/16, TAX \$42	42.00
EFT23023	16/11/2016	SIGNAL ONE	WA RANGER SHIRTS AND PANTS	375.73
EFT23024	16/11/2016	Susan Stevenson	REIMBURSEMENT OF EXPENSES FROM WA ANNUAL LGMA STATE CONFERENCE	93.44

EFT23025	16/11/2016	SUSSEX TURF CONTROL	LUTHERAN OVAL (EAST) HOLLOW TYNE CORE, SUPPLY AND APPLY TOP DRESSING SAND, SUPPLY APPLICATION OF NEUTROG BLADE RUNNER WITH BRUSH IN.	7217.38
EFT23026	16/11/2016	TOTALLY WORKWEAR	SUPPLY AND EMBROIDERY OF 3 SHIRTS, TWO PAIR OF STUBBIES DRILL CARGO PANTS AND ONE JUMPER/ JACKET	259.60
EFT23027	16/11/2016	TRADE HIRE	ROLLER HIRE & BOBCAT HIRE- 27/10/16	831.80
EFT23028	16/11/2016	THINKWATER BUNBURY	MISC RETIC PARTS TO REPLACE MISALIGNED AND INCORRECT HEADS AND EMITTERS AT DALYELLUP COMM CENTRE AND ERLE SCOTT PARK	463.51
EFT23029	16/11/2016	RAY TINK ROOFING	CLEAN GUTTERS AND CARRY OUT ROOF INSPECTIONS AT ALL SHIRE BUILDINGS	3410.00
EFT23030	16/11/2016	IT VISION	SYNERGYSOFT DATABASE - UNIVERSE TRADE-UP FROM WORKGROUP TO SERVER - 24 X USER SYNERGYSOFT DATABASE - ENTERPRISE LICENSE - LICENSED USERS - 3 X USER ANNUAL LICENCE FEE	9315.71
EFT23031	16/11/2016	WORK CLOBBER BUNBURY	PAIR OF OVERALLS	72.01
EFT23032	16/11/2016	WYE ELECTRICAL PTY LTD	REPLACE OUTSIDE LIGHT AND FEMALE TOILET LIGHT OUTSIDE	574.15
EFT23033	21/11/2016	CALTEX AUSTRALIA	FLEET FUEL	2548.36
EFT23034	23/11/2016	AMITY SIGNS	VARIOUS ROAD SIGNS	4497.35
EFT23035	23/11/2016	AUSDENS JOINERY & GLASS	SUPPLY OF DOOR CLOSER FOR DALYELLUP COMMUNITY CENTRE	81.40
EFT23036	23/11/2016	SANDRO AGRIZZI FARM MACHINERY PTY LTD	REPAIRS TO SLASHER & VARIOUS PARTS	1839.48
EFT23037	23/11/2016	BUNBURY AUTO ELECTRICS	INSTALL WORK LIGHT ON VEHICLE CP 1125 VIA SWITCH ON DASH	273.35
EFT23038	23/11/2016	BUILT RIGHT APPROVALS	BUILDING SERVICES SUPPORT	3168.00
EFT23039	23/11/2016	BP AUSTRALIA	DISTILLATE-5900L	6850.26
EFT23040	23/11/2016	CATALYSE	DISBURSEMENT OF SCP SURVEY COMMUNITY WELLBEING	11277.28
EFT23041	23/11/2016	CAPEL GARAGE	FOUR NEW TYRES HEALTH TRAILER P262	924.00
EFT23042	23/11/2016	CIVILCON (WA) PTY LTD	SUPPLY OF ACCESSIBLE DOOR CLOSER FROM DORMA TO INTEGRATE WITH SWIPE CARD	9503.80
EFT23043	23/11/2016	CAPEL GOJU RYU KARATE DO	KIDSPORT REGISTRATION	200.00
EFT23044	23/11/2016	CAPEL CLEANING	VACUUMING OF SHIRE OFFICES AND PLAYGROUP SATURDAYS	135.00
EFT23045	23/11/2016	CAPEL NEWSAGENCY	STATIONERY	61.30

EFT23046	23/11/2016	DALYELLUP BEACH CRICKET CLUB	KIDSPORT REGISTRATION	165.00
EFT23047	23/11/2016	DELL AUSTRALIA PTY LTD	CS_NEO-FLEXDUAL LCD LIFT STAND AND 24 IN MONITOR	231.00
EFT23048	23/11/2016	EASIFLEET MANAGEMENT	NOVATED LEASE	753.86
EFT23049	23/11/2016	EARTH 2 OCEAN COMMUNICATIONS	PURCHASE AND INSTALLATION OF SPOTLIGHTS FOR RANGER UTE CP9503	2635.70
EFT23050	23/11/2016	GOLDEN WEST PLUMBING & DRAINAGE	SUPPLY AND INSTALL 2 NW INVISI PNEUMATIC IN WALL CISTERNS AT BOYANUP COMMUNITY CENTRE AND REPAIR AND SERVICING OF UV FILTRATION SYSTEMS AT CAPEL HALL, ELGIN HALL, GELORUP COMMUNITY CENTRE AND CAPEL WASTE TRANSFER STN	3132.14
EFT23051	23/11/2016	FLEXI STAFF	EMPLOYEE HIRE	3315.14
EFT23052	23/11/2016	FULLER AUCTIONEERS	CABINET FOR ICE MACHINE	95.00
EFT23053	23/11/2016	GANNAWAYS	SENIORS TRIP TO ALBANY BUS HIRE	3520.00
EFT23054	23/11/2016	GRESLEY ABAS PTY LTD	EAST DALYELLUP SPORTS PAVILION, ARCHITECTURAL CONSULTANCY FEE FOR SKETCH DESIGN, DETAILED DESIGN AND CONTRACT ADMINISTRATION	1198.12
EFT23055	23/11/2016	HARVEY FARM SERVICE	516.5HR SERVICE AND REPAIRS ON MOWERS CP9841AND CP9842	2196.63
EFT23056	23/11/2016	INSIGHT CCS PTY LTD	OCTOBER CALLS	270.28
EFT23057	23/11/2016	JUMOR WASTEWATER SERVICE & REPAIRS	ANAEROBIC TREATMENT UNIT MAINTENANCE AT PEPPERMINT GROVE BEACH COMMUNITY CENTRE AND BEACH PARK AND GELORUP COMM CENTRE	882.70
EFT23058	23/11/2016	JULIES LAWNMOWING	MOWING & SPRAYING OF BOYANUP MUSEUM GROUNDS ON 10/10/16 & 24/10/16 AND BOYANUP HALL 10/1016 AND 31/10/16	280.00
EFT23059	23/11/2016	LD TOTAL	CAPEL CIVIC PRECINCT LANDSCAPING CONTRACT	2376.00
EFT23060	23/11/2016	M2 TECHNOLOGY PTY LTD	2016 CHRISTMAS HOLIDAY MESSAGE	242.00
EFT23061	23/11/2016	MARAS CONSTRUCTIONS	DIGGER AND TRUCK HIRE FOR DRAIN CLEAN MONDAY 14/11/16 AND DIGGER HIRE FOR COLVERT WORK ON NORMANS RD 11/11/16	4510.00
EFT23062	23/11/2016	VODAFONE HUTCHISON AUSTRALIA PTY LTD	VODAFONE MESSAGING FOR BFB FOR NOV 16	227.35



EFT23063	23/11/2016	PERTH MANAGEMENT SERVICES	RENT & OUTGOING UNIT 5/135 NORTON PMDE	1552.77
EFT23064	23/11/2016	PJ & EV PAGE	MONTHLY FLOOR POLISHING BOYANUP HALL 16/17	70.00
EFT23065	23/11/2016	AUSTRALIA TAXATION OFFICE	15/11/16 PAYGW	48603.00
EFT23066	23/11/2016	RENT A FENCE PTY LTD	MONTHLY ONGOING RENTAL OF FENCING FOR PATH REMEDIAL WORKS	192.50
EFT23067	23/11/2016	FREMANTLE ESPLANADE HOTEL LTD	ACCOMMODATION IN FREMANTLE FOR CONFERENCE	1125.50
EFT23068	23/11/2016	RIDING FOR THE DISABLED CAPEL INC	KIDSPORT REGISTRATION	220.00
EFT23069	23/11/2016	THINKWATER BUNBURY	PVC CAP & HAND SAW FOR BOYANUP MEMORIAL PARK	53.85
EFT23070	23/11/2016	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 64 INTEREST PAYMENT - CAPEL HALL	54047.23
EFT23071	23/11/2016	WESTSIDE EQUIPMENT	SIDE TIPPER HIRE THURSDAY 27/10/16	343.75
EFT23072	24/11/2016	CIVILCON (WA) PTY LTD	CONTRACT TO BUILD EAST DALYELLUP SPORTS PAVILION	75147.05
EFT23073	30/11/2016	AMITY SIGNS	900 X 1200 - ROAD TO RECOVERY SIGNS	781.00
EFT23074	30/11/2016	BELL FIRE EQUIPMENT COMPANY	PRE SEASON FIRE TRUCK SERVICE - GELORUP 2.4	8739.50
EFT23075	30/11/2016	BUNNINGS BUILDING SUPPLIES PTY LTD	MISCELLANEOUS HARDWARE	360.48
EFT23076	30/11/2016	BUNBURY HARVEY REGIONAL COUNCIL	DISPOSAL WASTE FOR THIRD ORGANIC BIN DOMESTIC SERVICE OCT 16 AND REGOINAL WASTE EDUCATION PROGRAM CONTRIBUTION	8752.33
EFT23077	30/11/2016	BARB CLEWS & ASSOCIATES	COMMUNICIONS CONSULTANT - STRATEGIC COMMUNITY PLAN	715.00
EFT23078	30/11/2016	STAPLES AUSTRALIA PTY LTD	2016/17 STATIONERY	128.62
EFT23079	30/11/2016	CLEANAWAY	16/17 WASTE, RECYCLING & ORGANIC COLLECTION AND STREET BIN AND PARK BIN WASTE COLLECTION	89238.90
EFT23080	30/11/2016	CENTRECARE CORPORATE	CENTRECARE CORPORATE - 3 APPOINTMENTS/USAGE	561.00
EFT23081	30/11/2016	CLEVERPATCH	LIBRARY CRAFT SUPPLIES	153.78
EFT23082	30/11/2016	CLEANWAYXTRA	CARRY OUT WINDOW CLEANING INTERNAL AND EXTERNAL CAPEL HALL AND LIBRARY 6 MONTHLY 16/17 AND CHARGE FOR HALL HIRE BALLOON RETREIVAL	2735.00
EFT23083	30/11/2016	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE	2165.27
EFT23084	30/11/2016	CAPEL CLEANING	VACUUMING OF SHIRE OFFICES AND PLAYGROUP SATURDAYS 19/11/16	135.00

EFT23085	30/11/2016	DALYELLUP BEACH SURF LIFE SAVING CLUB INC.	KIDSPORT REGISTRATIONS	215.00
EFT23086	30/11/2016	DEPARTMENT OF PREMIER & CABINET	PUBLICATION OF EIL LOCAL LAW	1227.55
EFT23087	30/11/2016	ELDERS RURAL SERVICES AUSTRALIA LIMITED	20 LTRS ROUNDUP AND 1 LTR REDYE CROPCARE FOR BOYANUP AND CAPEL ROAD VERGES	224.03
EFT23088	30/11/2016	FLEXI STAFF	LABOUR HIRE	3266.38
EFT23089	30/11/2016	GEOVET BUSSELTON	2016/2017 ANNUAL ORDER POUND CONTRACT	315.00
EFT23090	30/11/2016	HANSON CONSTRUCTION MATERIALS PTY LTD	24.46TONNE - CRACKER DUST	443.95
EFT23091	30/11/2016	JR & A HERSEY PTY LTD	EARPLUGS, BLACK LENS, LENS WIPES, CABLE TIES, SPRAY AND MARK, FLAGGING TAPE, SUNCREEN, INSECT REPELLENT, GLOVES	1451.48
EFT23092	30/11/2016	IBIS STYLES ALBANY	HOTEL ACCOMMODATION FOR SENIORS VISIT TO ALBANY	8535.90
EFT23093	30/11/2016	PERTHWASTE GREEN RECYCLING	MONTHLY PROCESING OF DOMESTIC RECYCLING	4682.17
EFT23094	30/11/2016	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	TRAINING COURSES	599.00
EFT23095	30/11/2016	LD TOTAL	REPAIR DAMAGED PLAY EQUIPMENT AT MURTI PARK AND REINSTALL SHADE SAILS AT SOUTH PARK AND STARLITE PARK	1936.00
EFT23096	30/11/2016	MALATESTA ROAD PAVING & HOT MIX	300 LITRES OF EMULSION	456.00
EFT23097	30/11/2016	MIRACLE RECREATION EQUIPMENT PTY LTD	HAND RAILS AS FOR DALYELLUP PARKS AND GARDENS	2285.18
EFT23098	30/11/2016	JUST YOUNGER CATERING	FINGER FOOD FOR BUSINESS WORKSHOP STRATEGIC COMMUNITY PLAN 1/11/16 FOR 20 PEOPLE	280.00
EFT23099	30/11/2016	MARKETFORCE	SOUTH WEST TIMES & WEST AUSTRALIAN VARIOUS ADVERTS	1452.24
EFT23100	30/11/2016	NIGHTGUARD SECURITY SERVICE PTY LTD	SECURITY ALARM RESPONSES	1200.39
EFT23101	30/11/2016	PIACENTINI & SON PTY LTD	12.05 TON LIMESTONE	176.29
EFT23102	30/11/2016	PROTECTOR FIRE SERVICES	REPLACE FIRE INDICATOR PANEL EXTERNAL ALARM BELL AT CAPEL LIBRARY	412.50
EFT23103	30/11/2016	SJ ROADWORKS	4 X DAYS STEEL DRUM ROLLER HIRE	929.50
EFT23104	30/11/2016	RTW STEEL FABRICATION	CUT UP GRADER BLADE AND REPAIR SLASHER DRIVE SHAFT	500.50
EFT23105	30/11/2016	RAC BUSINESSWISE	RAC MEMBERSHIP FOR 3 CARS	576.00
EFT23106	30/11/2016	RAECO	BOOK COVERING SUPPLIES	405.39

EFT23107	30/11/2016	SOUTH WEST TREE SAFE	VARIOUS TREE PRUNING/REMOVALS	5555.00
EFT23108	30/11/2016	SUSAN STEVENSON	REIMBURSEMENT FOR PROFESSIONAL FEES	1168.10
EFT23109	30/11/2016	SPRAYMOW SERVICES	HERBICIDE APPLICATION AND ADDITIONAL SPRAYING FOR CAPEL AND BOYANUP	5401.00
EFT23110	30/11/2016	SUMMERS CONSULTING	MOSQUITO IDENTIFICATION 6/10/16	264.00
EFT23111	30/11/2016	SURVEYING SOUTH	SETOUT CL AND DRAINAGE CAPEL TUTUNUP ROAD AND SETOUT FOR CONSTRUCTION AND KERB LINE WILLIAM/LINCOLN INTERSECTION BOYANUP	2574.00
EFT23112	30/11/2016	WORK CLOBBER BUNBURY	VARIOUS PROTECTIVE CLOTHING	294.38
EFT23113	30/11/2016	WOOD & GRIEVE ENGINEERS	PROVISION OF STRUCTURAL, MECHANICAL, ELECTRICAL & HYDRAULIC FOR EAST DALYELLUP SPORTS PAVILION	396.00
EFT23114	30/11/2016	WREN OIL	COLLECTION AND DISPOSAL OF WASTE OIL AND OILY WATER FROM CAPEL WASTE TRANSFER STATION 2100 L	16.50
EFT23115	30/11/2016	WINDOW IMAGERY	SUPPLY AND FIT TWO VENETIAN BLINDS TO SHIRE OFFICE WINDOWS	481.80
EFT23116	30/11/2016	THE PRINT SHOP	5000 X DLZ WINDOW ENVELOPES WITH POSTAGE PAID & CREST	403.00
EFT23117	30/11/2016	WORKPAC GROUP	LABOUR HIRE	4759.38
EFT23118	30/11/2016	ANNE BELL	REIMBURSEMENT FOR ACCOMMODATION FOR NUTS & BOLTS TRAINING COURSE	239.00
EFT23119	30/11/2016	FUJI XEROX AUSTRALIA PTY LTD	PHOTOCOPIER LEASES	1369.61
48271	02/11/2016	AUSTRALIAN INSTITUTE OF BUILDING SURVEYORS - WA AIBS	AIBS WA STATE CONFERENCE - BUILDING OFFICER AIBS CONFERENCE AND OTHER TRAINING	745.00
48272	02/11/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	52.70
48273	02/11/2016	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	132.00
48274	02/11/2016	SHIRE OF CAPEL	PAYROLL DEDUCTIONS	3132.00
48275	02/11/2016	MR RW HARVEY	REFUND FOR SENIORS' TRIP TO ALBANY. BOYANUP LIONS CLUB ARE PAYING \$50 PER BOYANUP SENIOR WHO ATTENDS THE TRIP.	100.00
48276	02/11/2016	LGRCEU	PAYROLL DEDUCTIONS	205.00
48277	02/11/2016	SYNERGY	ELECTRICITY	6813.85

48278	02/11/2016	WATER CORPORATION	WATER USAGE	422.44
48279	09/11/2016	COURIER AUSTRALIA INTERNATIONAL	FREIGHT COST FOR FIMMWA FUNDING CAR MAGNETS	24.61
48280	09/11/2016	DALYELLUP PRIMARY SCHOOL	GRADUATION CEREMONY SCHOOL AWARDS 2016	100.00
48281	09/11/2016	BUNBURY CATHEDRAL GRAMMAR SCHOOL	PRESENTATION NIGHT PRIMARY SCHOOL AWARD 2016	80.00
48282	09/11/2016	BRIAN AND DIANE JOHNSON	REFUND OF DEVELOPMENT APPLICATION	147.00
48283	09/11/2016	P SIMMS	RATES REFUND	300.37
48284	09/11/2016	TELSTRA CORPORATION LTD	RENT & CALLS	2095.70
48285	09/11/2016	TUART FOREST PRIMARY SCHOOL	GRADUATION CEREMONY SCHOOL AWARDS 2016	100.00
48286	09/11/2016	K TOPP	RATES REFUND	204.02
48287	09/11/2016	WATER CORPORATION	WATER USAGE	22.56
48288	09/11/2016	WALKER FAMILY COFFEE	REFUND FOOD PREMISE ANNUAL INSPECTION FEE	173.00
48289	16/11/2016	SHIRE OF CAPEL	REFRESHMENTS	234.90
48290	16/11/2016	DEPARTMENT OF TRANSPORT	12 MONTHS REGISTRATION FOR ALL VEHICLES	12138.45
48291	16/11/2016	DAVIES NS & DUNLOP JJ	RATES REFUND	31.13
48292	16/11/2016	P J FULLERTON	CROSSOVER CONTRIBUTION	300.00
48293	16/11/2016	FIGLIOMENI D	RATES REFUND	186.76
48294	16/11/2016	CITY OF MANDURAH	PNP CONTRIBUTIONS	10724.36
48295	16/11/2016	DEBORAH PROWSE	REFUND HIRE FEE AS WAS EVENT CANCELLED	117.25
48296	16/11/2016	SYNERGY	ELECTRICITY-1703X STREETLIGHTS	28800.65
48297	16/11/2016	THE TREEHOUSE COFFEE LOUNGE	SENIORS MORNING TEA 41 @ \$12/HEAD	492.00
48298	16/11/2016	VINCI DW & HUNTER LF	RATES REFUND	54.02
48299	23/11/2016	COURIER AUSTRALIA INTERNATIONAL	COURIER COSTS ANALYTICAL	55.05
48300	23/11/2016	SHIRE OF CAPEL	PETTY CASH RECOUP CAPEL AND DALYELLUP LIBRARY	98.10
48301	23/11/2016	COX DG & LM	RATES REFUND	5948.87
48302	23/11/2016	DEPARTMENT OF AGRICULTURE & FOOD	3 YEARLY STOCK BRAND RE-REGISTRATION	75.00
48303	23/11/2016	DALYELLUP BEACH PTY LTD	RATES REFUND	363.01
48304	23/11/2016	SYNERGY	ELECTRICITY	1175.20
48305	23/11/2016	SHEPHERD AMY & MATHEW	RATES REFUND	100.00
48306	23/11/2016	TELSTRA CORPORATION LTD	MOBILE RENT AND CALLS	2685.28
48307	30/11/2016	ALINTA GAS	EAST DALYELLUP SPORT PAVILION GAS CONNCECTION AND USAGE	768.50

48308	30/11/2016	SHIRE OF CAPEL	PETTY CASH FOR BOYANUP AND CAPEL LIBRARIES	129.37
48309	30/11/2016	BUNBURY CATHEDRAL GRAMMAR SCHOOL	DONATION FOR SCHOOL AWARDS FOR YEAR 12 CITIZENSHIP AWARDS	80.00
48310	30/11/2016	O'CONNOR RS	RATES REFUND	155.64
48311	30/11/2016	PAPAS MV	RATES REFUND	1121.76
48312	30/11/2016	SYNERGY	ELECTRICITY	6071.75
48313	30/11/2016	WATER CORPORATION	WATER USAGE	36.10
48314	30/11/2016	LOCAL GOVERNMENT COMPLIANCE INC	NEW PLANNING REGULATIONS & UNDERSTANDING DELEGATIONS	125.00
717	09/11/2016	BUILDING & CONSTRUCTION IND TRAINING FUND	BCITF LEVY COLLECTED OCT 16	6178.76
718	09/11/2016	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	BSL LEVY COLLECTED OCT 16	3650.75
719	09/11/2016	SHIRE OF CAPEL	BCITF COMMISSION COLLECTED OCT 16	262.00
720	16/11/2016	REBECCA BARLOW	HALL BOND REFUND	150.00
721	16/11/2016	NICOLE KERRY BIGNELL	HALL BOND REFUND-\$450	450.00
722	16/11/2016	SHIRE OF CAPEL	WITHHELD \$50 FROM BOND FOR CLEANING	50.00
723	16/11/2016	JOSEPH JOSEPH PUTHUPARAMBIL	HALL BOND REFUND	150.00
724	23/11/2016	LARRY WILLIAM RICHES	HALL BOND REFUND T2184	1000.00
725	30/11/2016	CWA of WA Boyanup	HALL BOND REFUND	150.00
726	30/11/2016	RICHARD CROSS	DEMOLITION BOND REFUND	500.00
727	30/11/2016	JAMES IRELAND	HALL BOND REFUND	150.00
728	30/11/2016	KAREN ROOS	HALL BOND REFUND	500.00
				871,390.08

01.11.16	SHIRE OF CAPEL PAYROLL PAYMENTS	\$162,961.70
10.11.16	SHIRE OF CAPEL PAYROLL PAYMENTS	42.00
15.11.16	SHIRE OF CAPEL PAYROLL PAYMENTS	\$162,414.81
29.11.16	SHIRE OF CAPEL PAYROLL PAYMENTS	\$158,727.51
		<b><u>\$484,146.02</u></b>
24.11.16	TRANSFER from MUNICIPAL ACCOUNT	-\$650,000.00
		<b><u>-\$650,000.00</u></b>

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 21 December 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. Heedy.*

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CHIEF EXECUTIVE OFFICER

**VOTING REQUIREMENTS**

Simple majority

**OC1215 OFFICER'S RECOMMENDATIONS – 15.6/COUNCIL DECISION**

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

**That Council receives:**

- 1 The Schedule of Accounts covering vouchers 717-728, EFT22858 to EFT23119, CHQ48271 to CHQ48314 totalling \$871,390.08 during the month of November 2016;**
- 2 Payroll payments for the month of November 2016, totalling \$484,146.02; and**
- 3 Transfers to and from investments as listed.**

Carried 9/0

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**OC1216 (15.7) Financial Statements for the Month of November 2016**

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	09.12.16
Author:	Manager Finance, A Mattaboni
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Financial Statements for November 2016

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**MATTER FOR CONSIDERATION**

Council to consider adopting the monthly financial statements for November 2016.

**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**

Strategic Community Plan 2013 to 2031

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 30 November 2016, Council's net current assets position was a surplus of \$10,101,363. The forecast year end net current asset position is a surplus of \$379,915. This a change to the budgeted amount of \$4,442 due to the brought forward amount changing from the budget figure used of \$151,668 to the actual amount of \$527,141. The resulting forecast extra surplus amount of \$375,473 will need to be reallocated by Council. The forecast net current asset position for year end 2016/17 will change with the updating of forecast accounts during the financial year. In accordance with Local Government (Financial Management) Regulation 33A a review of the annual budget will be carried out between 1 January and 31 March 2017.

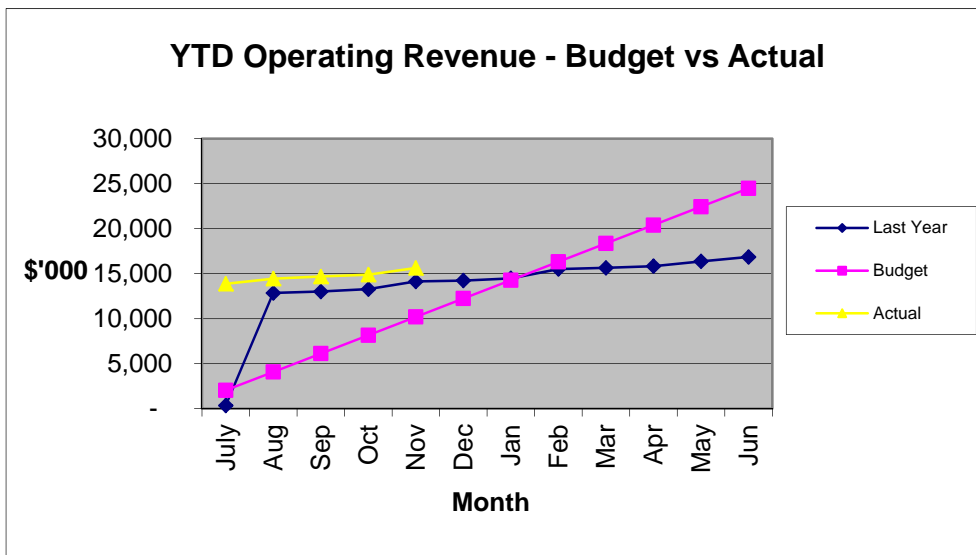


Compared to the annual budget approximately 89% of Operating Revenue has been invoiced and 33% of the Operating Expenditure budget has been spent. As shown at Note 18, rates have been assessed for the 2016/17 financial year. The monthly budget of income and expenditure has been adjusted to reflect the expected timing of actual income and expenditure throughout the financial year.

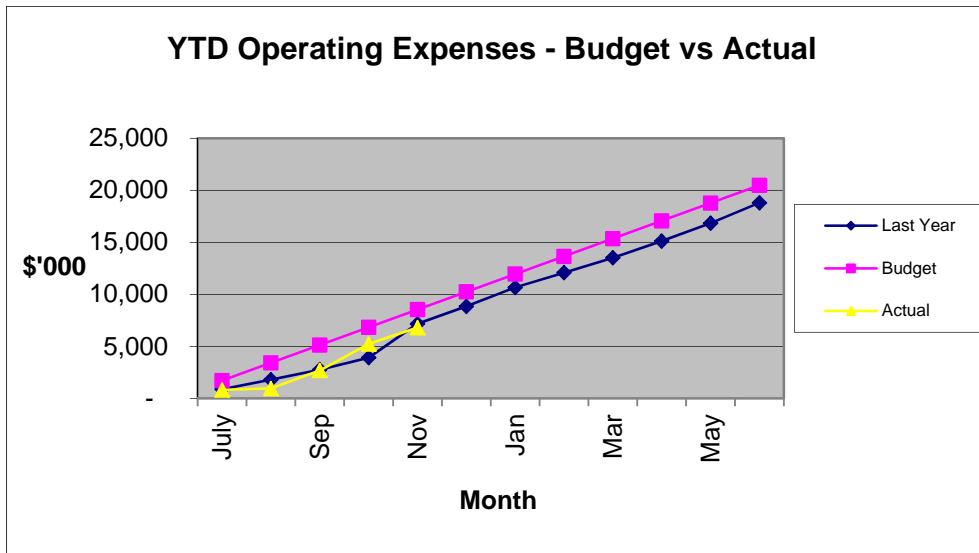
A comparison of employee costs shows that 40% of the annual budget has been spent. Leave liability expenses have yet to be calculated.

Fixed asset depreciation has been calculated for the months of July to November 2016 using the updated fair value of all assets as at 30 June 2016. This has seen a variation between YTD budget and YTD actual of 32% or depreciation YTD actual expenditure below YTD budgeted expenditure of \$770,675. The greatest variation has been in the area of roads, bridges and drainage. These long life assets have their useful lives adjusted through the analysis of data obtained through asset management data used in the fair valuation process. This has the effect of bringing financial depreciation rates closer to the asset management rates of depreciation. In the case of roads; while the useful life of a road is the same in the financial asset register and the asset management database, the depreciation curves may differ. The asset register uses straight line depreciation and asset management uses condition rating. Future budgets will require input from asset management plans for accurate budget depreciation expenses. All assets are revalued every three years with 2016/17 being year five of this process.

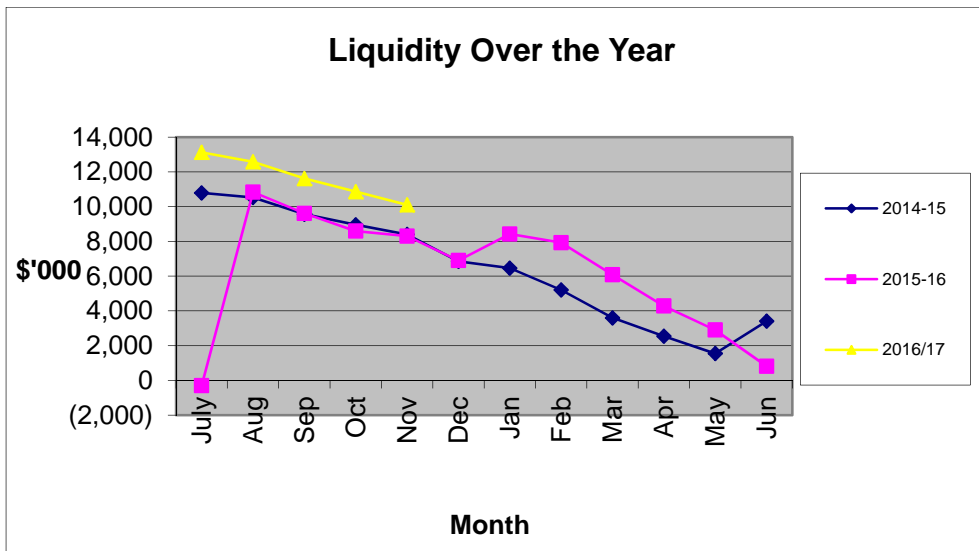
The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. Last year’s actual is also included for comparative purposes.



Year to date actual expenditure compared to budget and last year.

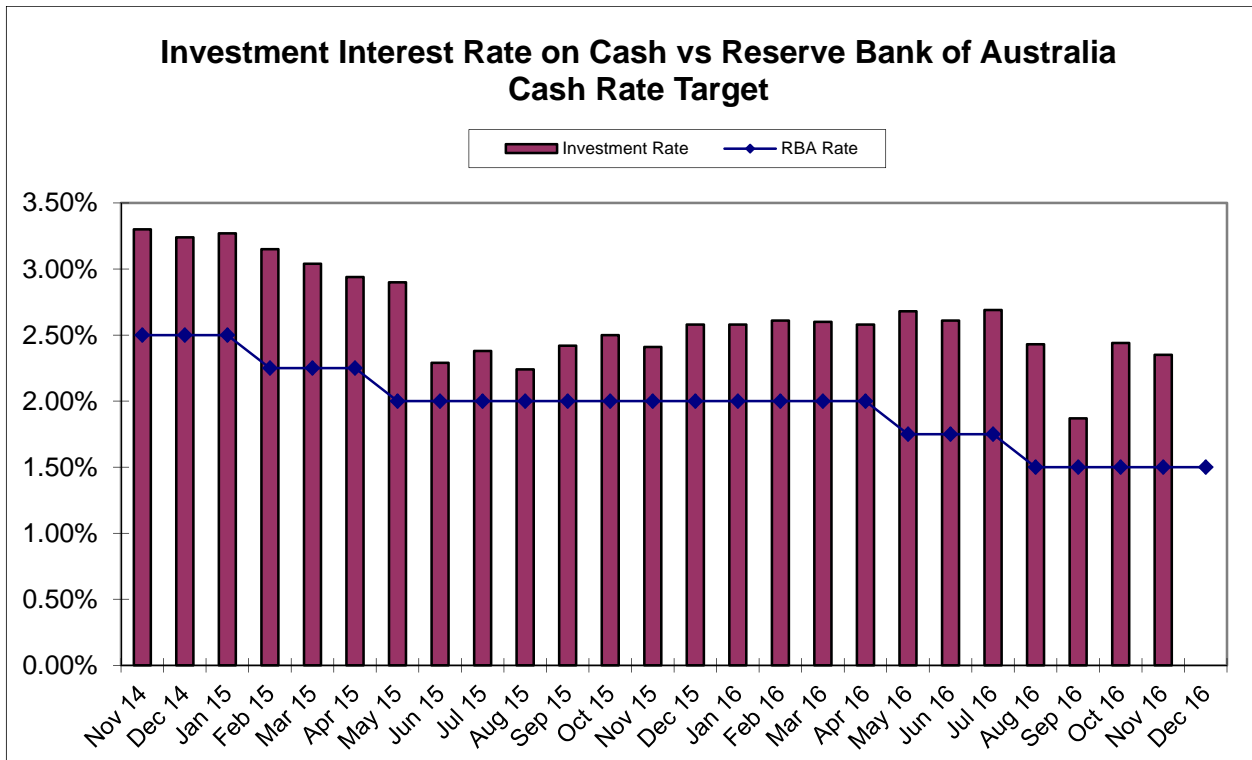


The liquidity graph compares the current year’s net current assets position against that of the two previous years.



Council’s municipal cash and investments position has increased by \$418,206 compared to October 2016. The Municipal cash position is an amount of \$17,669,660 of which \$10,335,318 is restricted for specific purposes as shown at Note 3. Cash revenue came from rates receipts, dog and cat registration renewals and grant funding. Major cash expenses were for payroll, contractor payments and loan payments.

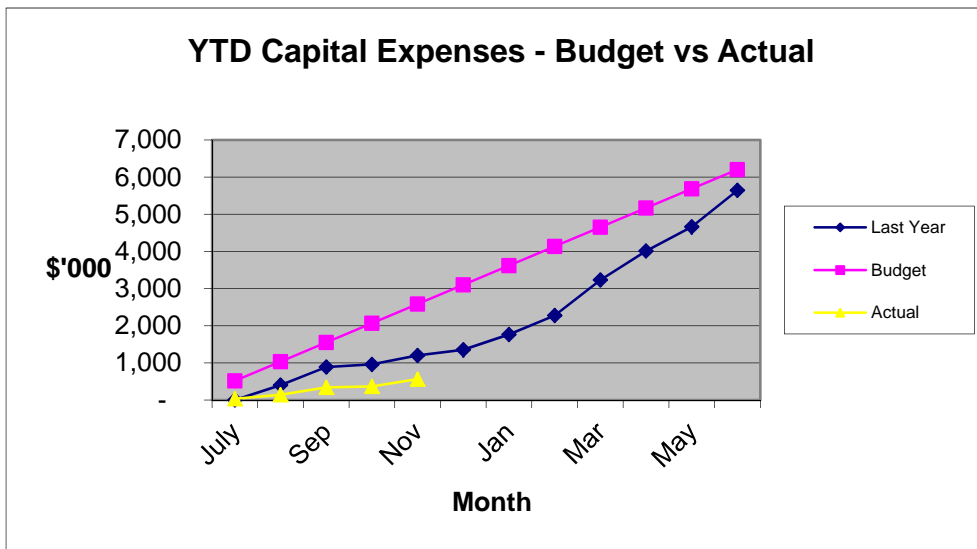
Total interest earned year to date is \$126,827 which is below the year to date budget of \$177,490. The average investment rate of return has decreased from 2.44% to 2.35% which exceeds the Reserve Bank’s cash reference rate of 1.50%. The Reserve Bank Board on 7 December 2016 made no change to their target cash rate of 1.50%. The Shire has term deposits maturing from December 2016 to April 2017, investment terms ranging from 63 days to 210 days and interest rates from 2.40% to 3.00%.



Capital works expenditure of \$183,281 was incurred during the month on:

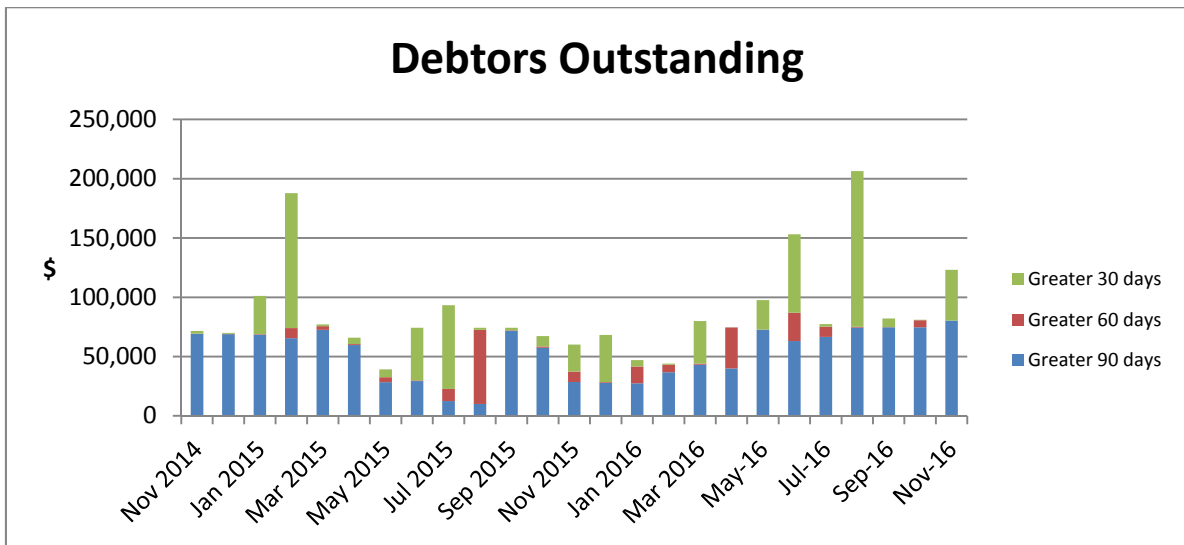
- \$46,685 Gravel resheets
- \$2,334 Road widening,
- \$4,731 Road reseal,
- \$190 Asphalt,
- \$2,445 Dual use paths,
- \$2,077 PGB management plan,
- \$2,430 Capel Civic Precinct Stage 2,
- \$69,765 Tuart Forest Oval Facilities,
- \$45,943 Vehicles,
- \$1,554 IT Replacement Program and
- \$2,292 Addition server storage.

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. Capital expenditure on Capel civic precinct has yet to commence.

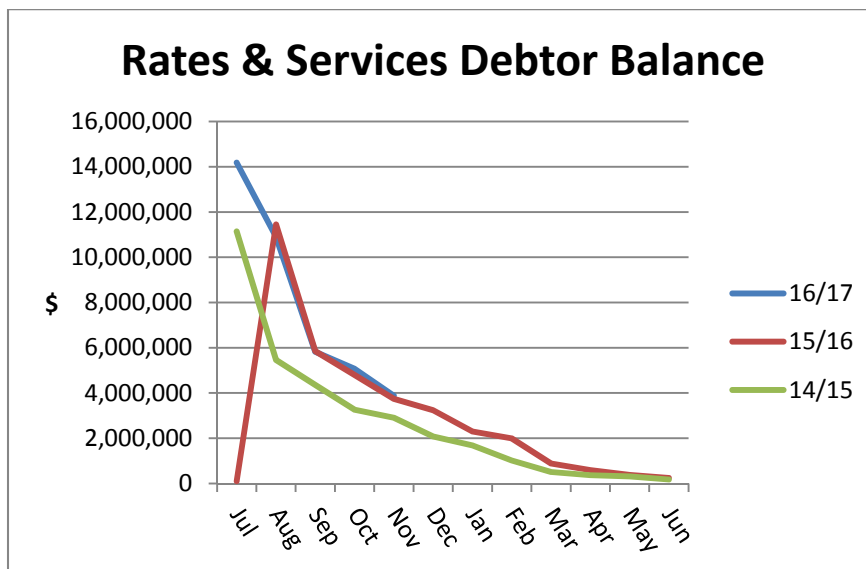


Council's financial ratios are disclosed in Note 14.

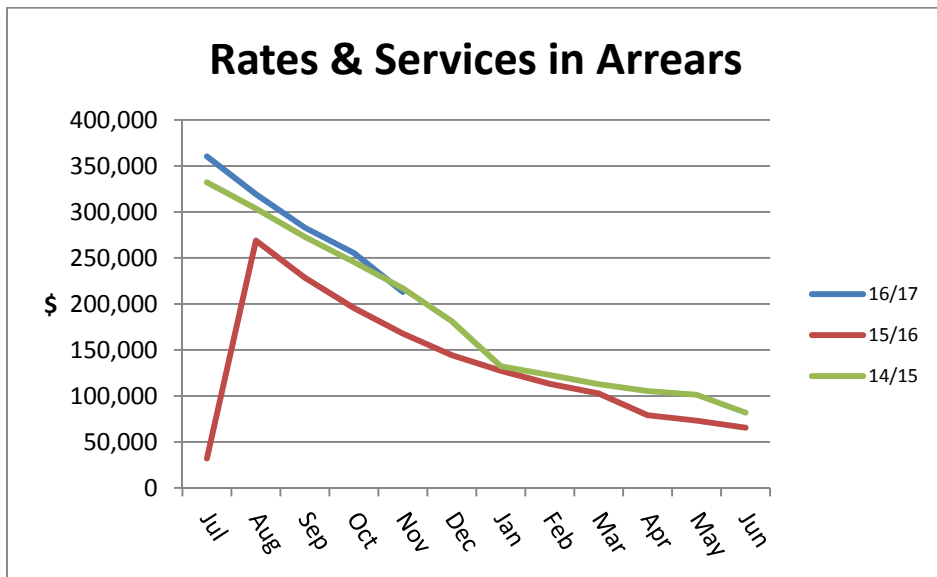
The following graph illustrates Council's current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.



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. Rates and Services in Arrears at the start of each financial year as a percentage of the Rates and Services Debtor Balance has been: 2016/17 2.54%, 2015/16 2.35% and 2014/15 2.98%.



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 30<sup>th</sup> November 2016.

**VOTING REQUIREMENTS**

Simple majority

**OC1216 OFFICER’S RECOMMENDATION – 15.7/COUNCIL DECISION**

Moved Cr Hearne, Seconded Cr J Scott

**That Council adopts the financial statements for the period ending 30 November 2016 as attached.**

Carried 9/0

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**OC1217 (15.8) Health (Miscellaneous Provisions) Act 1911**

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Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	10.12.16
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

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**MATTER FOR CONSIDERATION**

Council to delegate the powers and duties previously conferred on the Manager Health Services as Council's Deputy under the *Health Act 1911* to the Manager Health Services under the *Health (Miscellaneous Provisions) Act 1911* until such time as the *Public Health Act 2016* comes into full effect.

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

The *Public Health Act 2016* was gazetted on 25 July 2016 and will come into full effect in a five stage implementation process over the next 3 – 5 years. The existing *Health Act 1911* has significant limitations in that it is outdated, refers to issues now dealt with by other legislation and does not address new and emerging health issues. The *Public Health Act 2016* has been developed to address these matters.

The *Health Act 1911* will be renamed, retained in an amended format, and eventually limited to addressing topics such as community health centres, child health and Mortality Committees.

Stages 1 and 2 of the implementation process are introductory, and involve technical matters that facilitate the transition from the *Health Act* of 1911 to the *Public Health Act* of 2016. Stage 3 commences on 24 January 2017 and will necessitate key administrative changes by enforcement agencies such as local governments. Stages 4 and 5 will commence on dates yet to be proclaimed.

At Stage 3, the *Health Act 1911* will be renamed the *Health (Miscellaneous Provisions) Act 1911*. The newly named Act, along with existing regulations will continue to be the main enforcement tool for local governments during Stage 3 and 4.

**Proposal**

The Manager Health Services currently has delegated authority to act as Council's Deputy under the *Health Act 1911*. This Act will cease to exist on 24 January 1917 with the commencement of Stage 3 and will be renamed the *Health (Miscellaneous Provisions) Act 1911*. This item requests that Council delegate the powers and duties conferred by the *Health (Miscellaneous Provisions) Act 1911* on the Manager Health Services until such time as the *Public Health Act 2016* comes into full effect.

**STATUTORY ENVIRONMENT**

Health Act 1911 / Health (Miscellaneous Provisions) Act 1911

**26. Powers of local government**

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder.

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

Public Health Act 2016

## **21. Enforcement agency may delegate**

- (1) A power or duty conferred or imposed on an enforcement agency may be delegated –
- (b) if the enforcement agency is a local government, to-
    - (i) the chief executive office of the local government; or
    - (ii) an authorised officer designated by the local government;

### **POLICY IMPLICATIONS**

Section 5 (Health) of the Shire of Capel Policy Manual will need to be updated to reflect the changes in nomenclature.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

There are no budget implications for this item.

#### **Long Term**

There are no long term financial implications for this item.

#### **Whole of Life**

As no asset is being created there are no whole of life financial implications for this item.

### **SUSTAINABILITY IMPLICATIONS**

The powers conferred by the *Health Act 1911* allow a local government to play a significant role in managing the health of individuals and communities in Western Australia. The existing Act enables Environmental Health Officers (EHOs) appointed under the Act to address issues as diverse as management of sewerage, provision of clean water, lodging houses, sale of drugs and use of pesticides. The transition to the *Public Health Act 2016* will increase the ability of Authorised Officers (previously EHOs) to contribute to the long term sustainability of the Shire of Capel, conferring additional powers in the management of serious public health incidents and emergencies.

### **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-31

1. The Leadership Experience 'Ensure open, transparent, effective good governance and communication within the organisation and the community.'

Strategic Outcome:

- 1.1 Ensure continuous improvement of the organisation.

**CONSULTATION**

The Shire receives regular updates on the implementation progress of the *Public Health Act 2016* from the Health Department, and no other consultation is required for this item.

**COMMENT**

The implementation of the *Public Health Act 2016* has been staged over 3 – 5 years in order to give all stakeholders the opportunity to make the necessary changes in their administration, reporting functions and operational processes. Stages 1 and 2 of the implementation process are introductory, and involve technical matters required to facilitate the transition from the *Health Act* of 1911 to the *Public Health Act* of 2016. These stages have been underway in the 6 months since gazettal of the new Act on 25 July 2016 and have had no major impact on local governments.

The proclamation of a commencement date for Stage 3 (January 24, 2017) signifies the beginning of a requirement for major administrative changes by local governments.

There will be changes to terminology; for example the amended *Health Act 1911* will be renamed the *Health (Miscellaneous Provisions) Act 1911* and 'Environmental Health Officers' will now be referred to as 'Authorised Officers'.

Standard letters, forms, procedures and policies will need to be updated to reflect the changed nomenclature, authorisation certificates for Authorised Officers will to be reissued and delegations updated to reflect the changes in nomenclature.

When it occurs, Stage 4 will change the powers of enforcement agencies in the arena of public health, and the commencement of Stage 5 will trigger the most significant changes for local government. During Stage 5, regulations for the *Public Health Act 2016* will be developed and proclaimed, local governments will gain additional enforcement powers and provisions in public health planning, assessments, registration and licencing will also commence.

At Stage 3 on 24 January 2017, the *Health Act 1911* will be renamed the *Health (Miscellaneous Provisions) Act 1911*. The newly named Act, along with existing regulations will continue to be the main enforcement tool for local governments during Stage 3 and 4.

**VOTING REQUIREMENTS**

Simple majority

**OC1217 OFFICER'S RECOMMENDATION – 15.8/COUNCIL DECISION**

**Moved Cr J Scott, Seconded Cr Bell**

**That Council delegates the powers and duties previously conferred on the Manager Health Services as Council's Deputy under the *Health Act 1911* to the Manager Health Services under the *Health (Miscellaneous Provisions) Act 1911* until such time as the *Public Health Act 2016* comes into full effect.**

Carried 9/0



## **COMMUNITY SERVICES REPORTS**

### **OC1218 (16.1) Local Emergency Management Committee Minutes**

Location:	N/A
Applicant:	Shire of Capel
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	07.12.16
Author:	Manager Emergency and Ranger Services, D Freeman
Senior Officer:	Executive Manager Community Services, M Plume
Attachments:	Local Emergency Management Committee Minutes 9 November 2016

### **MATTER FOR CONSIDERATION**

To consider the minutes of the meeting of the Shire of Capel Local Emergency Management Committee held on 9 November 2016.

### **BACKGROUND / PROPOSAL**

#### **Background**

The Shire of Capel Local Emergency Management Committee (LEMC) was established as an advisory committee to the Council in response to the obligations placed upon Local Government arising from the proclamation of the Emergency Management Act 2005.

The Committee in accordance with the Emergency Services Act must meet at least four times per year and shall conduct an annual exercise.

#### **Proposal**

That the minutes of the meeting of the Shire of Capel Local Emergency Management Committee held on 9 November 2016 be received.

### **STATUTORY ENVIRONMENT**

Emergency Management Act 2005

#### **Sections 36 and 38**

- Section 36 provides that it is a function of a local government to ensure that effective local emergency management arrangements are prepared and maintained for its district.
- Section 38 requires a local government is to establish one or more local emergency management committees for the local government's district.

Local Government Act 1995

#### **Section 5.22**

5.22 - that the minutes of a committee are to be submitted to the next Ordinary Meeting of the Council for confirmation.

### **POLICY IMPLICATIONS**

Council Policy - There are no Council Policies that are relevant to this matter.

State Emergency Management Committee Policy 2.5 – Emergency Management in Local Government Districts provides local governments are required to ensure that local emergency

management arrangements are prepared for their districts. Local Emergency Management Arrangements should reflect the emergency management capabilities and responsibilities of the agencies and industries involved and recognise and comply with any of their statutory responsibilities.

State Emergency Policy 2.5 also requires a Local Emergency Management Committee to meet every 3 months.

Policy 2.5 (45) requires local governments to ensure that their arrangements are exercised annually. Exercises may be undertaken in conjunction with other emergency management agencies or by the local government alone.

## **FINANCIAL IMPLICATIONS**

### **Budget**

There are no financial implications for the budget associated with this matter.

### **Long Term**

There are no long term financial implications associated with this matter.

### **Whole of Life**

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

## **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this matter.

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2013 to 2031

3 The Environmental Experience: "To preserve and enhance the natural and built environment to ensure it is liveable, sustainable and adapts to our communities' needs and expectations."

Strategic Outcome:

3.4 – promote emergency risk awareness.

## **CONSULTATION**

Membership of the LEMC is comprised of representatives from a number of external agencies as well as officers and elected members of the Shire of Capel. No further consultation is required.

## **COMMENT**

The Minutes provided as an attachment to this item are a true and correct record of proceedings.

Council may note the following:

- Comprehensive Impact Assessments – documentation is being developed to encapsulate the impact of an incident which is to be completed by the Incident Controller/Hazard Management Agency. This Assessment is intended to be used to confirm and understanding of the incident impact by the local government, so that it is comfortable that recovery is now transitioning to them directly and to ensure they have

the capacity to deal with the scale of recovery that is required. The local government is only to take on the task of recovery when it is comfortable to do so.

- Shire President Councillor Murray Scott has been appointed by the South West Zone of the Western Australian Local Government Association as a joint representative of the Shires of Capel, Harvey, Dardanup, Collie and the City of Bunbury at the District Emergency Management Committee.

### **VOTING REQUIREMENTS**

Simple majority

<b>OC1218 OFFICER'S RECOMMENDATIONS – 16.1/COUNCIL DECISION</b>
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**Moved Cr J Scott, Seconded Cr McCleery**

**That Council receives the minutes of the Local Emergency Management Committee meeting held on 9 November 2016.**

Carried 9/0

<b>NEW BUSINESS OF AN URGENT NATURE</b>	Nil
<b>PUBLIC QUESTION TIME</b>	Nil
<b>MOTIONS WITHOUT NOTICE (ABSOLUTE MAJORITY BY COUNCIL)</b>	Nil
<b>NOTICES OF MOTION FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF THE COUNCIL</b>	Nil

Mr Freeman left the meeting at 6.11pm and did not return.

<b>ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS</b>	Nil
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**MEETING CLOSURE**

Prior to closing the meeting, the President wished everyone a happy Christmas and hoped they would return safely in the New Year.

The meeting closed at 6.12pm.

These minutes were confirmed at an Ordinary Council meeting on 25 January 2017.

Signed

Presiding Person at the meeting at which time the minutes were confirmed.

Date