

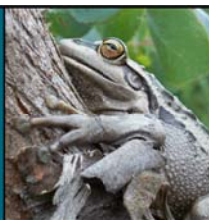
Shire *of* Capel

MINUTES

ORDINARY COUNCIL MEETING
Wednesday, 25th March 2015



Experience the
Shire *of* Capel



Forrest Road, Capel
PO Box 369, Capel

T 9727 0222
F 9727 0223

info@capel.wa.gov.au
www.capel.wa.gov.au



SHIRE OF CAPEL
ORDINARY COUNCIL MEETING – 25.03.15
TABLE OF CONTENTS

| | |
|--|-----------|
| PUBLIC QUESTION TIME | 3 |
| RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE | 5 |
| OC0301 APPLICATIONS FOR LEAVE OF ABSENCE | 5 |
| DECLARATIONS OF INTEREST | 5 |
| NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS | 5 |
| OC0302 CONFIRMATION OF MINUTES | 5 |
| ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION | 5 |
| PETITIONS/DEPUTATIONS/PRESENTATIONS | 5 |
| MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 6 |
| QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 6 |
| CHIEF EXECUTIVE OFFICER REPORTS | 6 |
| ENGINEERING AND DEVELOPMENT SERVICES REPORTS | 6 |
| OC0303 (14.1) Draft Policy 6.27 Peppermint Grove Terrace Detailed Area Plan..... | 6 |
| OC0304 ORDER OF BUSINESS..... | 15 |
| OC0305 (16.4) Capel Chamber of Commerce – Horse Theme Proposal | 15 |
| OC0313 (14.2) Telethon Regional Home 2015 – Lot 2885 Gutmann Parkway, Dalyellup..... | 23 |
| OC0314 (14.3) Extractive Industry Licence – Lot 2 Calinup Road, Gelorup | 26 |
| CORPORATE SERVICES REPORTS | 43 |
| OC0315 (15.1) Audit Committee Minutes | 43 |
| OC0316 (15.2) Accounts Due and Submitted for Authorisation | 48 |
| OC0317 (15.3) Accounts Paid during the Month of February 2015..... | 52 |
| OC0318 (15.4) Rates Concession Request..... | 65 |
| OC0321 (15.5) Financial Statements to 28 February 2015 | 71 |
| COMMUNITY SERVICES REPORTS | 78 |
| OC0322 (16.1) Application to Keep 3 Cats – 63 Paragon Loop, Dalyellup | 78 |
| OC0323 (16.2) Local Emergency Management Committee Minutes | 81 |
| OC0324 (16.3) Special Bush Fire Advisory Committee Minutes | 84 |
| NEW BUSINESS OF AN URGENT NATURE | 87 |
| PUBLIC QUESTION TIME | 87 |
| MOTIONS WITHOUT NOTICE (ABSOLUTE MAJORITY BY COUNCIL) | 87 |

NOTICES OF MOTION FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF THE COUNCIL 87

ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS 87

MEETING CLOSURE 87

SHIRE OF CAPEL

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE PEPPERMINT GROVE BEACH COMMUNITY CENTRE, HAYFIELD DRIVE, PEPPERMINT GROVE BEACH ON WEDNESDAY, 25TH MARCH 2015 COMMENCING AT 4.36PM.

| | | |
|--------------------|---|----------------|
| PRESENT: | President | MT Scott |
| | Councillor | SH Baxi |
| | | BW Bell |
| | | BW Hearne |
| | | SC Manley |
| | | PK McCleery |
| | | GJ Norton |
| | | JA Scott |
| | | BH Smith |
| | Chief Executive Officer | PF Sheedy |
| | Executive Manager Community Services | MI Plume |
| | Executive Manager Corporate Services | S Stevenson |
| | Exec Manager Engineering & Development Services | JM Gick |
| | Manager Planning Services | C Muller |
| | Coordinator Engineering Development | A Coulson |
| | Manager Building Services | S Breaden |
| | Manager Health Services | C Dent |
| | Senior Planning Officer | M Slocomb |
| APOLOGY: | Councillor | SH Baxi |
| VISITORS: | University of Western Australia | Dr D Cook |
| | Department of Agriculture and Food WA | Dr I McPharlin |
| | Department of Agriculture and Food WA | Mr D Telfer |
| MEMBERS OF PUBLIC: | | 8 people |

PUBLIC QUESTION TIME

Mrs Evelyn Taylor, 185 Peppermint Grove Terrace, Peppermint Grove Beach: Is Council aware of the public concern of the removal of Tuart trees along Malloakup North Road and if not, will it be open to public comment?

Mr Paul Sheedy, Chief Executive Officer (CEO): Mr Les Mutton has raised the concern and had discussions with staff on this matter. He made a presentation to the January 2015 Council meeting so we are aware of that. He has been advised that he would be able to make a further presentation when that road is discussed on the agenda for the Road Program.

Mrs Taylor: With all due respect, is that going to be a public event?

CEO: The Council meetings are open to the public. It is not going to be a separate item.

Mrs K Myatt arrived at the meeting at 4.38pm.

Mrs Taylor: Given the public concern over the removal of trees and the delicate situation of that reserve, does Council feel it is necessary to have an open meeting on this?

Cr Murray Scott, President: Council does not think so at this stage. We have only heard from two people, yourself and Mr Mutton.

Mrs Taylor: Perhaps I could request that, as I am here on behalf of the Garden Club.

President: If your Garden Club wants to write to the Council and request a meeting on it you can do that. You put it in writing to Council and we will deal with it then.

Mrs Bronwyn Mutton, 74 Mangles Street, Capel: The LCDC wrote to the Shire about that two weeks ago.

Mr Jason Gick, Executive Manager Engineering and Development Services (EME&DS): That letter has been received and it is being processed now.

Mrs Mutton: Does the Shire of Capel and Councillors consider the economics of the stable flies (matter) in Capel of wider issues such as:

- 1 Income of ratepayers with horses and cattle as their sole income?
- 2 Property values by land owners not wanting to live with stable flies?
- 3 Tourism at Peppermint Grove Beach with stable flies biting beach visitors?

CEO: We are dealing with the issue of stable flies at the moment and trying to control them, that is our focus. We are aware of the impacts on horses and people but our focus is to look at how we could reduce the numbers and the impact.

Mrs Mutton: Also it is already impacting people on property, buying and selling, people not wanting to buy in the area because of the stable fly. I wanted to know if Council has considered these other issues.

President: You were at the public meeting a few weeks ago. You heard what we were doing and the responses to the questions at that forum. There is another meeting with an update on Stable Flies tomorrow night. We cannot turn it around in a short time. The questions were answered at the last meeting and there is another meeting here tomorrow night to see what has happened since last time.

Mr Stan Carter, 18 Maslin Street, Capel: The rate increases have always been at least CPI, if not greater, and have not been less. Going forward how long do we think that the Council can have increases greater than the CPI before it starts to have an effect on the property owners and the likelihood of people wanting to be here or somewhere else? Most people's wages are not going to keep up with the increase in rates.

CEO: I am not sure about understanding the impact. We obviously have to balance our budget. The Long Term Financial Plan factors in a 6% increase in rates which is what we believe we need to meet our requirements. That is a decision that Council has made going forward that factors in a 6% increase.

Mr Carter: Does the Council think that if this just goes on into the future, in 20, 30 or 40 years' time will all the other councils be doing the same thing so I am not able to move somewhere else?

CEO: From my point of view, we do not necessarily consider what other councils are doing; we just consider what we need to do for our Shire. Most councils in the South West are using 4 to 6% also.

Mr Carter: You guys are going to do what you need to do and that is fair enough. It seems to me there has not been many times it has been CPI or less. Although that will eventually put pressure on people to go elsewhere or not come here in the first place.

CEO: We do not put rates up unless we have to. Council is very conscious of the impacts on the residents. They go with the amount they have to retain the existing services.

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

Nil

OC0301 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Bell, Seconded Cr J Scott

That Councillor S Manley be granted a Leave of Absence for the Council meeting on 22nd July 2015.

Carried 8/0

VOTING REQUIREMENT

Simple majority

DECLARATIONS OF INTEREST

Nil

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

Nil

OC0302 CONFIRMATION OF MINUTES

Moved Cr McCleery, Seconded Cr Hearne

That the Minutes of the Ordinary Council meeting held on 25th February 2015 be confirmed.

Carried 8/0

VOTING REQUIREMENT

Simple majority

ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

PETITIONS/DEPUTATIONS/PRESENTATIONS

Dr David Cook, University of Western Australia and Dr Ian McPharlin, Department of Agriculture and Food Western Australia gave a PowerPoint presentation on Stable Flies and their research efforts to try to alleviate the Stable Fly problem in the Capel area.

Mr Gick left the meeting at 4.56pm and returned at 5.00pm.

Mr Gick left the meeting at 5.01pm and returned at 5.03pm.

Mr Hutton left the meeting at 5.07pm and returned at 5.09pm.

Dr McPharlin advised members that he will be finishing up with the Department at the end of May this year and Mr Don Telfer will be taking over from him at that time. Mr Telfer has been based in Moora and Gingin and is well versed with the Stable Fly issue.

The President thanked Dr Cook and Dr McPharlin for the presentation. He advised those present that a public meeting on Stable Fly was being held tomorrow night (Thursday 26 March 2015) in the Peppermint Grove Beach Community Centre.

Mr Dent, Dr McPharlin, Dr Cook and Mr Telfer left the meeting at 5.17pm and did not return.

Mrs Julie Hutton, one of the applicants in Item 15.4 Rates Concession Request, made a verbal presentation outlining their reasons for bringing this matter to Council for consideration.

The President thanked Mrs Hutton for her presentation.

Mrs Kylie Myatt, President of the Capel Chamber of Commerce made a verbal presentation on Item 16.4 Capel Chamber of Commerce – Horse Theme Proposal.

The President thanked Mrs Myatt for her presentation.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

Six members of the public left the meeting at 5.35pm.

CHIEF EXECUTIVE OFFICER REPORTS Nil

ENGINEERING AND DEVELOPMENT SERVICES REPORTS

OC0303 (14.1) Draft Policy 6.27 Peppermint Grove Terrace Detailed Area Plan

| | |
|-------------------------|---|
| Location: | Lot 9501 Hayfield Drive, Peppermint Grove Beach |
| Applicant: | TME Town Planning Management Engineering |
| File Reference: | C5.1.S.3G |
| Disclosure of Interest: | Nil |
| Date: | 09.03.15 |
| Author: | Senior Planning Officer, M Slocomb |
| Senior Officer: | Executive Manager Engineering & Development Services, J Gick |
| Attachments: | A. Location Plan B. Policy 6.27 Peppermint Grove Terrace Detailed Area Plan C. Subdivision Plan (WAPC Reference 147587) |

MATTER FOR CONSIDERATION

The adoption of draft Policy 6.27 – Peppermint Grove Terrace Detailed Area Plan (*the draft Policy*) as a draft town planning policy for the purpose of community consultation.

The draft Policy is intended to provide statutory provisions to guide the eventual development of the Residential portion of Lot 9501 Hayfield Drive in a manner responsive to the topography, views of significance and in a manner generally consistent with the existing built form and character of the locality.

Should Council resolve to adopt the draft policy for community consultation purposes, the policy will need to be advertised for public inspection in accordance with clause 8.9.2(a) of the Scheme for a minimum duration of 21 days.

Following the conclusion of the advertising period, the proposal will be referred back to Council for further consideration.

BACKGROUND / PROPOSAL**Background**

- 1989 Amendment No. 2 to Town Planning Scheme No. 4 was approved by the Minister for Planning. The Amendment included the adoption of a Subdivision Guide Plan covering the area of Peppermint Grove Beach north of Peppermint Grove Road.
- 1996 A submission was made in relation to the proposed Town Planning Scheme No. 7 to reduce the amount of land zoned Residential and to increase the amount of land zoned Recreation and Rural. The submission included a Revised Overall Subdivision Development Plan (1 August 1996) and provided a Residential zoning with a R5/10 density coding. Council accepted the submission and the Hon. Minister for Planning subsequently directed Council to modify the proposed Scheme 7 accordingly.
- 2003 The WAPC granted conditional approval to the creation of 8 lots on the site.
- 2006 The WAPC granted subdivision approval to the subdivision of the site into 8 lots in an identical configuration to the 2003 approval.
- 2009 The WAPC granted conditional approval to the subdivision of 6 residential lots and allocation of Public Open Space (WAPC reference 139795).
- 2010 The WAPC endorsed the creation of 4 lots to the northern side of Lot 9501 Hayfield Drive (reference 130252) which encompassed the designation and construction of Peppermint Grove Terrace east of the existing public access way and Lot 276 Peppermint Grove Terrace.
- 2013 Conditional approval granted on the 5 June 2013 (reference 147587) for the subdivision of 6 residential lots and Public Open Space following the 2009 approval (reference 139795) lapsing.

Of significance, as a part of the 2013 approval a condition of approval was included requesting a Detailed Area Plan to be prepared. Specifically, the condition stated as follows:

“Detailed Area Plan(s) being prepared and approved for lots shown on the plan dated 7 March 2013 (attached) that addresses the following:

- a) Excavation and Fill.
- b) Retaining.
- c) Dwelling Location/design.
- d) Stormwater Management.
- e) Vegetation Protection.
- f) Fencing.
- g) Effluent Disposal.

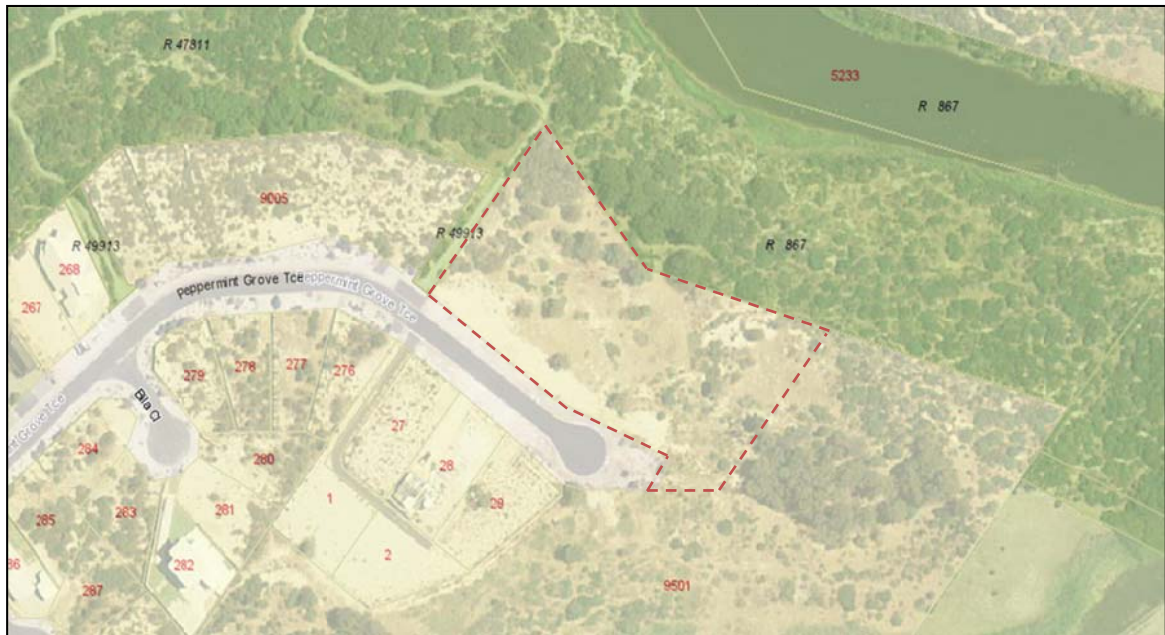
to the satisfaction of the Western Australian Planning Commission”.

Accordingly the submission of a Detailed Area Plan is progressing toward the clearance of this condition of subdivision approval.

Proposal

In response to condition 11 of the West Australian Planning Commissions approval issued on the 7 June 2013, a Detailed Area Plan be prepared for the subject lot. The Detailed Area Plan seeks to provide specific provisions for the site in order to guide the development of the lots in a manner responsive to the topographical features, views of significance and generally consistent with the existing building form and character of the locality, as opposed to development occurring on an ad-hoc basis.

The draft Policy is to apply to the northern subdivision area of Lot 9501, Hayfield Drive (which fronts Peppermint Grove Terrace) as highlighted below:



The policy itself does not provide further provisions but a head of power for the Detailed Area Plan to be considered in assessing development applications for the site.

Specifically, the Detailed Area Plan contains provisions relating to Earthworks (Fill and Retaining), Setbacks, Dwelling Orientation and Design, Storm Water Management, Vegetation Protection, Fencing and Effluent Disposal.

The stated objectives of the draft policy are to:

- Ensure development embodies the coastal character of Peppermint Grove Beach;
- Set out provisions to ensure site works are undertaken in a uniform manner in order to maintain the impression of the natural topography of the site; and
- Promote site responsive design and ensure that essential infrastructure is provided in an environmentally sensitive manner.

A copy of the draft Policy and Detailed Area Plan are enclosed as an attachment to this report.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 7

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

As outlined above, the subject site is zoned Residential with a density coding of R5/10.

Under the provisions of the Shire's Town Planning Scheme, a detailed area plan can only be adopted within the Urban Development zone or if the site is a part of a 'Residential Precinct'. Given that the site is not situated within a Development Zone or Residential Precinct pursuant to the Scheme, the Detailed Area Plan is required to be incorporated into a Local Planning Policy in accordance with Clause 8.9 of the Scheme. Clause 8.9 of the Scheme states the following:

- 8.9.1. *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*
- 8.9.2. *A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*
- a) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) written submissions may be made to the Council;*
 - b) *If a policy may be inconsistent with other provisions of the Scheme or with State and regional planning policies the Council shall submit it to the Western Australian Planning Commission for consideration and advice;*
 - c) *The Council shall review its draft Town Planning Scheme Policy in the light of any submissions made, or advice received, and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy; and*
 - d) *Following final adoption of a Town Planning Scheme Policy, notification of the final adoption shall be advertised publicly and a copy kept within the Scheme documents for inspection during normal office hours.*
- 8.9.3. *A Town Planning Scheme Policy may only be amended or rescinded by:*
- a) *Preparation and final adoption of a new policy pursuant to Clause 8.9.2, specifically worded to supersede or amend an existing policy; or*
 - b) *Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*
- 8.9.4. *A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the Policy and objectives which the Policy was designed to achieve before making its decision.*
- 8.9.5. *Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.*

It is to be noted that policies and strategies adopted pursuant to clause 8.9 have status in relation to supporting the planning decisions of the Shire. Once adopted, the Shire is required to consider Scheme policies in assessing planning applications and making planning decisions.

Finally, in accordance with clause 5.1.2(f) of the Scheme, if a development proposal is submitted which is compliant with the provisions of the Detailed Area Plan, a formal planning application would not be required (with the exception of the Grouped Dwelling site).

If a proposal is submitted which seeks to vary the provisions of a Detailed Area Plan, a planning application will need to be submitted and considered in accordance with the objectives of the local planning policy.

POLICY IMPLICATIONS

Policy 6.21 Peppermint Grove Beach Land Use Strategy

On 7 July 2013, the Shire adopted the Peppermint Grove Beach Land Use Strategy as a local planning policy to provide guidance to the community and the Shire in relation to sustainable land use and development in the locality.

Specifically the policy states that the use and development of land in the urban area is to reflect the strategies, actions and policy initiatives comprised in the strategy adopted by Council.

The subject site is situated within precinct 1 of the Peppermint Grove Beach Land Use Strategy. Of which, one of the key strategies is to “support the community in retaining the quiet, seaside village character of Peppermint Grove Beach”.

This is supported by the following strategy as set out below:

“Investigate the need for design guidelines for future development, including height restrictions and the planting of native species”.

Accordingly, given that the detailed area plan seeks to provide a coordinated approach to the development of these lots, in a manner that will not involve excessive site works, it is considered that the proposal will result in development more consistent with the character of Peppermint Grove Beach.

Residential Design Codes

In accordance with Clause 7.3.1 of the Residential Design Codes, a Local Development Plan (also known as a Detailed Area Plan) may be prepared to amend or replace a number of the ‘deemed to comply’ requirements of the Codes. An applicant may amend deemed to comply with requirements outside of those nominated in clause 7.3.1 however the approval of the West Australian Planning Commission is required.

Given the applicant is only proposing modifications to those Design Elements listed in clause 7.3.1 and as detailed by the WAPC in the 5 June 2013 approval, WAPC approval is not required in this instance.

Designation of Detailed Area Plan

In response to the subdivision referral for the site, Shire staff requested the provision of a detailed area plan to be applied to the subject lot. Given the topography of the site and the physical setting of development, it was the view of staff that development is best coordinated through a statutory mechanism of this nature as opposed to an ad-hoc basis.

As per the conditional subdivision approval, the West Australian Planning Commission, were of the view that the requirement for a Detailed Area Plan was appropriate. The ability to request a detailed area plan is highlighted in liveable neighbourhoods as discussed below:

“Where design coordination is likely to be required of a subdivision but a detailed area plan has not been approved, the WAPC may approve an application for subdivision subject to a condition requiring the applicant to submit and gain local government approval to a detailed area plan prior to final subdivision approval. Future purchasers will be required to be notified”.

In addition to the above, clause R34 of liveable neighbourhoods sets out the scenarios where Detailed Area Plans should be required. Specifically R34 states that: “Detailed Area Plans should be prepared for:

- Steeply sloping land where retaining walls to streets or boundaries are proposed”.

As outlined above, the Detailed Area Plan has been prepared in response to a condition of subdivision, however this does not in and of itself provide a head of power for the enforcement of the DAP provisions, which is why it has been incorporated into a local planning policy pursuant to clause 8.9.1 of Town Planning Scheme No. 7.

FINANCIAL IMPLICATIONS**Budget**

No fees have been received to date. The applicant is required to meet all administrative and advertising costs. The fee should be paid prior to the endorsement of the documents.

Long Term

There are no long term costs to consider.

Whole of Life

According to housing data provided by the Real Estate Institute of Western Australia, the Peppermint Grove Beach locality contains some of the highest house prices within Capel Shire (median house price \$650,000). An important aspect of providing housing choice in the locality is ensuring diversity exists both physically in the stock available and in terms of price. In this regard is it appropriate that housing is developed to ensure the ongoing growth of a diverse range of housing options in the Shire.

SUSTAINABILITY IMPLICATIONS

Discussion contained within the 'Comment' section of the report address matters which are considered to have an influence on the sustainability of the final development outcome.

STRATEGIC IMPLICATIONS**Shire of Capel Land Use Strategy 1999**

The Land Use Strategy was adopted in 1999 and at that time represented the primary strategic land use planning document for the Shire of Capel. The Strategy provides a land use and physical profile of the Shire and sets out principles, objectives and policies for eleven Planning Units.

Planning Unit CA2 - Capel Coastal includes Peppermint Grove Beach and surrounding areas. The objective of Planning Unit CA2 is to conserve the natural values of the Tuart forests and the coastal wetlands, and provide opportunities for a variety of rural land uses.

The Land Use Strategy indicates that the extent of the urban area of Peppermint Grove Beach is confined to the prominent dune system to the south of the Capel River and to the west of the wetlands and low lying rural land.

Strategic Community Plan 2013-2031

The proposed development has been considered in the context of the Shires Strategic Community Plan 2013-2031. The vision of Council's strategy is to encourage a community of diverse lifestyle experiences, accommodating progressive growth, sharing in prosperity and valuing the unique environment, which is underpinned by a number of location specific strategies.

The guiding principles contained within the Shire's Strategic Plan which are of relevance are:

- Promote the diverse lifestyle opportunities within the Shire.
- Protect and preserve the character of the towns as they expand.

Specific place based aspirations which include "develop design guidelines for future development, including height restriction and encouraging the planting of native species".

Overall the proposed configuration of the proposed subdivision will prove to determine the height of the development in the locality.

Trails Master Plan

The subject site is located on the alignment of the proposed Mallokup Trail. Accordingly, as a part of the development of the site, the proponent is setting aside land through the subdivision process to be attributed to the trail. Additionally, a path will be constructed for the extent of the property in accordance with the Shire’s Trails Master Plan.

CONSULTATION

Public/Authorities

The proposed policy, if initiated by Council, will be required to be advertised for public inspection in accordance with Clause 8.9.2(a) of the Scheme for a minimum period of 42 days.

COMMENT

The specific components of the proposed policy have been discussed further under the following headings which correspond to those provided in the detailed area plan.

Excavation, Fill and Retaining

The requirements relevant to excavation and fill have been included to ensure that site works are undertaken in a consistent and minimalistic manner. The proposal will result in the sites containing a relatively level area to accommodate development, whilst retaining the impression of the natural topography of the site. The Detailed Area Plan also contains provisions which ensure that subsequent earthworks undertaken as a part of the individual development of the lots are consistent with the intent of minimising the visual bulk and scale of retaining. This is specifically achieved through the following provisions:

- a) *No earthworks or retaining wall will be permitted in front of the building line with the exception of minor works required to be provided for safe vehicle access.*
- b) *Any changes in levels proposed between the front setback and the rear of the dwelling shall be primarily incorporated into the integral structure and design of the dwelling.*
- c) *Earthworks and retaining walls within the side and rear boundaries behind the building line shall be limited to maximum cut/fill of 1 metre of the final ground level established by the subdivision for the length of any dwelling and shall be largely invisible from the street.*

In addition to the above, where retaining is to be used, it shall be of a material consistent with that used throughout the subdivision. Finally in relation to housing design, homeowners are encouraged to consider either split level or pole construction, bricking up to the floor height of the dwelling or placing carports in front of the dwelling. In regard to split level or pole construction the following examples are provided as a visual guide:



Dwelling Location, Orientation and Design

The detailed area plan allows for a 4 metre Primary Street setback which is considerably less than that provided for a R10 density (normally 7.5 metre). This is considered reasonable in this instance given the area adjacent to the street comprises most of the level area of the respective sites, is the most elevated (for views) and naturally improves access to the sites before the properties fall away to the north. Additionally, the site is also located at the end of a cul-de-sac so traffic volumes are expected to be low.

Additionally, in order to compensate for the reduced primary street setback, the applicant has proposed an increased rear setback requirement to maintain sufficient space for stormwater management and protect views attained from future dwellings. It is to be noted that for the reasons outlined above averaging is not considered appropriate given the intent to provide both a uniform streetscape and maintain views of the Capel River Reserve from the dwellings.

In addition to the normal requirements for a habitable room to have orientation toward the streetscape, an additional requirement has been provided to ensure that a habitable room is orientated toward the foreshore reserve to provide passive surveillance of the reserve and the proposed future alignment of the Mallokup Trail. Likewise, the requirement ensuring high quality design features are orientated toward the reserve further enforces the passive surveillance of the reserve and trail, and will act to enhance the pedestrian experience from the trail alignment.

Stormwater Management

The detailed area plan requires that all stormwater shall be contained and disposed of on site. This has been at the request of the Shires Engineering Division given the permeability of the soils in this location. Whilst stormwater disposal is generally assessed at the building or development stage, the detailed area plan depicts a proposed swale drain located to the northern side of the properties which would assist in retaining stormwater on site in higher rainfall events. It is considered that this is an appropriate response given the topography of this particular site.

Vegetation Protection

In regard to the 10 metre setback area, requirements have been included to ensure that trees are retained throughout subdivision, with the exception of those removed for fire management purposes or if trees are dead, diseased or dangerous.

This is considered a positive outcome given the prevalence of West Australian Peppermint trees in the locality (*Agonis flexuosa*) that provides important habitat for the endangered Western Ringtail Possum. In accordance with the federal Department of Sustainability, Environment, Water, Populations and Communities, Peppermint Grove Beach is designated as containing 'supporting habitat' for the Western Ringtail Possum. Accordingly, retention of mature vegetation in this area where possible is considered to be a positive outcome.

Fencing

Fencing specified along the Capel River reserve and along the public access way is to be installed by the developer. It is intended through provisions of the Detailed Area Plan that the fencing is maintained in a uniform manner and of a visually permeable construction to ensure the passive surveillance of the reserve and walk trail.

In addition to the above, no fencing is permitted in the front setback areas of any building. It is considered that given the reduced setbacks being provided as a part of the policy, that fencing may detract from the streetscape and reduce the impression of the natural topography on site.

Effluent Disposal

In regard to effluent disposal the Detailed Area Plan states that aerobic treatment units and effluent disposal systems or alternative effluent disposal systems shall be installed to provide for the treatment and disposal of wastewater, unless in a particular instance the use of a conventional effluent disposal system can be demonstrated as appropriate to the satisfaction of the Shire. The Shire's Health Services has indicated that the requirements contained in the Detailed Area Plan are sufficient, and noted that the easternmost lot closest to the wetlands will require a 100 metre restriction with regards to an effluent disposal system. Additionally, a 30 metre separation will be required between the drainage swales and an effluent disposal system.

Variations

Minor variations to the DAP may be approved by the Shire provided they are demonstrated to be generally consistent with the DAP, following consultation with adjoining landowners and where consistent, with the objectives of the policy.

CONCLUSION

The Detailed Area Plan has been provided in response to a condition of planning approval in order to progress towards the subdivision condition clearance. Given that the subject site is located within the residential zone, in order for the provision of the Detailed Area Plan to take effect it is to be adopted as a local planning policy. The report provides the first stage in the initiation of the local planning policy in adopting the policy for the purposes of consultation. The provisions will be advertised in accordance with the procedures set out in clause 8.9.2(a) of the Scheme for a minimum duration of 21 days, after which all submissions received will be considered and the item will be presented back to Council for final adoption.

The proposed Detailed Area Plan is considered to be consistent with the intent of the condition imposed on the West Australian Planning Commission subdivision approval on 5 June 2013, along with the Shire of Capel Town Planning Scheme No. 7 and Peppermint Grove Beach Land Use Strategy.

On this basis it is recommended that the proposal be adopted for the purposes of advertising in accordance with clause 8.9.2(a) of Town Planning Scheme No. 7.

VOTING REQUIREMENTS

Simple majority

OC0303 OFFICER'S RECOMMENDATIONS – 14.1/COUNCIL DECISION

Moved Cr Hearne, Seconded Cr McCleery

That Council:

- 1. Adopts draft 'Policy 6.27 – Peppermint Grove Terrace Local Planning Area' for the purpose of community consultation pursuant to clause 8.9 of the Shire of Capel Town Planning Scheme No. 7.**
- 2. Advertises draft Policy 6.27 to the community and relevant agencies in accordance with clause 8.9.2 of Shire of Capel Town Planning Scheme No. 7.**

Carried 8/0

OC0304 ORDER OF BUSINESS

Pursuant to Clause 3.2(1) of the Standing Orders, the President proposed a change to the order of business to bring forward Item 16.4 Capel Chamber of Commerce – Horse Theme Proposal.

OC0304 COUNCIL DECISION

Moved Cr Norton, Seconded Cr Manley

That pursuant to Clause 3.2(1) of the Standing Orders, Council change the order of business to bring forward Item 16.4.

Carried 8/0

VOTING REQUIREMENTS

Simple majority

Mrs Stevenson left the meeting at 5.41pm.

Mrs Mutton returned to the meeting at 5.43pm and then left the meeting at 5.43pm and did not return.

Mrs Stevenson returned to the meeting at 5.44pm.

Mr and Mrs Hutton returned to the meeting at 5.45pm.

OC0305 (16.4) Capel Chamber of Commerce – Horse Theme Proposal

| | |
|-------------------------|---|
| Location: | Capel Town |
| Applicant: | Shire of Capel |
| File Reference: | Capel Chamber of Commerce |
| Disclosure of Interest: | Nil |
| Date: | 04.03.15 |
| Author: | Executive Manager Community Services, M Plume |
| Senior Officer: | Chief Executive Officer, P Sheedy |
| Attachments: | Nil |

MATTER FOR CONSIDERATION

To consider the Capel Chamber of Commerce's Horse Theme Proposal to include the township of Capel and extending to Peppermint Grove Beach and Ludlow North Road and inland to the Equestrian Centre on Goodwood Road.

BACKGROUND / PROPOSAL

Background

Kylie Myatt, President, Capel Chamber of Commerce first presented the Horse Theme Proposal to Council on 21 May 2014. The initial idea was:

1. to showcase equestrian life in the Shire with a number of horse profile cut-outs throughout the Shire.

2. the development of a map linking all the horses and including equine sites of interest such as training / breeding horse studs and competition areas.
3. The development of highway signage similar to those along the Forrest Highway with the slogan "Capel More than a one horse town".
4. Include ideas for events such as Horse Muster, Heritage Trail horse rides, a Bonfire, food and wine festival, Capel Descent and horse beach ride race; a 'ride your horse to the tavern' day, Country dance at Elgin Hall and the Capel races.

Since the original proposal, a number of changes have been made to make the proposal more Capel Town specific rather than whole of Shire. However in saying that the latest proposal received on 25 February 2015 states that it is the *"Capel Chamber of Commerce's intention to pursue and implement a Horse theme for the township of Capel also extending to Peppermint Grove Beach and Ludlow North Road and inland to the Equestrian Centre on Goodwood Road"* Whilst the proposal makes this statement, there is no indication within the proposal as to what is actually intended at Peppermint Grove Beach, Ludlow North Road or inland to the Equestrian Centre on Goodwood Road. Nor is support for this extension of the theme demonstrated in the document.

The theme is to be made up of four initial elements:

1. Steel plate artwork horses to appear down the main street, in the paddocks opposite Capel along the highway adjacent to Stirling Road, inside the fence line of certain horse breeding and training facilities within the vicinity of Capel and also at Peppermint Grove Beach.
2. The two new entrance signs replacing the current "Capel Tuart Country" signs.
3. Two large Highway Signs on the Busselton Highway north and south of the Capel entrance roads off the highway.
4. The adoption and subsequent exclusive use of the slogan for all Capel marketing of "Capel.... More than a one horse town".

The applicant advised that the horses that will have pedestrian access will have a D Bolt attached to the mouth (as this will look like a bit) with a 200mm x 200mm plaque acknowledging the sponsor or story of the horse. The applicant also advised that it would be ideal to utilise the Shire's website to promote the horses and this would include:

- Story of Capel Town with an explanation of the theme and slogan
- Individual horse profiles / sponsor / story
- Events Page where Equestrian industry could update their equestrian events
- Business Page – to include all businesses within the town
- Map of town showing the various horse locations.

The applicant feels very strongly that this is a package. The package is made up of entry signs, many horse cut-outs, highway signage and includes the slogan which should be used for all marketing and branding of anything Capel. At the time of discussion it was not considered an option to only do part of the package (e.g. horse cut-outs along the main street).

Proposal

The Capel Chamber of Commerce's intention is to pursue and implement a Horse theme for the township of Capel also extending to Peppermint Grove Beach and Ludlow North Road and inland to the Equestrian Centre on Goodwood Road.

This theme is to be made up of four initial elements:

1. Steel plate artwork horses to appear down the main street, in the paddocks opposite Capel along the highway adjacent to Stirling Road, inside the fence line of certain horse breeding and training facilities within the vicinity of Capel and also at Peppermint Grove Beach.
2. The two new entrance signs replacing the current “Capel Tuart Country” signs.
3. Two large Highway Signs on the Busselton Highway north and south of the Capel entrance roads off the highway.
4. The adoption and subsequent exclusive use of the slogan for all Capel marketing of “Capel.... More than a one horse town”.

“The purpose of adopting this horse theme is to give Capel ownership of an industry that has a very significant presence in our community but is largely silent. We believe this is the time to take the lead in positioning ourselves as the Horse centre of the South West. In a region which is saturated with established tourism industries of good, wine, surf and art, a horse theme makes us unique in a fairly robust and competitive region.

This is not just for tourism and business but to give the residents of our town a solid confirmation of what their region does.

In the coming months and years this theme will be developed with more layers of the horse theme visible throughout the town, new events, horse industry development and exposure, and it is hoped, and certainly will be encouraged by us, the increasing involvement of certain community and recreation groups to grow and develop significant horse events both for residents and visitors.”

STATUTORY ENVIRONMENT

If Council agrees to support the theme of the horses the development aspects of the proposal will be considered by staff in respect to statutory requirements.

POLICY IMPLICATIONS

There are no policy implications relevant to this matter.

FINANCIAL IMPLICATIONS

Budget

The current budget has an allocation of \$5,000 for the development of the Regional Tourism Strategy, and a further \$5,000 for Tourism promotional materials.

Long Term

There is no allocation for entry statements in the Long Term Financial Plan (LTFP).

The Shire’s LTFP shows stage 2 of the main street redevelopment – planning starts in 2019/2020 and carries over to 2020/2021 with construction occurring in 2022/2023.

Whole of Life

In supporting the proposal, Council will be creating new assets and therefore there will be associated costs.

SUSTAINABILITY IMPLICATIONS

The development of appropriate development of branding of a town / shire can help to socially

connect the town community and business by the actual development process. If done correctly through consultation and community involvement, can strengthen feelings of ownership and pride for one's town and the sense of belonging.

If development of such a proposal is done with quality and appropriately placed, it can add to the environmental quality of a place.

Slogan and branding for marketing purposes can attract visitors if done correctly and therefore can become an economic driver for the town.

STRATEGIC IMPLICATIONS

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

Economic Experience 4: Foster and support responsible progressive economic development opportunities within the Shire.

Capel Townsite Strategy 2008

Part 6 of the Strategy synthesis is a range of key issues identified during the preparation of the strategy. In respect to the character and sustainability of the town, Council adopted the following strategy:

"To ensure the town of Capel grows in a manner that is sustainable and retains its built form and natural character attributes and rural setting".

A required action to assist in achieving the strategy is to:

(iv) Continue to implement the Capel Townscape Plan in the short term with the plan to be updated and reviewed to incorporate design guidelines, the civic precinct, increased access and orientation to the Capel River and also the entries to the town and town centre.

Council adopted the above action with implementation to occur by July 2013.

The above action was formulated in response to community consultation feedback concerning improving the Townscape / Town Centre / Character of Capel.

CONSULTATION

Whilst the Chairperson of the Capel Chamber of Commerce has provided a briefing of the proposal to Council, to Chamber members and at the Small Business Centre sundowner that was hosted by the Shire, there has been no gauging of Community support.

When developing a theme and slogan for a townsite whole of Shire etc, Council would normally engage with the community via a consultant, to seek community input into suggested concepts and then provide Council with a recommendation based on support from the community.

This has not been the process with this proposal as it is being driven by the Capel Chamber of Commerce which has indicated that there is broad business support in Capel for the proposal. Council needs to be comfortable that if it is adopting the horse theme and slogan, it is in a position to strongly defend the proposal including the ability to explain what the slogan does and does not stand for.

COMMENT

Whilst the full proposal received is a combination of various elements (outlined in the Background section) this report only deals with the proposal for Council to consider whether it:

- a) Supports the adoption of the marketing slogan “Capel ... More than a one horse town” for the Capel townsite, and extending to Peppermint Grove Beach, Ludlow North Road and the Equestrian Centre; and
- b) Supports the theme of horse shapes and signage at various locations.

Once Council has made a determination on these matters, a further report will be provided to Council at a later date that will include locations of horses and signage, total costings (including installation) and amount requested from Council.

In order to assist Councillors in making a decision on whether to support the proposal or not, it is important that detailed information both positive and negative is provided. As a result, the following matters are raised for consideration.

Development of a Regional Tourism Strategy

Council has agreed to contribute to the development of a Regional Tourism Strategy. This Boyanup Wellington Strategy is well underway and is expected to be ready for comment by the end of May / early June. It is intended that this Regional Strategy will provide outcomes which include consideration of matters such as:

- a regional Visitor Centre,
- regional labelling or a ‘tag line’ or ‘image’ that could be used by all throughout the region to bring consistency with brand awareness,
- signage audit and development of improvement plan,
- identify gaps in tourism experiences,
- encourage product development and investigate, and
- encourage indigenous tourism product and experiences.

During the first weeks of March 2015 workshops were conducted in each of the Bunbury Wellington Local Governments to which business, tourism operators, residents with an interest in tourism, Councillors and Shire representatives were invited. Shire of Capel’s workshop was held on Wednesday 4 March 2015, with 22 people in attendance. The workshop centred on the benefits of having a regional strategy and the strengths of regional branding and marketing.

It has been very apparent from the development of this Strategy that the Shire of Capel has little to offer in the way of tourism experiences and it is important that Council maintain a strong regional connection through this Strategic approach if it is to gain any economic benefits. During a discussion with the facilitator of the workshop in regards to themes, it was suggested that the Shire should wait until the finalisation of the Regional Tourism Strategy before adopting themes and slogans as they would need to fit within a regional context.

Horse Theme

With this proposal, Council firstly needs to consider whether it accepts that the proposed horse theme is appropriate and relevant to the Capel Townsite, and whether or not any theming that is agreed to should actually have relevance to other parts of the Shire or the whole of the Shire.

Whilst this proposal specifically relates to the Capel Townsite and extending to Peppermint Grove Beach, Ludlow North Road and inland to the Equestrian Centre, the applicants have in previous submissions and presentations indicated that it was their view that the theme does have relevance to the whole Shire and they consider that the horse industry provides a

livelihood and recreational pursuits for many residents. It is also their view that the industry brings people to our Shire for many regional, state and national events. There is also mention of breeding and training of horses in the Shire which has produced some famous outcomes.

The applicants have not demonstrated or provided any data to support their views on the importance of the equine industry throughout the Shire, and therefore whether or not this industry is any more important than the mining or any other agriculture industries, has not been determined.

It is to be noted, that the Council supported the theming of the Capel Town through the previous townscape planning process which included the engagement of a landscape architect, a community committee and wide public consultation. The outcome of this planning was the current town entry statements referring to *Tuart Country*, the main street and central park design. It was community and Council view of the day that the internationally recognised Tuart forest was indeed a unique focus. Therefore any theme adopted by Council could be based on anything, provided it is considered to have relevance and importance, in the promotion of the Shire.

The Shire of Capel's current theme that is reflected in the Corporate Business Plan is *Experience*. "*When people come to live or visit they will be encouraged to experience what the area and community has to offer*" and so Council has developed its strategic directions around the theme of "*Experience the Shire of Capel*". If Council was to think about it, "*Experience the Shire of Capel*" has much more of a regional context than what is being proposed, and therefore would be far more adaptable.

The Slogan – "Capel ... More than a one horse town"

The Slogan as described by the applicant is about seeing one (1) horse at the entry and then seeing more horses as you drive through the town – hence "more than a one horse town". The applicant believes that the visitor experience of the slogan will be fulfilled in their experience of Capel Town by seeing more than one horse.

Council needs to consider and to decide precisely what it determines as the interpretation of the slogan, but more specifically what Council wishes to achieve by providing community and tourism experiences. Is it about providing the experience of seeing steel horse artworks or is it about attracting tourists to come to Capel Town or Shire to gain other experiences? If other experiences; what are they and how should they be captured in marketing such as slogans?

A simple Google search of the origins of the proposed slogan indicates that the colloquial phrase 'one horse town' refers to a small, insignificant town with high unemployment and low levels of education. The proposed slogan implies that we have more to offer than just being a one horse town, but it could actually be interpreted as a public admission that we are in fact a one horse town. Therefore if this slogan is adopted/endorsed, it will be vital that appropriate marketing be undertaken to ensure that the correct interpretation is achieved.

The proposal states that in adopting the slogan it must be used for all marketing of Capel townsite – there is no clear indication how this will be achieved and undertaken and, in particular, how businesses will be supporting this outcome.

Marketing is one of the key outcomes that will be considered under the Regional Tourism Strategy, but from a regional cooperation point of view as opposed to an individual town approach.

Getting the right slogan, would normally involve a process of community engagement to ensure its authenticity which is what the visitor wants to experience when they visit Capel Town and the Shire. Once the decision is made to accept and implement a Slogan it is here to stay with all its connotations.

Conclusion

Council firstly needs to decide whether it supports the horse theme and slogan for the Capel Town, and other parts and/or supports it for the whole of the Shire.

In considering this proposal in the context of the above comments it is considered that there are three options available to Council at this time, namely:

- a) Endorse the theme and the slogan; or
- b) Not approve of the theme or the slogan; or
- c) Defer any decision until the Regional Tourism Strategy has been finalised and adopted by Council.

Given that the Shire is participating in the development of a Regional Tourism Strategy for the Bunbury Wellington Region; the adoption of any slogan for part of or the whole Shire, which will have branding and marketing implications, may be premature at this time. It is therefore recommended that option (c) above be endorsed by Council.

Should Council determine to endorse option (a) then it is recommended that a Working Group/Committee comprising representatives from Capel Chamber of Commerce, Council (Elected Members) and Shire Staff be formed (2 or 3 from each) to progress the finalisation of locations of horse shapes and signage and final costings for consideration by Council.

VOTING REQUIREMENTS

Simple majority

OC0305 OFFICER'S RECOMMENDATIONS – 16.4/COUNCIL MOTION

Moved Cr Manley, Seconded Cr Smith

That Council defers any decision on the Horse Theme proposal until the Regional Tourism Strategy has been finalised and adopted by Council.

Lost 6/2

OC0306 COUNCIL MOTION

Moved Cr Norton, Seconded Cr Manley

That Council endorses the Horse Theme for the Capel area and a working group comprising of representation from Capel Chamber of Commerce and Council and Staff to progress site locations and final costings to be considered by Council.

Mr Slocomb left the meeting at 6.14pm and did not return.

OC0307 AMENDMENT

Moved Cr Smith, Seconded Cr McCleery

That Council endorses the Horse theme for the Capel area and put it out for public comment.

Voting: For 4, Against 4
Lost 5/4

Note: Cr M Scott as the Presiding Member cast a second vote against the Amendment pursuant to section 5.21(3) of the Local Government Act.

The original Motion was then put and was Lost 6/2

OC0308 COUNCIL MOTION

Moved Cr J Scott, Seconded Cr Bell

That Council does not support or approve of the Horse theme or slogan.

Lost 5/3

OC0309 COUNCIL MOTION

Moved Cr Hearne, Seconded Cr Manley

That Council reaffirms its support for the Horse theme and gives due consideration to its implementation as part of the Regional Tourism Strategy and the Shire's marketing plan.

Mr Gick left the meeting at 6.31pm.

Mrs Muller left the meeting at 6.33pm.

Cr Manley withdrew her seconding of the Motion put by Cr Hearne. The Motion lapsed for want of a Secunder.

Mrs Muller returned to the meeting at 6.34pm.

OC0310 COUNCIL MOTION

Moved Cr Hearne, Seconded Cr Norton

That Council supports the Horse theme and gives due consideration to the initiative as part of the Regional Tourism Strategy and the Shire's marketing plan.

Lost 5/3

Mr Gick returned to the meeting at 6.36pm.

OC0311 COUNCIL MOTION

Moved Cr Smith, Seconded Cr McCleery

That Council forms a Working Group comprising Capel Chamber of Commerce, Council and Staff and community members

- 1. To consider a tourism strategy and marketing plan for the Shire of Capel including the proposal by the Capel Chamber of Commerce; and**
- 2. For staff to provide a report back to Council for consideration.**

Voting: For 4, Against 4
Lost 5/4

Note: Cr M Scott as the Presiding Member cast a second vote against the Motion pursuant to section 5.21(3) of the Local Government Act.

OC0312 COUNCIL DECISION

Moved Cr Smith, Seconded Cr Hearne

That this matter be deferred to the June 2015 Council meeting.

Carried 6/2

Mrs Muller left the meeting at 6.57pm and did not return.

Cr Norton left the meeting at 6.57pm.

Mrs Myatt left the meeting at 6.57pm and did not return.

OC0313 (14.2) Telethon Regional Home 2015 – Lot 2885 Gutmann Parkway, Dalyellup

Location: Dalyellup
 Applicant: WA Country Builders Pty Ltd
 File Reference: Building Permit No. 13819
 Disclosure of Interest: Nil
 Date: 10.03.15
 Author: Manager Building Services, S Breaden
 Senior Officer: Executive Manager Engineering & Development Services, J Gick
 Attachments: Nil

MATTER FOR CONSIDERATION

The Shire to make an unbudgeted donation of \$623.00 to WA Country Builders Pty Ltd in assistance towards building permit application fees for the 2015 Telethon Regional Home.

BACKGROUND / PROPOSAL

Background

WA Country Builders Pty Ltd has committed to building and auctioning a home in Dalyellup with the aim of raising funds for Telethon 2015. The builder plans to complete the dwelling ready for auction prior to Telethon 2015, which will be held in October 2015.

Telethon is a long-running Western Australian charitable trust that has a philosophy to financially support the medical and social welfare of children and young people, and to fund research into children's diseases. Telethon provides assistance to a significant number of charitable organisations, children's hospitals and research/medical facilities in Western Australia.

In providing support for the project, WA Country Builders Pty Ltd has requested the Shire to assist in covering the costs associated with building permit application fees. Contribution by way of donation has previously been endorsed by Council and include:

- 2005 to WA Country Builders Pty Ltd for the Telethon Home at Lot 2060 McKenzie Crescent, Dalyellup (OC0203)
- 2007 to WA Country Builders Pty Ltd for the Telethon Home at Lot 4053 Dalyellup Boulevard, Dalyellup (OC0503)
- 2012 to WA Country Builders Pty Ltd for the Telethon Home at Lot 2862 Gutmann Parkway, Dalyellup (OC0309)

The associated building permit application (#13819) for the dwelling was received on 6 March 2015. In lodging the application, the required fee schedule for the proposal is broken down into the following components:

- \$243 - Building Services Levy
- \$540 - Building and Construction Industry Training Levy
- \$513 – Shire permit fee
- \$110 – Shire verge maintenance fee

In accepting the building permit application the Shire only retains a proportion of the overall fee being \$623 (permit fee and verge maintenance fee). With the additional fees, the Shire acts as a collection agent for the levies only.

Proposal

To approve unbudgeted expenditure of \$623.00 for a donation of costs associated with building permit application fees.

STATUTORY ENVIRONMENT

Local Government Act 1995

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.

Building Act 2011

Section 20 – Grant of building permit

(2) A permit authority to which an application is made must not grant the building permit unless it is satisfied as to each of the matters mentioned in subsection (1)(a) to (s)

The matter for consideration pertains to a donation only and does not alter the requirement to pay relevant fees for a building permit application under the Building Act 2011. The requirements under section 20 - Grant of building permit are noted for reference only.

POLICY IMPLICATIONS

There are no policy implications relevant to this matter.

FINANCIAL IMPLICATIONS

Budget

The current 2014/15 budget allows for Donations A/C 102220, and allocates an annual budget of \$1,000 under Council discretionary donations. Council has approved unbudgeted expenditure from this account for the Capel RSL Hall (OC0213 25.02.15) which could see account 102220 showing over expenditure of up to \$9,000. The Capel RSL Hall over expenditure is to be funded from the surplus shown by the Midyear budget review forecast at 30 June 2015. This agenda item donation would have to be funded from the year end surplus as the account is forecast to have above budget expenditure.

Long Term

Further requests for donations are likely in the future.

Whole of Life

There are no whole of life costs applicable to this matter.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications relevant to this matter.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this matter.

CONSULTATION

Nil.

COMMENT

The submission, and subsequent assessment, of a building permit application is governed by the statutory processes of the Building Act 2011, and is therefore independent of the donation process. Any decision to endorse or reject the donation bears no consequence on Shire staff approving the building permit within the required 10 day statutory timeframe.

In relation to the fees that the Shire collects, the proposed \$623.00 donation directly corresponds to building control operating income received for the building permit application. The remaining application fees, including the Building Services Levy and Building and Construction Industry Training Levy, are statutory requirements to which the Shire acts as a collection agency only, and for this reason the refund of these levies is not a consideration.

Previous Telethon Regional Homes constructed within Dalyellup have received support from the Shire by way of a similar donation. A continuation of this support is an active way of contributing to the project and will assist in keeping the overall project cost to a minimum.

In requesting a contribution, WA Country Builders have indicated that the Shire of Capel will be recognised in Telethon publicity via acknowledgments in signage and literature produced for the home. This indirectly promotes the Shire's endorsement of development within the Dalyellup area, and reflects positively on the Shire of Capel in general.

VOTING REQUIREMENTS

Absolute majority

| |
|---|
| OC0313 OFFICER'S RECOMMENDATIONS – 14.2/COUNCIL DECISION |
|---|

Moved Cr Smith, Seconded Cr Bell

That Council endorses the unbudgeted expenditure of a \$623.00 donation to WA Country Builders Pty Ltd for the 2015 Telethon Regional Home proposed at Lot 2885 Gutmann Parkway, Dalyellup.

Carried with an Absolute majority 7/0

OC0314 (14.3) Extractive Industry Licence – Lot 2 Calinup Road, Gelorup

| | |
|-------------------------|--|
| Location: | Gelorup |
| Applicant: | APH Contractors Pty Ltd |
| File Reference: | C5.2.N.76 |
| Disclosure of Interest: | Nil |
| Date: | 09.03.15 |
| Author: | Engineering Technical Officer, D McKenna |
| Senior Officer: | Executive Manager Engineering and Development Services, J Gick |
| Attachments: | 1. Location Plan 2. Schedule of Submissions 3. Feature Plan 4. Extraction Blocks Plan 5. Development Plan 6. Ministerial Statement 767 7. Ministerial Statement 969 8. Draft EIL Conditions |

MATTER FOR CONSIDERATION

Application for issuing of a Planning Consent and Extractive Industry Licence for the extraction of sand from Lot 2 Calinup Road, Gelorup.

BACKGROUND / PROPOSAL**Background**

Giacci Bros previously held a twenty one year extractive industry licence for the Site which expired on 19 July 1999.

March 1999 (OS0314) – Council considered an application from Giacci Bros for a short term continuation of the extractive industry on a section of land immediately south of Calinup Road, which had already been cleared of vegetation. The short term approval was requested due to delays likely to be experienced with obtaining approval from the Department of Environment for extraction on the balance of the lot. Council resolved to advise the applicants of a number of matters that included the following:

1. Any interim use of the site must have regard to the future planning directions for the land (residential and special rural subdivision and use), protection of remnant vegetation, wetlands, and Gelorup Hill and ground water aquifers. Any application received will need to clearly demonstrate the above matters have been considered and can be satisfied;
2. Existing and previous extraction is already inconsistent with the above (in part due to the deviation from approvals); there is a need to rectify the situation by rationalising finished landform and rehabilitation in conjunction with any new application. Council required an amended application to include the previous extraction area;
3. Pursuant to clause 8.3.8 of Town Planning Scheme No. 7, revised plans were required including a finished floor level of 24m AHD, a minimum batter of 1:6 for servicing / 1:10 for development opportunities (1:4 batters were advised as being unacceptable), rehabilitation and other details relating to levels for Calinup Road reserve and preservation of Gelorup Hill;
4. Provision of a subdivision overlay to demonstrate that the finished contours provide for an acceptable form of development;

5. Provision of rehabilitation proposals;
6. Submission of a list of commitments to address issues raised during the public consultation period;
7. Comments to be obtained from the Western Australian Planning Commission and Department of Lands (now Landgate) for extraction on Calinup Road;
8. Council would consider a two year approval which is conditional upon the satisfactory rehabilitation of the area north of Calinup Road within 12 months of approval. It would consider terminating the approval if rehabilitation is not satisfactorily undertaken.

June 1999 – Following on from the March resolution and after receipt of a revised proposal from the Giacci Holdings, Council resolved (OSO606) to issue approval to an Extractive Industry on the site subject to conditions which included a two year approval period.

June 2001 – Application was received from the Giacci Holdings requesting a short term licence for the area already cleared and a long term licence for the balance of the lot. A copy of advice from the Department of Environmental Protection (DEP) was also received at the time of considering the proposal stating that the guidelines for the Public Environmental Review identified Gelorup Hill as a significant Environmental factor for a proposed long term licence proposal and that the short term licence was to exclude disturbance to the Gelorup Hill. Council resolved (OC0647) to grant conditional approval to the extractive industry valid for 18 months. Council also gave warning about the quality of rehabilitation and gave warning of using the rehabilitation bond to undertake corrective works or to initiate prosecution. The licence was to expire 31 December 2002.

December 2002 – Giacci Holdings requested an extension of approval for a further 12 months as they believed they would receive a decision from the Department of Environment in respect to their expansion further south on the balance of the lot. At this time they would make a new application. Council acknowledged that Giacci's had still failed to undertake adequate rehabilitation and had strayed outside recent approval areas. It was also noted that rubbish was also being buried onsite. Council resolved to grant Planning Consent to the continuation of an extractive industry on the site and issue of an Extractive Industry Licence valid until December 31, 2003.

May 2003 – advice received that Pioneer Construction Materials Pty Ltd were purchasing the lot. Extractive Industry Licence transferred to Pioneer Construction Materials from Giacci Holdings with a rehabilitation bond of \$180,000 provided by Pioneer Construction Materials. Giacci bond returned.

November 2003 – Pioneer Construction Materials submitted a Public Environmental Review to the Environmental Protection Authority for the southern extension of the extractive industry.

December 2003 – Extractive Industry Licence expired.

January 2004 – The PER was advertised for Public comment and the shire responded with a list of concerns and issues.

Early 2005 – APH Contractors purchased the land and continued to pursue environmental approval even though the PER had been lodged by Pioneer Construction Material Pty Ltd.

September 2005 – The Environmental Protection Authority (EPA) recommended that the extractive industry not be approved.

October 2007 – The Environmental Appeals Convenor advised that the Minister for Environment had supported an appeal against the EPA recommendations and provided Council with draft approval conditions to give consideration to.

November 2007 – Shire staff responded to the Appeal convenor advising insufficient information had been provided, that there were concerns about the unlikely success of rehabilitation, the batter of the extractive industry should be 1:10, further excavation should not occur adjacent to Gelorup Hill (blocks 1, 2 and 3) as there would be inadequate fill remaining to achieve desirable slopes/batters, Calinup Road needs to be built and fenced, extraction needs to be limited to two hectare allotments and contribution to road upgrades and maintenance would be necessary.

April 2008 – The Minister for Environment's conditional approval to Cotton Holdings Pty Ltd trading as APH Contractors was published. Conditions of the Ministerial Statement 767 include the following:

- The activity must commence within 5 years of date of publication of statement of approval.
- Compliance reporting to be annually unless the CEO requires more frequently.
- Clearing of native vegetation limited to 19ha in areas marked as blocks 1 to 18 on Figure 1.
- Before commencement of clearing or excavation the proponent shall delineate and protect the areas of conservation significance (fencing and sign posting).
- Before clearing or excavation the proponent shall prepare and implement a Fauna Relocation and Habitat Plan. The plan shall be made publically available.
- The proponent shall implement a weed and dieback Management Plan.
- The proponent shall carry out monitoring and remedial actions as may be required, to ensure native vegetation adjacent to the proposal area are not adversely affected by dust, water use for dust control or other emissions.
- Before commencement of clearing of vegetation or excavation the proponent shall prepare a rehabilitation plan for the northern and southern areas of Lot 2. The northern area rehabilitation should commence within 2 years of the publication of this approval.
- The rehabilitation plan is to contain a number of elements, but in particular it is noted:
 - The plan is to include objectives, requirements and framework for stakeholder consultation and reporting.
 - Prior to approval of the rehabilitation plan by the Minister, the proponent shall commission a review of the Plan by a suitable expert.
 - Following approval of the plan clearing and excavation of blocks 1 - 9 may proceed. Blocks 10 – 18 shall not be cleared until the Minister is satisfied that the Rehabilitation Plan is being implemented.
- An annual performance review shall be provided to the Minister and made publically available.
- If the Minister concludes the Rehabilitation Plan is not being satisfactorily implemented a notice requiring cease of works maybe issued.
- A Conservation covenant shall be lodged over 19ha of Lot 2 and 20ha of Lot 268 prior to clearing native vegetation.
- The depth of excavation shall not be less than 2 metres above the historical maximum water table level for the location or less than 20m AHD whichever is the greater.

February 2009 – Shire staff advised the applicant that a misunderstanding was apparent in relation to the assumptions concerning the finished batter slopes. The Shire requested the final batter slopes be reconsidered.

May 2009 – Council considered an application from APH Contractors Pty Ltd for an extractive industry licence on 19 ha south of Calinup Road after revised plans were received that showed modified finished gradients in the light of making the land suitable for residential development. The revised contours resulted in gradients between 1:4 and 1:8 as well as reducing the total resource from 2.2 to 1.5 million cubic metres. Council was not prepared to consider the application until the community concerns regarding the clearing around Gelorup Hill and the lack of rehabilitation that has occurred at the site were addressed.

July 2009 – A further report was prepared by Shire staff for consideration by Council which proposed extraction of blocks 1 to 4 only to provide sand for the reinstatement of the batter slopes to 1:4 and protected Gelorup Hill from any further extraction. Further extraction was to be considered after the rehabilitation was complete as the community had indicated a strong opposition to any further extraction on Gelorup Hill and concerns about when the rehabilitation of the existing pit would occur. This item was withdrawn from the agenda as APH considered it to be economically unviable.

September 2009 – Hanson Construction Materials (previously Pioneer Construction Materials) requested the return of the rehabilitation bond of \$180,000 as they were no longer the owner of the property.

July 2010 – After receiving legal advice, the Shire wrote to Hanson to advise them that as the site had not been rehabilitated satisfactorily, the liability for rehabilitation remained with Hanson and were asked to advise the Shire what they intended to do about rectifying the rehabilitation of the site.

November 2010 – Hanson advised in writing that as the site had changed hands, Hanson is unable to access the site without the owners consent. Hanson also advised that they believed that the owner of the site had already committed to the rehabilitation of the site under Ministerial Statement 767 as published in April 2008.

December 2010 – Meeting held between Shire officer and APH to consider possible amendments to extraction application to include lowering of Calinup Road and use of Hanson bond. Objective was to protect Gelorup Hill and restrict any future extraction to uncleared areas south of the existing pit. Lowering of Calinup Road will provide the shortfall of sand for attaining approved batters of 1:4 thereby reducing the need to conduct further clearing before the rehabilitation of the existing pit is completed. The contribution of the \$180,000 Hanson bond would help make the rehabilitation project economically viable. APH were supportive of a partnership approach between the Shire, APH and Hanson.

February 2011 – After conducting preliminary design work to ensure that lowering of Calinup Road would provide sufficient sand to reinstate the approved batters, and seeking confirmation from the Department of Mines and Petroleum that the sand under Calinup Road could be used in a trade off for road improvements, the Shire sent a proposal to Hanson to demonstrate that the rehabilitation of this site was achievable with the co-operation and approval from APH Contractors, Hanson Construction Materials and the Shire of Capel. The Shire requested that Hanson Construction Materials Pty Ltd consider this plan for approval as it varied from the previously approved rehabilitation plan of 27 August 2003.

The Shire also requested that prior to Hanson's consideration of this matter; discussions were to be held between Hanson and APH Contractors to determine funding arrangements and responsibilities for possible outcomes.

The Shire indicated that it was willing to enter into an agreement for the return of Hanson's bank guarantee for the value of \$180,000 on the completion of the works detailed in the plan.

April 2011 – Hanson met with Shire representatives where the Shire made it clear that it did not accept that Hanson were no longer liable and advised Hanson to talk to APH about how the site could be rehabilitated collectively between Hanson, APH and the Shire. A meeting was held between APH and Hanson, where Hanson agreed to contribute to the rehabilitation of the site in exchange for their bond.

June 2011 – Shire prepared a Recontouring Plan proposal for approval by APH and Hanson which was accepted by both parties.

July 2011 – Council was briefed with a short PowerPoint presentation on the proposed recontouring plan for Lot 2 Calinup Road. Council indicated support for the proposal.

August 2011 – Shire received approval to clear vegetation within the Calinup Road road reserve which expires August 2013.

December 2011 – Shire engaged a road design engineer to prepare road construction plans for the reconstruction of the section of Calinup Road that runs through Lot 2. Plans were finished in March 2012 and sent to APH for inclusion with their proposed application.

March 2012 – Council considered an application to close Calinup Road through Lot 2 for a period of four years to restrict access to the property by unauthorised vehicles. Council approved the road closure to help prohibit access of off-road motorcyclists and illegal dumping of rubbish.

June 2012 – The Shire received a draft copy of a Deed of Contribution and Indemnity from Hanson which it had prepared as a legal document to guide the agreement of proposed works and contributions between APH, Hanson and the Shire of Capel to achieve the rehabilitation of Lot 2 Calinup Road, Gelorup. The document was scrutinised by the Shire and found to be adequate.

October 2012 – Council considered an application to undertake execution of a Deed of Contribution and Indemnity between the Shire, APH Contractors Pty Ltd, Hanson Construction Materials Pty Ltd and Cotton Holdings Pty Ltd in relation to proposed rehabilitation works for the expired sand pit and road works at Lot 2 Calinup Road, Gelorup.

November 2012 – Deed of Contribution and Indemnity was authorised by the Shire President and Chief Executive Officer and affixed with the common seal of the Shire of Capel.

March 2013 – Works commenced on the recontouring of batters and reconstruction of Calinup Road through Lot 2 including drainage, fencing and revegetation.

August 2013 – Completion of works including moving approximately 70,000 m³ of sand to lower the road and reinstate the batters, spreading topsoil over the site, planting of 15,000 seedlings, seeding with ryegrass and the construction of 450m of Calinup Road including drainage, seal and fencing.

August 2013 – Shire returned \$180,000 bank guarantee to Hanson Construction Materials.

June 2014 – Ministerial Statement No 969 was issued by the Minister of Environment which amended 3 Conditions of the Ministerial Statement 767 to extend the date at which substantial implementation of the proposal is required to 15 April 2016 and require that the area of rehabilitation of the northern portion of Lot 2 be commenced prior to the commencement of clearing or extraction of sand from the southern portion of Lot 2.

Proposal

The applicant has submitted plans, a report, ministerial statements, a Dust Management Plan, Rehabilitation Management Plan, Weed and Dieback Management Plan, a Noise Management

Plan, species lists, Fauna Relocation and Habitat Plan and vegetation surveys. A summary of the proposal is as follows:

- The proposed extraction area is in the southern portion of the property and covers 18.7 hectares to be developed in 17 stages. The extraction area now precludes further extraction up Gelorup Hill.
- Approximately 0.98 million bank cubic metres of sand will be extracted at a maximum rate of 180,000m³ of sand per year over a five year period. The sand resource has an estimated 6-10 year life span based on currently projected annual extraction quantities.
- The post excavation landform is designed with maximum batters of 1:6 and maintains a pit floor in excess of 2.2m above the highest known groundwater level.
- Clearing and excavation areas may reach a maximum of 4.0 hectares in size, after which further vegetation clearing will be subject to equal sized areas being rehabilitated. As a result, the vegetation clearing as well as rehabilitation will be gradual, undertaken over the course of several years, proceeding from north to south in the extraction blocks.
- The submitted Fauna Relocation and Habitat Plan, Rehabilitation Management Plan and Weed and Dieback Management Plan have been approved by the Environmental Protection Authority, which was required prior to any clearing or excavation works commencing.
- The revegetation shall have comparable plant species composition, density and abundance to that which occurred prior to clearing and excavation. The revegetation methods in the southern portion of Lot 2 will involve natural regrowth (from respread topsoil), targeted transplanting, planting of seedlings and seeding. Any seedlings and seed used as part of the revegetation works on Lot 2 will be of local provenance (within 10km of project area).
- A condition in Ministerial Statement 767 (MS767), and subsequently amended by MS969, requires two separate Conservation Covenant areas to offset the projects impact. The first Conservation Covenant will comprise of an area approximately 16.7ha in the eastern and southern parts of Lot 2 Calinup Road. The second Conservation Covenant will be established on Lot 268 Kilpatrick Road, Gelorup and will cover approximately 18.9 ha and will include a conservation category wetland.
- Access to the site will be via Calinup Road which is a sealed 6.2m wide road in good condition.
- Using various different truck configurations it is anticipated that a maximum of 20 trips per day can be expected from the site.
- The hours of operation are to be between 7.00am to 6.00pm Monday to Friday and 7.00am to noon on Saturday, excluding public holidays.
- An environmental noise assessment on the proposed sandpit on Lot 2 Calinup Road was undertaken by Lloyd George Acoustics in 2012. Following the assessment, the Noise Management Plan was developed detailing how APH Contractors will manage noise and remain compliant with the *Environmental Protection (Noise) Regulations 1997*.
- A separate Dust Management Plan has been prepared to assess and address dust impacts.

STATUTORY ENVIRONMENT

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

Lot 2 is zoned Rural and has an area of 58.7 hectares.

An Extractive Industry is not permitted unless Council grants Planning Consent (AA use). Public advertising of the matter may be undertaken prior to making a determination of the application pursuant to clause 8.2.2 of the Scheme. Public and government consultation has been undertaken and comments are made in respect to this matter under the Consultation Section of this report.

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

1.6 Scheme Objectives

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

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

5.7 Rural Zone

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

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

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

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

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

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

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

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

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

8.3.8 The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.

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

This item has no policy implications.

FINANCIAL IMPLICATIONS

Budget

The applicants' proposal will have no implications on the Council budget for 2014/15.

Long Term

Road Deterioration

Extractive Industries within the Shire of Capel create a concentration of heavy vehicles accessing local roads to traverse from the site entrance to the closest arterial main road. This concentration of heavy vehicles causes considerable road damage to the local roads and the

cost of the deterioration must be passed on to the Extractive Industry as it is the source of the heavy traffic.

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

In order to provide a consistent and transparent process the Shire has reviewed the agreement to include industry standard formula 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 \$16,144 for every 180,000 m³ of sand trucked along Calinup Road for 2015/16. This figure is indexed annually.

Rehabilitation

Extraction industries are required to lodge a rehabilitation bond. The intent of the bond is an incentive to rehabilitation performance. Should the licensee fail to rehabilitate, the bond may be used by the Shire to undertake the required works. The Shire's *Schedule of Fees and Charges 2014/15* lists the minimum bond per hectare for sand extraction sites as \$15,629. The Shire's normal standard with extractive industries is to only allow clearing to occur in 2 hectare portions and that no more than 4 hectares can be under development at any time, either being cleared, excavated or rehabilitated. Once this stage is reached, further clearing will only be permitted once a comparable area has been adequately revegetated. A rehabilitation bond for the first 4 hectares of clearing will be required before a licence is issued which equates to 4 Ha x \$15,629 = \$62,516.

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

Whole of Life

There are no whole of life financial implications.

SUSTAINABILITY IMPLICATIONS

The extractive industry will have an environmental impact as it requires removal of vegetation in the extraction area. The permit to clear which is issued by the Ministerial Statement 767 is subject to the area cleared being restored to achieve best practice restoration criteria which should result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area.

Extractive industries can also have impacts on the community by way of noise, dust and traffic.

The current EPA buffer distance guidance notes now consider that an acceptable buffer distance between a sand quarry of this nature, and a residence should be 300 – 500 metres depending on the size. There are two surrounding residences within the 500 metre buffer. A detailed Noise Management Plan has been compiled to regulate noise outputs and handle and record complaints.

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

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

STRATEGIC IMPLICATIONS

The State Planning Framework Policy

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

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

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

The objectives of this policy are:

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

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

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

The Greater Bunbury Region Scheme reflects the intent of this policy through the identification of The Strategic Minerals and Basic Raw Materials Resource Policy Area.

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

Statement of Planning Policy No. 2.4 Basic Raw Materials

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

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

This proposal is consistent with the tenor of this policy as it seeks to extract basic raw materials that exist on the site. The proposed scale and future rehabilitation of the site

indicate a sensitive approach to protecting rural amenity, landscape appeal and adverse intrusion into the amenity of adjoining landowners.

State Planning Strategy (1997)

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

The Strategy identifies five key principle considerations in relation to land use planning and development. These principles are too detailed to set out in this report, but relate to matters such as protecting the environment, providing for future communities, supporting economic wealth, providing for infrastructure and managing growth pressures through regional development. In respect to Lot 2, it is classified as 'Regional Urban Area'.

The proposal does not propose outcomes contrary to the broad strategic statements of the State Planning Strategy as the end landform will not prejudice any long term urban use should planning in the locality progress down this path.

Shire of Capel Land Use Strategy (1999)

The subject land is contained within Planning Unit BU8 – Beridup of the Shire of Capel Land Use Strategy. The objective is to provide for a range of uses that will assist in conserving the rural character and natural environmental values such as remnant vegetation and wetlands. Issues include conservation of remnant vegetation, long term urban development of the greater Bunbury area and particularly, "Conservation of the Gelorup Hill". Undesirable uses include clearing of remnant vegetation.

Clause 6.2.3.7 lists Development Guidelines and states in Part (b) the following:

"The Gelorup Hill on Lot 2 Cokelup Road should be protected in the event of any change of land use or development"

Greater Bunbury Region Scheme 2008 (GBRS)

The GBRS identifies Lot 2 as rural.

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

Greater Bunbury Strategy (2013)

The Greater Bunbury Strategy 2013 supercedes the portion of the Bunbury – Wellington Region Plan that relates to land use within the Shire of Capel.

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 urban growth
- Areas for industry
- Locations for key infrastructure

- Areas for future GBRS public purposes
- Future GBRS reserved lands

It contains five key themes for a:

- Liveable;
- Prosperous;
- Accessible;
- Sustainable; and
- Responsible development

The Greater Bunbury Strategy Map identifies the land as “Residual of study area: Rural (no change to land use)”. The land is north of an Environmental Significance Area/Corridor.

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

The Strategic Community Plan establishes the long-term directions for the Shire in terms of administration and development, focusing on matters which are important to the community. The Strategic Plan ‘Vision’ is to establish “*a community of diverse lifestyle experiences accommodating progressive growth, sharing in prosperity, and valuing the unique environment*”.

Environmental Experience – preserve and enhance the natural and built environment to ensure it is liveable, sustainable and adapts to our communities’ needs and expectations. One of the intended outcomes is to maintain and enhance the quality of our unique natural environments.

Economic Experience – foster and support responsible and progressive economic development opportunities within the Shire. The intended outcomes for this strategic objective include encouraging business development and whilst this may not be the intent in this case, the provision of fill sand contributes to business development. Outcomes also include supporting the retention of the mining industry.

Infrastructure Experience – plan and facilitate safe, sustainable and efficient infrastructure and transport networks to meet the needs of the community. The intended outcomes for this include ensuring safe and efficient transport routes.

CONSULTATION

The proposal was referred to the Environmental Protection Authority, Department of Environment Regulation, Department of Parks and Wildlife, Department of Planning, Department of Water, Department of Aboriginal Affairs, Department of Mines and Petroleum, Western Power, Telstra, Main Roads WA and the local Land Care District Committee (LCDC).

141 letters were sent to residents within the bounds of the Bussell Highway, Woods Road and any other properties within a 1km radius and a public notice was also placed in the *South Western Times* as well as appearing on the Shire of Capel website. An advertising sign was also prominently placed outside Lot 2 Calinup Road, Gelorup.

The Shire received submissions from most of the government agencies and from 10 residents and 1 mining company. A Schedule of Submissions was prepared and forwarded to the applicant for consideration and response. A full copy of the Schedule of Submissions and responses is shown as **Attachment 2 – Schedule of Submissions**.

The submissions received, raised concerns over the potential for:

1. Environmental impacts;
2. Amenity impacts;
3. Noise impacts;
4. Road safety impacts;
5. Fire risk impacts; and
6. Illegal access and rubbish dumping.

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

COMMENT

Environmental

Concerns were raised about the clearing of the remnant vegetation on Lot 2 and the impact it may have on the large range of fauna observed at the site including the priority 4 species Brush Wallaby and birds of local significance.

The environmental impacts were assessed as part of the Public Environmental Review and the development was approved with conditions by the Minister of Environment in Ministerial Statement 767 and subsequent Ministerial Statement 969. It is proposed by Shire officers that any Extractive Industry License (EIL) granted will include specific conditions to ensure compliance with all the conditions of the Ministerial Statements.

The Department of Water, in the context of protecting the resources of the Bunbury Groundwater Area, recommends that conditions on any EIL granted should include:

- The depth of sand extraction shall not be less than 2 metres above the historical maximum water table level for the location, or less than 20 metres AHD, whichever is the greater;
- the extractive industry will not intercept the water table;
- there will be no dewatering of the extraction area permitted;
- no standing water shall occur at the end of mining / post rehabilitation;
- there will be no storage of hydrocarbons on-site,
- on-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment,
- no major repairs or maintenance will take place on site.
- any runoff that may be generated from within the extraction area will be contained within the extraction area.

Shire officers agree that the addition of these conditions will benefit the ongoing management of the site and propose to include them in the draft conditions.

Concerns have been raised about the ability to revegetate the steep slopes left from previous extraction at the site. The applicant recontoured the slopes either side of Calinup Road in Lot 2 in 2013 to establish slopes of 1:4 as required on the previous EIL approval. The slopes were then covered with a layer of topsoil which had been stockpiled for many years, seeded with cereal rye and then planted with native seedlings. The outcome to date of this revegetation effort would indicate that possibly 50% of the seedlings have survived and the surface of the area is stabilised. Further revegetation efforts will be required in the following winter periods to establish the vegetation to an acceptable level.

The areas to be cleared in the future will be recontoured to 1:6 slopes which will be flatter and support the revegetation effort more successfully. In addition, the topsoil spread over future areas will be fresh and laden with seeds which will enhance the revegetation effort.

Amenity

Concerns were raised that the operation of a sand pit was not in keeping with the quiet semi-rural environment currently enjoyed by adjoining residents. It is noted that there are no semi-rural zoned residences within 500m of the proposed extraction area and Lot 2 has been utilised for sand extraction from the 1980s up until 2003 when the approved pit was exhausted and proposals to extend the pit were subjected to a Public Environmental Review.

The proposal area falls within the Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy area and since the previous licence expired, new approvals have been gained from the Minister of Environment to continue sand extraction with stringent conditions. An existing sand pit is operated along Calinup Road with no issues and the Shire officers believe that with the correct control over noise and dust emissions the proposal will not have a significant impact on the amenity that would normally be associated with rural and semi-rural areas.

The applicant approached the Shire in 2014 to initiate a Scheme Amendment No 61 to rezone the northern portion of Lot 2 Calinup Road from "Rural" to "Special Rural" to facilitate the subdivision of the land into seven lots. Among the issues raised in the Shire's response was the fact that 4 of the proposed lots were within 500m of an existing active extractive industry which is not in line with the 500m separation required between sand pits and sensitive receptors such as semi-rural properties. No further progression on the scheme amendment has occurred to the Shire's knowledge.

Noise

The recommended separation distance is 300-500m between sand quarries and sensitive land uses such as residences depending on the size of the operation. As previously mentioned, two rural residences are within the 300-500m buffer and as such the Shire required an environmental noise assessment to be undertaken to determine what measures would be required to ensure that all noise emissions complied with the Environmental Protection (Noise) Regulations 1997.

The environmental noise assessment concluded that the predicted noise levels exceed the daytime (7.00am to 7.00pm) assigned levels under the Regulations, by up to 13dB at noise sensitive premises, when adjusted for tonal noise components. The major source is the front end loader.

To achieve compliance, the front end loader used on this project would need to achieve a sound power level of 104dB(A) (approximately 72 dB(A) at 15m) and be free of tonal noise components. This would most likely require specialist plant design and include the use of high performance mufflers, variable speed fans and acoustic louvres on the engine air intakes.

The Noise Management Plan (NMP) submitted by the applicant includes measures to ensure noise levels are compliant such as:

- Front end loader to be modified to achieve compliance with noise regulations;
- Front end loader to work from the bottom of the pit, sheltered by pit batters;
- Mobile screening plant to be located in sheltered position; and
- All vehicles and plant to be maintained in good operating condition to reduce noise.

As the proposed operation cannot achieve acceptable noise levels without specialist modifications to the front end loader, Shire officers consider that a specific condition should be included in any EIL granted that states – No operations are to commence prior to confirmation

to the Shire's satisfaction that the front end loader meets the sound power level of 104dB(A) in accordance with the Environmental Noise Assessment 12052135-01.

The NMP does not detail any requirement for monitoring of actual noise emissions in the event that the Shire receives complaints and considers that the noise is not compliant with Environmental Protection (Noise) Regulations 1997. The Shire officers consider that an additional condition to any EIL granted should read that noise monitoring will be conducted as and when the Shire deem it necessary and suitable controls shall be put in place if a breach has occurred. Shire officers also consider that if a breach occurs, annual compliance auditing of the noise power levels should accompany the annual review documentation.

Concerns have been raised from residents that the proposed operating hours of 7am to 6pm Monday to Friday and 7am to 12noon on Saturday is far too generous and that any approvals should limit the operating hours to 7am to 5pm Monday to Friday and no Saturdays to limit the adverse effects of noise and truck movements on the residents.

In the past, extractive industry licences have generally been approved with operating times being 7am to 6pm Monday to Saturday inclusive, unless noise impacts are likely to surrounding residences, in which case Saturday work has not been permitted.

The Shire considers that limiting the hours of operation to 7am to 6pm Monday to Friday; and 7am to 12noon Saturday will reduce noise impact on neighbouring properties.

Council may wish to consider limiting the operational hours from 7am to 6pm Monday to Friday; and 7am to 12noon Saturday with no operations on Sundays or public holidays to be consistent with standard conditioning of adjoining extractive industries.

Road Safety

Concerns have been raised from residents that the intersection of Brockway Road and Calinup Road may require modifying to cope with the additional 20 truck movements per day, as well as concerns about the 'blind hill' along Calinup Road and the intersection of Calinup Road and Bussell Hwy being inadequate.

Shire officers assessed the existing intersection of Brockway Road and Calinup Road to determine if the available sightlines were in accordance with the standards outlined in the *Austrroads Guide to Road Design*. The assessment identified that with some vegetation clearing from the verge, sightlines of 250m were available from both directions of Calinup Road to the Brockway Road intersection, which is in excess of the 247m required for truck traffic with a 100km/h design speed and a reaction time of 2.5 seconds. The design speed is based on Calinup Road being an unposted speed road and it is highly unlikely that any trucks would reach this speed along Calinup Road. The removal of the required verge vegetation has since taken place and the sightlines are now considered adequate for the safe operation of the Brockway/Calinup Road intersection with the additional proposed truck traffic along Calinup Road.

The 'blind hill' was also assessed by Shire officers to determine if there was an unacceptable risk to road users. The road was found to be 6.0m wide and straight in proximity to the crest with no verge vegetation encroaching into the shoulder. As truck drivers sit considerably higher than car drivers, truck drivers can see approaching cars earlier and can ensure that they are lane correct before the trucks approach oncoming traffic. The crest of the hill was not considered to be an increased hazard by the introduction of additional truck traffic, but would benefit from the installation of 'crest ahead' advance warning signs and the installation of a centreline. The installation of the 'crest ahead' advance warning signs and the centreline will be included for consideration in the current Shire works program.

The Calinup Road verge close to Bussell Hwy was found to be overgrown, limiting pedestrian access to the verge. This area has since been cleared back to give adequate refuge to pedestrians in the event of approaching traffic.

The intersection of Bussell Highway and Calinup Road was upgraded many years ago when the sand pit at Lot 2 was in operation. Main Roads has indicated that no further works are required in relation to the proposed re-opening of the sand pit on Lot 2.

Fire Risk

Suggestions have been raised from residents that in the event of a catastrophic fire in the area, the extension of Calinup Road through to Jilley Road would aid firefighters and give families in Gelorup a much higher chance of survival, and that the cost of this improvement should be borne by the proponent of the Extractive Industry as its equipment may increase the risk of such a fire occurring.

Shire officers consider that the risk of fire at an extractive industry site is low as the clearing is normally carried out in the cooler months to prevent excessive dust and once the extraction commences, the area that machinery and trucks operate is bare. In the dryer months, a water cart will also be present onsite which can be used for firefighting purposes. The only real risk is through arson attacks on vehicles and equipment, which again would be stored away from any existing vegetation.

If there is a case for road improvements to be investigated in the area to create emergency access for firefighters and the residents, then the Shire will undertake these assessments and make recommendations to be considered in the road program budget. Shire officers do not consider there to be any link between the proposed extractive industry and future road upgrades east of the site.

Illegal Access and Rubbish Dumping

Concerns have been raised that reopening of the sand pit will result in resumption of unauthorised use of the sand pit as a recreational off-road vehicle site which will bring all of the unwanted noise and dust over the weekends as well as the dumping of rubbish. The problems experienced in the past at this site with unauthorised entry were during the period after extraction ceased and where no commercial presence was at the site.

In 2013, the proponent APH, reinstated the required batters, reconstructed Calinup Road through Lot 2, fenced the road reserve and commenced re-vegetation works in accordance with the outstanding works required from the previous extraction industry licence which was held by Giacci / Pioneer. Since these works have been completed, all unauthorised use has ceased. The re-opening of the pit will only increase the security of this site as personnel will be onsite during working hours and additional measures will be in place to protect the machinery left onsite after hours.

Shire officers consider that the site is now secure and the proposed re-opening of the sand pit should not put this site on the radar for persons looking for unauthorised recreational off-road vehicle use in the future.

Cr Bell left the meeting at 6.58pm.

A member of the public left the meeting at 6.59pm and did not return.

Cr Bell returned to the meeting at 7.00pm.

Mr Coulson spoke to Council about what the applicant needs to do if this application is approved.

Cr Norton returned to the meeting at 7.01pm.

VOTING REQUIREMENTS

Simple majority

OC0314 OFFICER'S RECOMMENDATIONS – 14.3/COUNCIL DECISION

Moved Cr McCleery, Seconded Cr J Scott

That Council resolves the following regarding the application from APH Contracting Pty Ltd to extract sand from Lot 2 Calinup Road, Gelorup:

1. Pursuant to Clause 8.3.3 of Town Planning Scheme No. 7 grant Planning Consent subject to the following conditions:
 - (a) Development being limited to that detailed in the Approved *Sandpit Development on Lot 2 Calinup Road, Gelorup, Shire of Capel: Application for Extractive Industry Licence* dated October 2014, *Figure 8 Final Contours for the Southern Portion of Lot 2* and *Plan No E4185-01* dated 24/03/14.
 - (b) The approval being limited to 5 years from the date of issue of the Extractive Industry Licence.
 - (c) The issue of an Extractive Industry Licence in accordance with the Shire of Capel Extractive Industry Local Laws – February 2001 and compliance with the conditions of that licence;
 - (d) No operations are to commence prior to confirmation to the Shire's satisfaction that the front end loader meets the sound power level of 104dB(A) in accordance with the Environmental Noise Assessment 12052135-01. Noise monitoring at the licensee's expense will be conducted as and when the Shire deem it necessary and suitable controls shall be put in place if deemed necessary.
 - (e) The applicant to provide a Rehabilitation Bond for not less than \$62,516 for clearing the first 4 hectares and such bond or bank guarantee to be unconditional (no expiry date);
2. To agree to issue an Extractive Industry Licence pursuant to the Shire of Capel Extractive Industry Local Laws – February 2001 subject to, but not necessarily limited to, the conditions as detailed in the pages 1 to 5 of the attachments to this item report.

Carried 5/3

CORPORATE SERVICES REPORTS

OC0315 (15.1) Audit Committee Minutes

| | |
|-------------------------|---|
| Location: | Capel |
| Applicant: | Shire of Capel |
| File Reference: | N/A |
| Disclosure of Interest: | Nil |
| Date: | 06.03.15 |
| Author: | Governance Officer, A Handley |
| Senior Officer: | Executive Manager Corporate Services, S Stevenson |
| Attachments: | (1) Minutes of the Audit Committee meeting 25 February 2015 (2) Compliance Audit Return (3) Regulation 17 Risk Review |

MATTER FOR CONSIDERATION

Council to receive the minutes of the Audit Committee meeting held on 25 February 2015, and adopt the Committee Recommendations.

BACKGROUND / PROPOSAL

Background

Changes to the Local Government Act 1995 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.

The Compliance Audit Return is one of the tools that allow Council to monitor how the organisation is functioning in regards to compliance with the Local Government Act 1995. This year's return again places emphasis on the need to bring to the attention of Council any cases of non-compliance or where full compliance was not achieved.

After the Compliance Audit Return has been presented to Council, a certified copy of the Return along with a copy of the relevant section of the minutes and any additional information explaining or qualifying the Compliance Audit will be submitted to the Director General of the Department of Local Government and Communities.

An amendment to the Local Government (Audit) Regulations 1996 (regulation 17) was gazetted on 8 February 2013 which extended the role of the Audit Committee to include a regular review of the effectiveness of local government systems concerning:

- Risk management;
- Internal control; and
- Legislative compliance.

Local government Chief Executive Officers (CEOs) are now required to report information every 2 years that allows the Audit Committee to undertake this review.

Council adopted the Audit Committee recommendation (OC0715) at the 16 July 2014 Council meeting "that an external audit firm be engaged to undertake an independent review of the appropriateness and effectiveness of Council's risk management, internal controls and legislative compliance by 30 November 2014".

AMD was appointed to conduct the review and their report on Regulation 17 was provided on 12 November 2014. The report has been reviewed and an action plan developed

(Attachment 3) to ensure that the various issues raised are addressed before the next report is due in December 2016.

Proposal

Council to receive the minutes of the Audit Committee held on 25 February 2015, and adopt the recommendations therein including:

- Adopting the Compliance Audit Report for the period 1 January 2014 to 31 December 2014; and
- Accepting the action items and timelines generated in response to the AMD Regulation 17 Risk Report on the appropriateness and effectiveness of Council’s risk management, internal controls and legislative compliance.

STATUTORY ENVIRONMENT

Local Government Act 1995, s5.22

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

7.13 Regulations as to audits

- (1) (i) Regulations may make provision requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance.

Local Government (Audit) Regulations 1996

14 Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –
- (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

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.

POLICY IMPLICATIONS

There are no policy implications with this item.

FINANCIAL IMPLICATIONS

Budget

There are no budget implications associated with completing the compliance audit report or the response to the Regulation 17 Risk Report. Both were completed using existing staff resources. Funds from the LGIS funding pool for risk programs have been allocated in the budget for senior staff risk management training, and implementation of the Regulation 17 Risk Report recommendations will be undertaken by existing staff.

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Strategic Community Plan 2013 to 2031 includes the following strategic objectives which have relevance:

- Ensure open, transparent, effective good governance and communication within the organisation and the community.
- 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

A number of staff had input into the Compliance Audit Return and response to the Regulation 17 Risk Report, which in turn were presented to the Audit Committee on 25 February 2015.

COMMENT

The Department of Local Government & Communities advise that it is intended that the reductions to the Compliance Audit Return, and proposed associated transfer of responsibilities to the Audit Committee of each local government will enable local governments to better manage legislative compliance within their own timeframes and increase transparency and involvement for elected members.

The changes to the *Local Government (Audit) Regulations 1996* in 2013 further expanded the role of local government Audit Committees to encompass a regular review of areas such as risk management, internal control and legislative compliance at least once every 2 years.

The Audit Report for 2014 concentrates on the statutory obligations of the Council in the areas of:

- Commercial Enterprises by Local Government
- Delegation of Power/Duty
- Disclosures of Interest
- Disposal of Property
- Elections
- Finance
- Local Government Employees
- Official Conduct
- Tenders for Providing Goods and Services.

No areas of non-compliance were identified, although a review by the Audit Committee identified 3 questions in the Finance section where the staff response of 'yes', although compliant, would be more appropriately answered by the use of 'Not Applicable'. The response to questions 8, 9 & 10 of the Finance section was therefore changed from 'Yes' to 'N/A'.

The Regulation 17 Risk Report prepared by AMD concentrated on the effectiveness of local government systems concerning risk management, internal controls and legislative compliance. Attachment 3 comprises the list of findings and recommendations generated by AMD, and the staff responses to those recommendations. Responses generally comprise one or more actions, and a time frame.

The Audit Committee requested minor amendments to the Responses, and these are shown in **bold** in the 'Comments & Action' column of Attachment 3.

Mr Coulson and Mr Gick left the meeting at 7.10pm.

VOTING REQUIREMENTS

Simple majority

OC0315 OFFICER'S RECOMMENDATIONS – 15.1/COUNCIL DECISION

Moved Cr Hearne, Seconded Cr Smith

That Council receives the Minutes of the Audit Committee meeting held on 25 February 2015 and adopts the Committee's recommendations:

AC0203

It is recommended that the Audit Committee receives and then recommends that Council adopts the attached 2014 Compliance Audit Report as the official Council return/insert/subject to clarification on questions 8, 9 and 10 in the Finance section.

AC0205

That the Audit Committee receives and recommends that Council accepts the action items and timelines generated in response to the AMD Regulation 17 report on the appropriateness and effectiveness of Council's risk management, internal controls and legislative compliance subject to the following changes:

- 1 **Page 8, Item 11 Action**
Manager Finance to review and sign off journals raised by the Finance team. Executive Manager Corporate Services to review and sign off journals raised by the Manager Finance.

- 2 **Page 10, Item 3 Action**
The Manager Human Resources will review the Master File twice yearly and sign a changes report as evidence of that review.

- 3 **Page 15, Item 1 Action**
An internal audit program is not considered necessary at this stage as Council currently engages external auditors to undertake legislative audits.

Carried 8/0

OC0316 (15.2) Accounts Due and Submitted for Authorisation

Location: Capel
Applicant: Shire of Capel
File Reference:
Disclosure of Interest: Nil
Date: 25.03.15
Author: Finance & Accounts Payable Officer, S Searle
Senior Officer: Manager Finance, A Mattaboni
Attachments: Nil

MATTER FOR CONSIDERATION

Adoption of accounts to be paid.

BACKGROUND / PROPOSAL**Background**

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

Proposal

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

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

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

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

13. List of accounts

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

(b) the date of the meeting of the council to which the list is to be presented.

POLICY IMPLICATIONS

There are no current policies relevant to this matter.

FINANCIAL IMPLICATIONS

Budget

Payment from Council's Municipal Fund.

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

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

CONSULTATION

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

COMMENT

Accounts due and submitted for authorisation are as follows:

| | | | | |
|----------|------------|------------------------------------|--|---------|
| EFT18396 | 11/03/2015 | AUSLEC | FLURO TUBES AND METERBOX POLE | 352.71 |
| EFT18397 | 11/03/2015 | BUNBURY TOYOTA | CP 9081 50,000KM SERVICE | 294.76 |
| EFT18398 | 11/03/2015 | BUNNINGS BUILDING SUPPLIES PTY LTD | SUPPLY 2 DOOR CLOSERS | 412.23 |
| EFT18399 | 11/03/2015 | BUNBURY TYRE & EXHAUST | REPLACE AND FIT 2 FRONT TYRES AND ALIGNMENT - CP9370 | 484.00 |
| EFT18400 | 11/03/2015 | STAPLES AUSTRALIA PTY LTD | 14/15 STATIONERY | 627.15 |
| EFT18401 | 11/03/2015 | COATES HIRE SERVICE | COMPLEX OFFICE 12X12 FOR 26 WEEKS HIRE | 2208.67 |

| | | | | |
|----------|------------|---|--|----------|
| EFT18402 | 11/03/2015 | CARBON NEUTRAL | CARBON OFFSETS TO HELP OFFSET SHIRE FUEL & ELECTRICITY EMISSIONS | 1567.50 |
| EFT18403 | 11/03/2015 | CARBONE BROS PTY LTD | LIMESTONE AND GRAVEL DELIVERED TO SHIRE DEPOT | 2104.73 |
| EFT18404 | 11/03/2015 | DICK SMITH ELECTRONICS BUNBURY | AUTOBOX DEFENDER COVER FOR IPAD AIR | 94.72 |
| EFT18405 | 11/03/2015 | EATON HARDWARE | 14/15 HACC-HARDWARE SUPPLIES | 344.30 |
| EFT18406 | 11/03/2015 | FENNESSY'S | 40000KM SERVICE FOR NISSAN NAVARA 45 CP. | 754.67 |
| EFT18407 | 11/03/2015 | HANSON CONSTRUCTION MATERIALS P/L | TONNE 5/7 BLUESTONE MIX | 568.10 |
| EFT18408 | 11/03/2015 | SOUTHERN HYDRAULIC SERVICES | HYDRAULIC HOSES AND CLAMP AND REPAIR RAKE BUCKET | 1048.11 |
| EFT18409 | 11/03/2015 | JETLINE KERBING CONTRACTORS | REPAIR 4 BROKEN/DANGEROUS FOOTPATH PANELS. | 2420.00 |
| EFT18410 | 11/03/2015 | WA LOCAL GOVERNMENT ASSOCIATION WALGA | 2015 WALGA LOCAL GOVT DIRECTORY | 736.30 |
| EFT18411 | 11/03/2015 | LANDGATE | GRV INTERMS VALS COUNTRY AND MINING TENEMENTS | 1560.71 |
| EFT18412 | 11/03/2015 | THE WORKWEAR GROUP (NEAT N TRIM UNIFORMS PTY LTD) | UNIFORM ORDER | 128.17 |
| EFT18413 | 11/03/2015 | FULTON HOGAN INDUSTRIES PTY LTD | 10 TONNE OF HOTMIX AND 800 LITRES EMULSION | 3187.36 |
| EFT18414 | 11/03/2015 | SJ ROADWORKS | TRAFFIC MANAGEMENT ON WELD ROAD | 2217.05 |
| EFT18415 | 11/03/2015 | WORK CLOBBER BUNBURY | PAIR OF STEEL CAP BOOTS | 281.94 |
| | | | | 21393.18 |

OUTSTANDING CREDITORS AS AT 28TH FEBRUARY 2015: \$912,913.21

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 25th March 2015 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

OC0316 OFFICER'S RECOMMENDATIONS – 15.2/COUNCIL DECISION

Moved Cr McCleery, Seconded Cr J Scott

That Council authorises the Schedule of Accounts covering vouchers EFT18396 to EFT18415, a total of \$21393.18, for payment.

Carried 8/0

OC0317 (15.3) Accounts Paid during the Month of February 2015

Location: Capel
Applicant: Shire of Capel
File Reference:
Disclosure of Interest: Nil
Date: 25.03.15
Author: Finance & Accounts Payable Officer, S Searle
Senior Officer: Manager Finance, A Mattaboni
Attachments: Nil

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month.

BACKGROUND / PROPOSAL**Background**

Accounts paid are required to be submitted each month.

Proposal

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

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

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

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

13. List of accounts

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

POLICY IMPLICATIONS

There are no current policies relevant to this matter.

FINANCIAL IMPLICATIONS**Budget**

Payment from Council's Municipal Fund.

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

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

CONSULTATION

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

COMMENT

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

| | | | | |
|----------|------------|---------------------------------------|---|---------|
| EFT18086 | 04/02/2015 | AUSTRAL MERCANTILE COLLECTIONS | WARRANT COSTS 14/15 | 5127.27 |
| EFT18087 | 04/02/2015 | ALL WEST BUILDING APPROVALS P/L | CERTIFY BUILDING PLANS FOR RECYCLING SHED AT CAPEL WASTE TRANSFER STATION | 1067.00 |
| EFT18088 | 04/02/2015 | BUNBURY MOWER SERVICE | CARRY OUT SERVICE TO WHIPPER SNIPPERS X 3 | 391.75 |
| EFT18089 | 04/02/2015 | BELL FIRE EQUIPMENT COMPANY | ANNUAL SERVICING OF FIRE INDICATOR PANEL CAPEL LIBRARY | 137.50 |
| EFT18090 | 04/02/2015 | BUNBURY AUTO ONE | EMERGENCY LIGHT | 142.90 |
| EFT18091 | 04/02/2015 | BUNBURY HOLDEN | 75,000 SERVICE AND FIXING THE REAR SENSOR PO55 | 682.51 |

| | | | | |
|----------|------------|---|---|---------|
| EFT18092 | 04/02/2015 | BUNNINGS BUILDING SUPPLIES P/L | VARIOUS | 880.74 |
| EFT18093 | 04/02/2015 | BLACKWOODS | GREASE GUN | 110.00 |
| EFT18094 | 04/02/2015 | BUNBURY PCYC | REGISTRATION FOR KIDSPORT | 200.00 |
| EFT18095 | 04/02/2015 | BP AUSTRALIA | DISTILLATE | 9318.62 |
| EFT18096 | 04/02/2015 | STAPLES AUSTRALIA P/L | 2014/15 ANNUAL SUPPLIES | 404.00 |
| EFT18097 | 04/02/2015 | CRANEY'S LUNCHBAR | HACC -ANNUAL ORDER FOR VOLUNTEER LUNCHES 14/15 | 406.70 |
| EFT18098 | 04/02/2015 | CCS STRATEGIC | CAPEL YAC YOUTH ENGAGEMENT PROJECT FINAL PAYMENT | 7700.00 |
| EFT18099 | 04/02/2015 | CARBONE BROS PTY LTD | 57 M2 LIMESTONE DELIVERED TO SHIRE DEPOT | 1601.70 |
| EFT18100 | 04/02/2015 | COLROYS COUNTRY KITCHEN | 14/15 HACC VOLUNTEER'S FUEL | 40.00 |
| EFT18101 | 04/02/2015 | COLES | HACC DAY CENTRE SHOPPING | 1200.61 |
| EFT18102 | 04/02/2015 | DAPCO | 2 X NEW TYRES CP5704 AND HEADLIGHT GLOBE CP1160 | 415.80 |
| EFT18103 | 04/02/2015 | DEPARTMENT OF PREMIER & CABINET | TPS NO. 7 AMENDMENT NO. 59 WA GOVERNMENT GAZETTE ADVERTISEMENT | 204.00 |
| EFT18104 | 04/02/2015 | DATA #3 | GFI MAIL ESSENTIALS 2012 1 YEAR SOFTWARE SUBSCRIPTION RENEWAL | 1741.87 |
| EFT18105 | 04/02/2015 | EATON HARDWARE | 14/15 HACC-HARDWARE SUPPLIES | 23.35 |
| EFT18106 | 04/02/2015 | ELITE CARPET DRYCLEANING | CARPET DRY CLEANING OF ALL CARPETED AREAS | 255.00 |
| EFT18107 | 04/02/2015 | GOLDEN WEST PLUMBING & DRAINAGE | REPAIR STANDPIPE CHARLOTTE ST BOYANUP AND UNBLOCK DALYELLUP LAKES FEMALE TOILETS | 287.10 |
| EFT18108 | 04/02/2015 | DEPT OF FIRE EMERGENCY SERVICES (DFES) | 2014/15 BUSHFIRE READY SUMMER CAMPAIGN | 350.00 |
| EFT18109 | 04/02/2015 | FENNESSY'S | 50K SERVICE NISSAN NAVARA 40CP AND 30,000 SERVICE FOR 45CP | 429.44 |
| EFT18110 | 04/02/2015 | FIT 2 WORK.COM.AU | EMPLOYEE POLICE CHECK | 40.59 |
| EFT18111 | 04/02/2015 | GANNAWAYS CHARTER SERVICE | GANNAWAYS BUS HIRE FOR INZONE JANUARY ACTIVITY - ADVENTURE WORLD EXCURSION | 1045.00 |
| EFT18112 | 04/02/2015 | GEOVET BUSSELTON | 14/15 BOARDING FOR STRAY CAT | 210.00 |
| EFT18113 | 04/02/2015 | HI-TECH AG SOLUTIONS | SUPPLY AND APPLY LIQUID FERTILISER TO BOYANUP OVAL AND HOCKEY GROUND MONTHLY NOV TO APRIL 2015 INCLUSIVE | 550.00 |
| EFT18114 | 04/02/2015 | IVC COMPUTER SERVICES IVC | WIRELESS KEYBOARD AND MOUSE - RECORDS | 40.00 |
| EFT18115 | 04/02/2015 | WA LOCAL GOVERNMENT ASSOCIATION | VARIOUS ADVERTISING | 1496.00 |
| EFT18116 | 04/02/2015 | LGNET | LG NET ADVERTISEMENT ENGINEERING TECHNICAL OFFICER | 165.00 |
| EFT18117 | 04/02/2015 | LANDGATE | JAMIESON/CRAIN TITLES & SKETCH | 48.00 |

| | | | | |
|--------------------------------------|------------|-----------------------------------|--|----------|
| EFT18118 | 04/02/2015 | FAT BIRDIE CAFE | SUPPER FOR 2015 AUSTRALIA DAY CITIZENSHIP CEREMONY | 1500.00 |
| EFT18119 | 04/02/2015 | MARISA MOORE | CURTAINING T2 | 270.94 |
| EFT18120 | 04/02/2015 | OFFICEWORKS SUPERSTORES PTY LTD | 14/15 HACC-STATIONERY | 174.84 |
| EFT18121 | 04/02/2015 | PRESTIGE PRODUCTS-BUSSELTON | 4X FLOOR MATS AND PAPER TOWELS | 569.80 |
| EFT18122 | 04/02/2015 | PRIME INDUSTRIAL PRODUCTS PTY LTD | PAIRS OF TINTED BOLLE SAFETY GLASSES | 0.80 |
| EFT18123 | 04/02/2015 | AUSTRALIA TAXATION OFFICE | 27 JAN PAYGW GROSS \$233,619.01; TAX \$44,541 | 44541.00 |
| EFT18124 | 04/02/2015 | QUALITY PRESS | VEHICLE IDENTIFIER STICKERS | 67.10 |
| EFT18125 | 04/02/2015 | SOUTH WEST TREE SAFE | GOODWOOD ROAD REMOVAL OF 8 TREES AND REMOVAL OF HANGER ON JILLEY ROAD | 2480.00 |
| EFT18126 | 04/02/2015 | WORK CLOBBER BUNBURY | PAIRS CARGO SHORTS WITH SHIRE OF CAPEL LOGO | 92.55 |
| EFT18127 | 04/02/2015 | WESTRAC EQUIPMENT | GRADER BLADES, NUTS VARIOUS | 3664.14 |
| EFT18128 | 04/02/2015 | WISHING WELL CLINIC | ENVIRONMENTAL HEALTH OFFICER PRE-EMPLOYMENT MEDICAL | 198.00 |
| EFT18129 | 04/02/2015 | WOOLWORTHS LIMITED (WA) | HACC-DAY CENTRE SHOPPING | 515.57 |
| EFT18130 | 04/02/2015 | WORK CLOBBER BUSSELTON | WORK BOOTS | 120.00 |
| Council's End of month 18131 - 18151 | | | | |
| EFT18152 | 04/02/2015 | FUJI XEROX AUSTRALIA PTY LTD | ANNUAL PHOTOCOPIER RENTAL AND SERVICE AGREEMENT FOR ADMINISTRATION COPIERS | 1369.61 |
| EFT18153 | 04/02/2015 | CR BARRY BELL | CR ALLOWANCE | 2858.00 |
| EFT18154 | 04/02/2015 | CR SIDDHARTHA BAXI | CR ALLOWANCE | 2858.00 |
| EFT18155 | 04/02/2015 | CR MURRAY SCOTT | CR ALLOWANCE | 10145.00 |
| EFT18156 | 04/02/2015 | CR BRIAN HEARNE | CR ALLOWANCE | 4016.00 |
| EFT18157 | 04/02/2015 | CR SANDRA MANLEY | CR ALLOWANCE | 2858.00 |
| EFT18158 | 04/02/2015 | CR PETER McCLEERY | CR ALLOWANCE | 2858.00 |
| EFT18159 | 04/02/2015 | CR GREG NORTON | CR ALLOWANCE | 2858.00 |
| EFT18160 | 04/02/2015 | CR JENNIFER SCOTT | CR ALLOWANCE | 2858.00 |
| EFT18161 | 04/02/2015 | CR BRIAN SMITH | CR ALLOWANCE | 2858.00 |
| EFT18162 | 04/02/2015 | CHILD SUPPORT AGENCY | PAYROLL DEDUCTIONS | 881.20 |
| EFT18163 | 04/02/2015 | SELECTUS | PAYROLL DEDUCTIONS | 1517.46 |

| | | | | |
|----------|------------|-------------------------------------|--|----------|
| EFT18164 | 06/02/2015 | WESTNET PTY LTD | SHIRE OF CAPEL ADSL SERVICE - 12 MONTHS | 369.78 |
| EFT18165 | 09/02/2015 | FUJI XEROX AUSTRALIA PTY LTD | 14/15 RENTAL REPAYMENT FOR FUJI XEROX DCC2263 | 132.00 |
| EFT18166 | 11/02/2015 | ADVANCED BARNES & SHEDS | CONSTRUCTION OF CHEMICAL SHED | 5939.60 |
| EFT18167 | 11/02/2015 | ALL WEST BUILDING APPROVALS PTY LTD | ANNUAL ORDER - ASSISTANCE WITH THE ASSESSMENT OF BUILDING PERMITS & CUSTOMER SERVICES PROVISIONS | 522.50 |
| EFT18168 | 11/02/2015 | WISHING WELL CLINIC AUSTRALIND | PRE-EMPLOYMENT MEDICAL | 99.00 |
| EFT18169 | 11/02/2015 | CLAIRE ANDERSON | RELOCATION COSTS | 5000.00 |
| EFT18170 | 11/02/2015 | BUNBURY TOYOTA | 50,000 KM SERVICE 47 CP | 261.17 |
| EFT18171 | 11/02/2015 | BUNBURY & BUSSELTON AIR | FAULT WITH THE AIR-CONDITIONER. | 165.00 |
| EFT18172 | 11/02/2015 | BENDIGO BANK BUSINESS CREDIT CARD | 16/1/15 CONFERENCE REGISTRATION | 1032.94 |
| EFT18173 | 11/02/2015 | STAPLES AUSTRALIA PTY LTD | 2014/15 STATIONERY | 623.95 |
| EFT18174 | 11/02/2015 | CLEANAWAY | BURIAL OF KERBSIDE WASTE PICKUP | 15909.21 |
| EFT18175 | 11/02/2015 | DM & S CURTIN | CHECK/REPAIR AIR-CON IN INFANT HEALTH ROOM GELORUP COMMUNITY CENTRE | 165.00 |
| EFT18176 | 11/02/2015 | CAPELBERRY | COUNCIL MEETING DINNER FOR 14 PEOPLE | 350.00 |
| EFT18177 | 11/02/2015 | DELRON CLEANING | BUILDING CLEANING-DALYELLUP COMMUNITY | 8899.67 |
| EFT18178 | 11/02/2015 | DIRT DESIGN | 14/15 CONTRACT WORKS IN DALYELLUP | 23925.15 |
| EFT18179 | 11/02/2015 | SUSAN DALGLEISH | REIMBURSEMENT FOR MEAL - TRAINING | 41.20 |
| EFT18180 | 11/02/2015 | DMS | 10 X PRE-PAID HOURS FOR INTRAMAPS SUPPORT | 2145.00 |
| EFT18181 | 11/02/2015 | ELGIN HALL COMMITTEE | REIMBURSE ELECTRICITY CONSUMPTION ELGIN HALL JAN 15 | 200.01 |
| EFT18182 | 11/02/2015 | FIT 2 WORK.COM.AU | 2 NATIONAL POLICE CHECKS | 81.18 |
| EFT18183 | 11/02/2015 | GANNAWAYS CHARTER SERVICE | BUS HIRE FOR SELF-DRIVE EXCURSION FOR JANUARY INZONE - PHOTOGRAPHY WORKSHOP | 254.40 |
| EFT18184 | 11/02/2015 | GHD PTY LTD | ECOLOGICALS ASSESSMENTS | 24097.70 |
| EFT18185 | 11/02/2015 | GRACE RECORDS MANAGEMENT | 2014/15 RECORD FOR STORAGE & DESTRUCTION | 377.89 |
| EFT18186 | 11/02/2015 | HARRADINE & ASSOCIATES | DESEX CONCESSION VOUCHER 5431 | 50.00 |

| | | | | |
|----------|------------|-------------------------------------|--|----------|
| EFT18187 | 11/02/2015 | INNOVA GROUP PTY LTD | SUPPLY AND DELIVER 30 INNOVA CLASSIC OVAL BACK CHAIRS 4 | 2933.70 |
| EFT18188 | 11/02/2015 | RUSSELL JOHNS | REIMBURSEMENT FOR TAFE EDUCATION ASSISTANCE | 295.05 |
| EFT18189 | 11/02/2015 | KLEENHEAT GAS | GAS CYLINDER FEES BOYANUP MEMORIAL PARK CHANGE ROOMS | 34.10 |
| EFT18190 | 11/02/2015 | STATE LIBRARY OF WESTERN AUSTRALIA | 2014/15 RECOVERY OF LOST/DAMAGED BOOKS | 23.10 |
| EFT18191 | 11/02/2015 | LD TOTAL | CONTRACT WORK - AS PER DALYELLUP PUBLIC OPEN SPACE | 32529.29 |
| EFT18192 | 11/02/2015 | LANDGATE | ADDITION TO GRV AREA | 359.95 |
| EFT18193 | 11/02/2015 | METAL ARTWORK CREATIONS | 2 BLANK NAME BADGES AND 1 NAMED | 36.58 |
| EFT18194 | 11/02/2015 | NIGHTGUARD SECURITY SERVICE PTY LTD | ALARM RESPONSES | 1124.49 |
| EFT18195 | 11/02/2015 | PEERLESS JAL PTY LTD | SUPPLY 1X20L DRUM EASYPOL FLOOR POLISH | 201.09 |
| EFT18196 | 11/02/2015 | DL & HR PAYNE | LOT1 & 2 GOODWOOD ROAD, CAPEL INSTALL STORMWATER OVERFLOW PIPE AND FILL AND LEVEL FENCELINE AT SOAK REMOVE TREE STUMPS | 1496.00 |
| EFT18197 | 11/02/2015 | PPCA LTD | MUSIC LICENCE FEE - CAPEL & GELORUP HALL 1/3/15 - 29/2/16 | 168.30 |
| EFT18198 | 11/02/2015 | PICTON TYRE CENTRE PTY LTD | 4 X TYRES CP9378 | 730.00 |
| EFT18199 | 11/02/2015 | PJ & EV PAGE | WAXING AND BUFFING BOYANUP HALL FLOOR MONTHLY 2014/15 | 70.00 |
| EFT18200 | 11/02/2015 | AUSTRALIA TAXATION OFFICE | PAYGW 4.2.15 GROSS \$33967.73, TAX \$11478 | 11478.00 |
| EFT18201 | 11/02/2015 | RAY GLEN | REPAIRS TO CYCLONE FENCE AND HINGE AT CAPEL TIP - VANDALISED | 110.00 |
| EFT18202 | 11/02/2015 | RADIOWEST BROADCASTER PTY LTD | CLAG RADIOWEST HOTFM RADIO ADVERTISING 2014/2015 40% SHARE OF COST | 990.00 |
| EFT18203 | 11/02/2015 | SOUTHERN'S WATER TECHNOLOGY | REPLACEMENT RETICULATION CONTROLLER | 184.26 |
| EFT18204 | 11/02/2015 | SOS OFFICE EQUIPMENT | METERBILLING-DC5C5580E-SERIAL NO 785381& DC5C5580E, SEIAL NO 785373 2X ADMIN COPIER | 1154.98 |
| EFT18205 | 11/02/2015 | SOUTH WEST FIRE UNITS | 1 X JABSCO COMMERCIAL DUTY WATER PUPPY MODEL 16370-1002 | 411.16 |
| EFT18206 | 11/02/2015 | SHEREE MCGEE | USB FANS | 51.80 |
| EFT18207 | 11/02/2015 | STATE LIBRARY QUEENSLAND | SUMMER READING CLUB MERCHANDISE | 260.70 |
| EFT18208 | 11/02/2015 | THOMPSON SURVEYING CONSULTANTS | LOTS 1 & 2 GOODWOOD ROAD, CAPEL SURVEY FOR ROAD WIDENING AND EQUIVALENT AMALGAMATION OF ROAD CLOSURE | 3608.00 |

| | | | | |
|----------|------------|---|---|----------|
| EFT18209 | 11/02/2015 | TRADE HIRE | DAY ROLLER HIRE | 453.75 |
| EFT18210 | 11/02/2015 | THINKWATER BUNBURY | MISC RETIC PARTS, INCLUDING RISERS ETC | 348.00 |
| EFT18211 | 11/02/2015 | TOTAL BUSINESS TECHNOLOGY | I PHONE PROTECTOR | 19.95 |
| EFT18212 | 11/02/2015 | RAY TINK ROOFING | CLEAN GUTTERS, INSPECT ROOF AND GUTTERING - GELORUP COMMUNITY CENTRE | 2145.00 |
| EFT18213 | 11/02/2015 | WORK CLOBBER BUNBURY | DRILL TROUSERS AND SHIRTS WITH CAPEL SHIRE LOGO | 357.35 |
| EFT18214 | 11/02/2015 | WA POLICE SERVICE | VOLUNTEER POLICE CHECK | 14.70 |
| EFT18215 | 11/02/2015 | WA TREASURY CORPORATION | LOAN NO. 61 INTEREST PAYMENT – CAPEL COUNTRY CLUB | 13382.58 |
| EFT18216 | 11/02/2015 | THE PRINT SHOP | BUSINESS CARDS X 11 AND LETTERHEADS | 1376.00 |
| EFT18217 | 11/02/2015 | WARREN BLACKWOOD WASTE | COLLECTION OF HOUSEHOLD WASTE, ORGANIC & RECYCLING | 64025.69 |
| EFT18218 | 11/02/2015 | WOOLWORTHS LIMITED (WA) | HACC-DAY CENTRE SHOPPING | 380.75 |
| EFT18219 | 18/02/2015 | AMITY SIGNS | WHITE GUIDE POSTS AND VARIOUS SIGNS | 10805.70 |
| EFT18220 | 18/02/2015 | ATI-MIRAGE TRAINING SOLUTIONS | EXCEL FORMULAS & FUNCTIONS COURSE | 380.00 |
| EFT18221 | 18/02/2015 | NATIONAL TAX MANAGER | RENEWAL OF SUBSCRIPTION TO TAX MADE EASY 12 MONTHS TO 31 MARCH 2016 | 434.50 |
| EFT18222 | 18/02/2015 | BOC LIMITED | P1 MASKS & DISPOSABLE COVERALLS | 134.02 |
| EFT18223 | 18/02/2015 | BUNBURY POTHOLES & ASPHALT REPAIRS | 300M2 HOTMIX PATCHING - ELGIN ROAD | 13200.00 |
| EFT18224 | 18/02/2015 | BUNBURY HARVEY REGIONAL COUNCIL | RECEIVAL OF ORGANIC COLLECTION | 5932.10 |
| EFT18225 | 18/02/2015 | BUKIDO TAIJUTSU | KIDSPORT APPLICATION | 200.00 |
| EFT18226 | 18/02/2015 | BUNBURY COUNSELLING | 2 COUNSELLING SESSIONS | 290.00 |
| EFT18227 | 18/02/2015 | STAPLES AUSTRALIA PTY LTD | 2014/15 STATIONERY | 25.79 |
| EFT18228 | 18/02/2015 | THE CHILDRENS BOOK COUNCIL OF AUSTRALIA | INSTITUTIONAL MEMBERSHIP 2015 | 60.00 |
| EFT18229 | 18/02/2015 | CLEANAWAY | COLLECTION AND DISPOSAL OF WASTES FROM CAPEL WASTE TRANSFER STATION JANUARY TO JUNE 2015 | 21767.13 |
| EFT18230 | 18/02/2015 | CAPEL CHAMBER OF | ANNUAL MEMBERSHIP | 66.00 |

| | | | | |
|----------|------------|--|--|----------|
| | | COMMERCE INC | | |
| EFT18231 | 18/02/2015 | PAUL SHEEDY | REIMBURSEMENT OF BIRTHDAY CARDS | 40.00 |
| EFT18232 | 18/02/2015 | COLROYS COUNTRY KITCHEN | 14/15 HACC VOLUNTEER'S FUEL | 110.00 |
| EFT18233 | 18/02/2015 | SUSAN DALGLEISH | PERTH MEETING PARKING FEE | 42.70 |
| EFT18234 | 18/02/2015 | ELLIOTT'S SMALL ENGINES | REPAIRS FOR HUSQVARNA TRACTOR MOWERS | 802.90 |
| EFT18235 | 18/02/2015 | EASIFLEET MANAGEMENT | 2014/15 LEASE REPAYMENT FOR SUZUKI SWIFT | 773.23 |
| EFT18236 | 18/02/2015 | GRESLEY ABAS | CAPEL ADMIN REFURBISHMENT PROJECT NO 0811-B-REMAINING AMOUNTS | 2372.43 |
| EFT18237 | 18/02/2015 | A INGRAM | REIMBURSEMENT BOOK STOCK PURCHASE | 80.99 |
| EFT18238 | 18/02/2015 | MPM DEVELOPMENT CONSULTANTS | CIVIL DESIGN WORKS FOR STAGE 1 & 2 CAPEL CIVIC PRECINCT | 4009.50 |
| EFT18239 | 18/02/2015 | NARA TRAINING & ASSESSING | CERT III CIVIL CONSTRUCTION TRAINING - 7 TRAINEES | 7796.25 |
| EFT18240 | 18/02/2015 | NATIONAL SEA CHANGE TASKFORCE INC | ACCOMMODATION FOR 3 NIGHTS INC. BREAKFAST) | 576.00 |
| EFT18241 | 18/02/2015 | OFFICEWORKS SUPERSTORES PTY LTD | STATIONERY ORDER - DISPLAY FOLDERS, LETRATAG TAPE | 92.25 |
| EFT18242 | 18/02/2015 | PUBLIC LIBRARIES WESTERN AUSTRALIA INC | REGISTRATION FOR PRE CONFERENCE WORKSHOPS MARCH 12, 2015 | 65.00 |
| EFT18243 | 18/02/2015 | AUSTRALIA TAXATION OFFICE | 10 FEB PAYGW, GROSS \$235,035.56, TAX \$43812.00 | 43812.00 |
| EFT18244 | 18/02/2015 | SOUTH WEST TREE SAFE | REMOVE BROKEN TREE LIMB 9 AND 3 MCTAGGART ST, REMOVE TREE AND STUMP 23 HURST RD AND REMOVED 3 TREES AT DUCE RD | 3300.00 |
| EFT18245 | 18/02/2015 | SOILS AINT SOILS | BLACK MULCH | 288.00 |
| EFT18246 | 18/02/2015 | SUMMERS CONSULTING | MOSQUITO IDENTIFICATION | 382.80 |
| EFT18247 | 18/02/2015 | SENIORS RECREATION COUNCIL OF WA | DAY CENTRE GAMES TEAM FEE | 45.00 |
| EFT18248 | 18/02/2015 | TOTAL BUSINESS TECHNOLOGY-TOTALITY | GFI MAIL ARCHIVER 2015 RENEWAL FOR 1 YEAR 30/1/2015 - 30/1/2016 | 1031.80 |
| EFT18249 | 18/02/2015 | TRADE HIRE | DAY HIRE - RC30 - POZITRACK TRAILER AND COMBO ROLLER | 904.75 |
| EFT18250 | 18/02/2015 | WESTRAC EQUIPMENT | 500HR SERVICE OF GRADER CP1084 AND VARIOUS BOLTS | 3283.51 |

| | | | | |
|----------|------------|--|---|----------|
| EFT18251 | 18/02/2015 | WESTERN AG PTY LTD | 2 SET BLADES, WASHERS AND NYLOCK NUTS | 659.19 |
| EFT18252 | 18/02/2015 | WILKS CK & TA | RATES REFUND FOR ASSESSMENT A1910 | 692.31 |
| EFT18253 | 18/02/2015 | AUSTRALIAN TAXATION OFFICE | GST LIABILITY JAN 15 | 21410.00 |
| EFT18254 | 23/02/2015 | CALTEX AUSTRALIA | CALTEX STAR CARD ACCOUNT | 5219.07 |
| EFT18255 | 25/02/2015 | ANZ BUSINESS BANKING | LOAN NO. 59 INTEREST PAYMENT - OFFICE EXTENSIONS 105320.04 | 11168.02 |
| EFT18256 | 25/02/2015 | AUSQ TRAINING | BWTM & TC COURSE - 2 DAYS | 579.00 |
| EFT18257 | 25/02/2015 | BUNBURY MOWER SERVICE | REPAIRS TO PRUNING SAW | 321.25 |
| EFT18258 | 25/02/2015 | BELL FIRE EQUIPMENT CO | REPAIR FIRE REEL | 231.00 |
| EFT18259 | 25/02/2015 | BUSSELTON TOYOTA | 70,000 KMS SERVICE - CP9378 | 264.10 |
| EFT18260 | 25/02/2015 | BADGERS EMBROIDERY | LOGO ON D/A SUPPORT WORKER SHIRTS | 15.40 |
| EFT18261 | 25/02/2015 | BUNBURY CITY GLASS | REPAIRS TO UNIT 5 RIVERSIDE VILLAS FRONT DOOR. | 115.45 |
| EFT18262 | 25/02/2015 | BP AUSTRALIA | DISTILLATE 9310 LITRES | 10770.97 |
| EFT18263 | 25/02/2015 | STAPLES AUSTRALIA PTY LTD | 2014/15 STATIONERY | 26.19 |
| EFT18264 | 25/02/2015 | COATES HIRE SERVICE | MINI EXCAVATOR | 1381.56 |
| EFT18265 | 25/02/2015 | COASTAL HIRE T/AS GCS SECURITY SCAFFOLD | HIRE OF 6 MTR OFFICE - JANUARY 2015 | 470.08 |
| EFT18266 | 25/02/2015 | DAVID COLLINS | FOOD FOR FIREFIGHTERS BROOKDALE RD FIRE | 870.90 |
| EFT18267 | 25/02/2015 | CAPEL HARDWARE & FARM SUPPLIES | VARIOUS HARDWARE SUPPLIES | 2352.86 |
| EFT18268 | 25/02/2015 | CARBONE BROS PTY LTD | TONNE GRAVEL DELIVERED TO SHIRE DEPOT | 1472.77 |
| EFT18269 | 25/02/2015 | DOWN SOUTH SOLAR POWER | FIND FAULT WITH PV SYSTEM AT DALYELLUP COMMUNITY CENTRE AND REPAIR IF BLOWN FUSE OR FAULTY DC ISOLATOR | 112.00 |
| EFT18270 | 25/02/2015 | ELLIOTT'S SMALL ENGINES | HUSQVARNA LC19A19 LAWNMOWER HACC | 649.00 |
| EFT18271 | 25/02/2015 | EATON HARDWARE | 14/15 HACC-HARDWARE SUPPLIES | 182.53 |
| EFT18272 | 25/02/2015 | GOLDEN WEST PLUMBING & DRAINAGE | RESEAT TOILET PEDESTAL UNIT 4 RIVERSIDE VILLAS | 2384.25 |
| EFT18273 | 25/02/2015 | FLOWER BAZAAR | BABY BASKET FOR M BLANDFORD | 105.00 |
| EFT18274 | 25/02/2015 | GOLDEN WEST PEST & WEED CONTROL | SPRAY GELORUP FIRE STATION IN AND OUT FOR SPIDERS | 325.00 |

| | | | | |
|----------|------------|------------------------------------|---|---------|
| EFT18275 | 25/02/2015 | HI-TECH AG SOLUTIONS | SUPPLY AND APPLY LIQUID FERTILISER AS QUOTED TO BOYANUP OVAL AND HOCKEY GROUND MONTHLY NOV TO APRIL 2015 INCLUSIVE | 550.00 |
| EFT18276 | 25/02/2015 | INSIGHT CCS PTY LTD | CALL CENTRE CHARGES JANUARY 2015 | 273.97 |
| EFT18277 | 25/02/2015 | JUMOR WASTEWATER SERVICE & REPAIRS | ATU SERVICE | 166.50 |
| EFT18278 | 25/02/2015 | KUDOS ENTERPRISES | REPAIR TO CAPEL FIRE BRIGADE BUILDING | 559.90 |
| EFT18279 | 25/02/2015 | PERTHWASTE GREEN RECYCLING | PROCESSING OF KERBSIDE RECYCLABLES | 5285.35 |
| EFT18280 | 25/02/2015 | LANDGATE | MINING TENEMENTS | 36.55 |
| EFT18281 | 25/02/2015 | THE LORD FORREST | ACCOMMODATION AND BREAKFAST | 174.00 |
| EFT18282 | 25/02/2015 | ANDREW MATTABONI | REIMBURSEMENT OF MEALS AND PARKING FOR BUDGETING WORKSHOP | 189.00 |
| EFT18283 | 25/02/2015 | MAINSPRAY | SPRAY VERGES FOR THISTLE, FLEABANE ON GAVINS, BOUNDARY AND LILYDALE RDS | 2224.20 |
| EFT18284 | 25/02/2015 | OFFICEWORKS SUPERSTORES PTY LTD | STATIONERY - RON MAIDMENT ARCHIVES ROOM | 159.61 |
| EFT18285 | 25/02/2015 | PERTH MANAGEMENT SERVICES | 14/15 RENT & OUTGOING DALYELLUP LIBRARY 1/3/15 - 31/1/15 | 1522.75 |
| EFT18286 | 25/02/2015 | PICTON TYRE CENTRE PTY LTD | TYRES - PURCHASE AND FITTING - POO54 | 664.00 |
| EFT18287 | 25/02/2015 | PRIME INDUSTRIAL PRODUCTS PTY LTD | 5L LEMON SCRUB HAND CLEANER; 2 PACKS - M RIGGERS GLOVE, 1 PACK L RIGGERS GLOVES, 1 BOX TINTED BOLLE SAFETY GLASSES; 6 INDIVIDUAL SUNBLOCK | 487.70 |
| EFT18288 | 25/02/2015 | PRIME MEDIA GROUP | GWN 7 TV ADVERTISING MOSQUITO AWARENESS 40% OF TOTAL COST 2014/2015 | 812.90 |
| EFT18289 | 25/02/2015 | ROBERT'S TILT-TRAY & HIAB SERVICE | E WASTE COLLECTION/TRIPS FROM THE SHIRE OF CAPEL WASTE TRANSFER STATION | 770.00 |
| EFT18290 | 25/02/2015 | SJ ROADWORKS | TRAFFIC MANAGEMENT AND ROLLER HIRER | 3219.37 |
| EFT18291 | 25/02/2015 | SOUTH WEST TREE SAFE | PRUNE VEGETATION ON CORNER OF JULES AND HASTIES, GELORUP | 2750.00 |
| EFT18292 | 25/02/2015 | T & P DESIGN | FEATURE SURVEY, DATUM AND CONTROL STATIONS | 3168.00 |
| EFT18293 | 25/02/2015 | WOOD & GRIEVE ENGINEERS | CONSULTING ENGINEERING SERVICES FOR ADMIN BUILDING REDEVELOPMENT | 4364.80 |
| EFT18294 | 25/02/2015 | WA POLICE SERVICE | VOLUNTEER POLICE CHECK | 14.70 |

| | | | | |
|-------------------------|------------|-----------------------------------|--|----------|
| EFT18295 | 25/02/2015 | WOOLWORTHS LIMITED (WA) | HACC-DAY CENTRE SHOPPING (INCLUDES GST) | 488.95 |
| EFT18296 | 25/02/2015 | ZETTA FLORENCE FINE PAPER PTY LTD | DISPLAY FILES - ARCHIVAL SPECIFIC | 95.80 |
| 47475 | 04/02/2015 | COURIER AUSTRALIA INTERNATIONAL | FREIGHT - LIBRARIES | 25.53 |
| 47476 & 47477 cancelled | | | | |
| 47478 | 04/02/2015 | SYNERGY | ELECTRICITY | 4385.80 |
| 47479 | 04/02/2015 | WATER CORPORATION | WATER USAGE | 287.23 |
| 47480 | 04/02/2015 | AUSTRALIAN SERVICES UNION | PAYROLL DEDUCTIONS | 50.20 |
| 47481 | 04/02/2015 | THE AUST WORKERS UNION | PAYROLL DEDUCTIONS | 176.00 |
| 47482 | 04/02/2015 | SHIRE OF CAPEL | PAYROLL DEDUCTIONS | 2764.00 |
| 47483 | 04/02/2015 | LGRCEU | PAYROLL DEDUCTIONS | 155.20 |
| 47484 | 11/02/2015 | J & J BRITTAI | CROSSOVER DALYELLUP | 300.00 |
| 47485 | 11/02/2015 | COURIER AUSTRALIA INTERNATIONAL | COURIER FEES-HEALTH | 76.95 |
| 47486 | 11/02/2015 | CAPEL COUNTRY CLUB | STAFF CHRISTMAS FUNCTION : VENUE HIRE, CATERING AND DRINKS | 1936.00 |
| 47487 | 11/02/2015 | SHIRE OF CAPEL | HAAC SOCIAL SUPPORT – PETTY CASH | 471.90 |
| 47488 | 11/02/2015 | NICHOLAS DREWETT | CROSSOVER CONTRIBUTION | 300.00 |
| 47489 | 11/02/2015 | DALYELLUP BEACH PTY LTD | RATES REFUND FOR ASSESSMENT A8570 | 1122.15 |
| 47490 | 11/02/2015 | MITCHELL JAMES | REFUND LOT 4720 APPLICATION NOT REQUIRED | 196.00 |
| 47491 | 11/02/2015 | RAINE LAURIE | DOG STERILISATION REFUND 151382 | 30.00 |
| 47492 | 11/02/2015 | D & MK MCCALLUM | CROSSOVER CONTRIBUTION | 300.00 |
| 47493 | 11/02/2015 | SYNERGY | ELECTRICITY | 65.40 |
| 47494 | 11/02/2015 | MR A STINGEL | RATES REFUND FOR ASSESSMENT A3483 | 119.14 |
| 47495 | 11/02/2015 | MRS S TURNER | RATES REFUND FOR ASSESSMENT A33 | 183.60 |
| 47496 | 11/02/2015 | WATER CORPORATION | WATER USAGE | 993.17 |
| 47497 | 11/02/2015 | MR R WESTON | RATES REFUND FOR ASSESSMENT A4514 | 124.17 |
| 47498 | 11/02/2015 | SHIRE OF CAPEL | PETTY CASH TO 9/2/15 | 168.35 |
| 47499 | 18/02/2015 | ALINTA GAS | HACC GAS | 71.45 |
| 47500 | 18/02/2015 | AQWEST | MURTIN PARK DALYELLUP WATER CONSUMPTION | 17967.53 |
| 47501 | 18/02/2015 | COURIER AUSTRALIA INTERNATIONAL | COURIER FEES-HEALTH | 48.34 |
| 47502 | 18/02/2015 | SYNERGY | ELECTRICITY | 1302.45 |

| | | | | |
|-------|------------|--|---|----------|
| 47503 | 18/02/2015 | TELSTRA CORPORATION LTD | TELSTRA JANUARY LANDLINE | 2728.89 |
| 47504 | 18/02/2015 | DEPARTMENT OF TRANSPORT | HACC TRAILER REGO | 79.90 |
| 47505 | 18/02/2015 | WATER CORPORATION | WATER USAGE | 2854.59 |
| 47507 | 25/02/2015 | CAPEL PHARMACY | EYE WASH | 13.95 |
| 47508 | 25/02/2015 | E & RM MILLAN | CROSSOVER CONTRIBUTION | 300.00 |
| 47509 | 25/02/2015 | VODAFONE MESSAGING | EMERGENCY TEXT MESSAGE SYSTEM | 290.30 |
| 47510 | 25/02/2015 | SYNERGY | ELECTRICITY | 399.30 |
| 47511 | 25/02/2015 | TOWN OF BASSENDEAN | INTER LIBRARY LOAN - KILLING FLOOR (AUDIO ITEM) | 41.80 |
| 47512 | 25/02/2015 | WATER CORPORATION | WATER USAGE | 4438.30 |
| 47513 | 25/02/2015 | WINDSOR LODGE COMO | ACCOMMODATION AND MEALS | 330.00 |
| 384 | 04/02/2015 | SEAN HIGGINS | BOND REFUND 9728 | 500.00 |
| 385 | 04/02/2015 | M & N MILNER | BOND REFUND 9111 | 500.00 |
| 386 | 11/02/2015 | BUILDING & CONSTRUCTION IND TRAINING FUND | BCITF COLLECTED JAN 15 | 13985.12 |
| 387 | 11/02/2015 | DEPARTMENT OF COMMERCE - BUILDING COMMISSION | BSL LEVY COLLECTED JAN 15 | 7041.50 |
| 388 | 11/02/2015 | SHIRE OF CAPEL | BSL LEVY COMMISSION COLLECTED JAN 15 | 502.75 |
| 389 | 11/02/2015 | BILLIE-GAY THOMAS | BOND REFUND | 1500.00 |
| 390 | 25/02/2015 | IRENE PEACOCK | BOND REFUND | 150.00 |
| 391 | 25/02/2015 | EMMA POLLARD | BOND REFUND | 150.00 |

642,526.39

| | | |
|----------|---------------------------------|--------------|
| 04.02.15 | SHIRE OF CAPEL PAYROLL PAYMENTS | \$22,461.67 |
| 10.02.15 | SHIRE OF CAPEL PAYROLL PAYMENTS | \$177,669.47 |
| 24.02.15 | SHIRE OF CAPEL PAYROLL PAYMENTS | \$181,614.60 |

\$831,745.74

| | | |
|----------|---------------------------------|---------------|
| 11.02.15 | TRANSFER FROM MUNICIPAL ACCOUNT | \$400,000.00 |
| 11.02.15 | TRANSFER to MUNICIPAL ACCOUNT | \$-285,000.00 |

\$115,000.00

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment, covering vouchers as detailed above which was submitted to each member of Council on 25th March 2015 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

OC0317 OFFICER'S RECOMMENDATIONS – 15.3/COUNCIL DECISION

Moved Cr Manley, Seconded Cr McCleery

That Council receives:

- 1 The Schedule of Accounts covering vouchers 384-391, EFT18086 to EFT18296, CHQ47475 to CHQ47513 totalling \$642,526.39 during the month of February 2015;**
- 2 Payroll payments for the month of February 2015, totalling \$831,745.74; and**
- 3 Transfers to and from investments as listed.**

Carried 8/0

OC0318 (15.4) Rates Concession Request

| | |
|-------------------------|---|
| Location: | Capel |
| Applicant: | PB & JM Hutton |
| File Reference: | 325331 |
| Disclosure of Interest: | |
| Date: | 10.03.15 |
| Author: | Manager Finance, A Mattaboni |
| Senior Officer: | Executive Manager Corporate Services, S Stevenson |
| Attachments: | 1. Email from PB & JM Hutton - Bonking Frog Wines 2. 2014/15 Objects and Reasons for Differential Rating |

MATTER FOR CONSIDERATION

Council to consider the request from PB & JM Hutton for a rates concession on A2991 Lot 21 Dardanup West Road North Boyanup WA 6237 and a change from rate zone 10 Rural Commercial Use to rate zone 11 Rural.

BACKGROUND / PROPOSAL**Background**

PB and JM Hutton own Lot 21 Dardanup West Road North Boyanup. The property has planning consent for operating cellar door sales, wine storage & administration facility and holiday accommodation unit. Planning consent was granted for holiday accommodation on 11th December 2012. The lot comprises an area of 14.2866 hectares with the portion used for cellar door sales, wine storage and administration facility and holiday accommodation unit approximately 0.35 hectares.

The rating strategy for Lot 21 Dardanup West Road North Boyanup has a Rural zoning within the Shire of Capel Town Planning Scheme No. 7. This zoning attracts an Unimproved Valuation used for the calculation of rates. On having planning consent being granted for the holiday accommodation unit, the rating zone group changed from; Zone Group 11 Rural to Zone Group 10 Rural Commercial Use.

As set out in, Rates – Objects and reasons in the Shire of Capel Budget document these zones are defined as follows.

'Zone Group 10: Rural Commercial Use (1.1613 cents, \$972.00 minimum) This zone group was created in 1996/97 to include properties rated on an unimproved valuation (UV) basis but used predominately for a non-rural commercial activity. These non-rural commercial ventures have been differentiated as they require a higher level of service than rural farming properties. Despite being situated in rural UV areas they should not be excluded from being charged commercial equivalent rates. Council is satisfied that UVs generally form a proper and equitable basis for differentiation amongst these properties.

Zone Group 11: Rural (0.3864 cents, \$972.00 minimum) This zone group covers properties that are rated on an unimproved valuation (UV) basis and whose predominant use is rural. These rural properties have been differentiated due to their rural and farming nature and their requirement for a lower level of service than other categories. Property zonings include Rural, Special Use, Railway, Public Purpose, Special Rural Area 6 and Mining. Council is satisfied that UVs generally form a proper and equitable basis for differentiation amongst these properties.'

Zone group 10 and 11 are rated on an unimproved valuation basis (UV) with the point of difference being whether the property is used: predominately for a non-rural commercial activity or whose predominant use is rural.

The following properties are also rated within zone group 10:

Quarry - Allenville Road Gelorup,
 Quarry - Allenville Road Gelorup,
 Mine Site – Bussell Highway Capel,
 Sandpit – Calinup Road Gelorup,
 Quarry – Jules Road Gelorup,
 Quarry – Jules Road Gelorup,
 Quarry – Lillydale Road North Boyanup,
 Winery Restaurant – Mallokup Road Capel,
 Winery Cellar Door – Mangles Road Stirling Estate,
 Wine Producing Facility – Minninup Road Dalyellup,
 Caravan Park – Peppermint Grove Road Peppermint Grove Beach,
 Sawmill Site – South Western Highway Gwindinup and
 Mine Site – Yeardy Road Capel.

The budgeted rate revenue for zone group 10 in 2014/15 is \$72,128

PB and JM Hutton have advised in a submission dated 27th January 2015 in relation to the Planning consent causing a change of the property rate category with from Zone group 11 to Zone group 10, the following:

'I believe this to be a statement without base. The ATO accepts our profit and losses and taxes us accordingly as a rural enterprise, the same as any other farming operation. It is a farming operation, we grow fruit (the same as any farmer can do), have cattle and sheep all for sale which is the norm for most farming operations. The rate cost to our business would be 165 of our current cellar door wine sales, as that is what would need to be allocated to the payment of the shire rate increase of 159%. Or if based on the cottage rental, the cottage would need to be rented for 13 weeks full time to pay the rate increase (if we could achieve 50% occupancy over the year we would be lucky).'

It is further stated in the submission:

'It should also be noted that due to the high development and running costs, I make an income working off the farm, so the perception of this being the financial pot of gold is very unfounded. We have worked hard to create a high profile within our industry to help us survive and progress in a very tough market. In doing so we may have created an image in excess of our size. We hope we are seen as, and we endeavor to be a positive business within our local community. We support community events and clubs, and we have made a strong financial contribution to many. It would be wonderful if the Shire could see its way to support a hard working business which is raising the profile of the Shire, and actively bring attention to the area. We had planned to be here for the long haul but the truth is that it gets harder to survive every year, and this unexpected and large rate rise of 159% has knocked us for six. It is not just a once off expense, it is a permanent, accumulating expense that has a big impact on us both now and in the future.'

Proposal

That Council does not support the request from PB and JM Hutton for a rates concession on Lot 21 Dardanup West Road, North Boyanup WA 6237 and a change of rate zone group for

property A2991 from 10 Rural Commercial Use to 11 Rural, as the property has been rated correctly within rate zone group 10.

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*

Local Government (Financial Management) Regulations 1996, regulation 26

26. Discount, incentive, concession, waiver and write-off information

- (1) The annual budget is to include for each discount or other incentive to be granted for early payment of any money and in respect of each waiver or concession proposed in relation to any money –

- a) in respect of a discount -
 - (i) the amount of the discount, or the percentage discount, to be allowed; and
 - (ii) the circumstances in which the discount will be granted;
- and
- c) in relation to a waiver or concession -
 - (i) a brief description of the waiver or concession;
 - (ii) a statement of the circumstances in which it will be granted;
 - (iii) details of the persons or class of persons to whom it is available; and
 - (iv) the objects of, and reasons for, the waiver or concession.

Local Government Act 1995, Section 6.12

6.12 Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may –
- a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - b) waive or grant concessions in relation to any amount of money; or
 - c) write off any amount of money, which is owed to the local government.

** Absolute majority required*

- (2) Subsection 1(a) and (b) do not apply to an amount of money owing in respect of rates and services charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

Local Government Act 1995, Section 6.28

6.28 Basis of Rates

- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be –
- a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.

Local Government Act 1995, Section 6.32

6.32 Rates and Service Charges

- (1) When adopting the annual budget, a local government –
- a) in order to make up the budget deficiency, is to impose* a general rate on rateable land within the district, which rate may be imposed either –
 - (i) uniformly; or
 - (ii) differentially;
 and
 - b) may impose* on rateable land within its district –
 - (i) a specified area rate; or
 - (ii) a minimum payment;
 and
 - c) may impose* a service charge on land within its district.

* *Absolute majority required*

Local Government Act 1995, Section 6.33

6.33 Differential General Rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics –
- a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
 - b) a purpose for which the land is held or used as determined by the local government; or
 - c) whether or not the land is vacant land; or
 - d) any other characteristic or combination of characteristics prescribed.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

Local Government Act 1995, Section 6.34

6.34 Limit on Revenue or Income from General Rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to –

- a) be more than 110% of the amount of the budget deficiency; or
- b) be less than 90% of the amount of the budget deficiency.

Local Government Act 1995, Section 6.36

6.36 Local Government to give Notice of Certain Rates

- (1) Before imposing any differential general rate or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

Local Government Act 1995, Section 6.47

6.47 Concessions

Subject to the *Rates and Charges (Rebates and Deferrals) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

* *Absolute majority required*

POLICY IMPLICATIONS

The budget is based on the principles contained in the Strategic Community Plan and Corporate Business Plan. Policy 2.7 – Preparation of Integrated Financial Plan and Annual budget applies.

FINANCIAL IMPLICATIONS

Budget

A change in the rate zone from 10 to 11 for property A2991 would mean a concession of; \$2,851.63 for the 2014/15, and \$2,568.87 for 2013/14.

These rates have been raised in the relevant financial years as rates income.

Long Term

There are long term financial implications associated with this matter. There is a potential for a concession to be made to similar properties.

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

There are no environmental impacts associated with this matter.

STRATEGIC IMPLICATIONS

The Strategic Community Plan 2013 to 2031 includes the following strategic objective which has relevance:

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

CONSULTATION

Discussions have been held between Finance staff and PB & JM Hutton.

COMMENT

This zone group was created in 1996/97 to include those land parcels rated on an unimproved valuation, but with a commercial activity. These commercial/industrial ventures have been rated on land use in order that the rates levied will be similar to those in commercial/industrial zone groups. Zone group 10 Rural Commercial has a higher differential rate than Zone group 11 Rural because of the higher required level of service for these properties.

When the zone group was created in 1996/97, the ratio of the UV 10 Rural Commercial rate to UV 11 Rural rate was 1.89, this ratio in 2014/15 is now at 3.01. The ratio of the 10 UV Rural Commercial rate to the 5 GRV Commercial rate has had only a minor variation between 1996/97 to 2014/15.

This shows that the original intention to rate Rural Commercial properties similar to those in Commercial has remained. The change in the ratio of UV 10 to UV 11 from 1.89 to 3.01 between 1996/97 and 2014/15 shows that the rating impact on a property moving from a zoning of Rural to Rural Commercial has changed from an increase in rates of 189% to an increase in rates of 301%. This has been the change in rates on property A2991. The change in rating zone group took place between 2012/13 and 2013/14 with an increase in rate billing of 305%.

The examination of this submission has shown that while the rates on the property have been calculated correctly in accordance with; the unimproved valuation of the property, the property zoning and the rate in the dollar for the zone, other issues have been raised. These issues need to be examined by Council in developing rating strategy.

The Rural Commercial Use rate category contains a diverse range of industries requiring varying levels of service.

A developing enterprise moving through rate categories can experience a significant change in rate costs. The rate costing is not linked to the profitability of the rated property.

If Council offers a concession and a change from rate zone 10 Rural Commercial Use to rate zone 11 Rural, it will set a precedent for similar ratepayers.

VOTING REQUIREMENTS

Simple majority

| |
|--|
| OC0318 OFFICER'S RECOMMENDATION – 15.4/COUNCIL MOTION |
|--|

Moved Cr Bell

That Council does not support the request from PB and JM Hutton for a rates concession on Lot 21 Dardanup West Road, North Boyanup WA 6237 and a change of rate zone group for property A2991 from 10 Rural Commercial Use to 11 Rural, as the property has been rated correctly within rate zone group 10.

The Motion lapsed for want of a Seconder

OC0319 COUNCIL MOTION

Moved Cr Smith, Seconded Cr Norton

That Council supports the request from PB and JM Hutton for a rates concession on Lot 21 Dardanup West Road, North Boyanup WA 6237 and a change of rate zone group for property A2991 from 10 Rural Commercial Use to 11 Rural.

OC0320 PROCEDURAL MOTION

Moved Cr Hearne, Seconded Cr Manley

That the question be now put (Standing Orders Clause 12.4).

Carried 7/1

The substantive motion was then put and Carried 7/1

Cr McCleery left the meeting at 7.38pm.

OC0321 (15.5) Financial Statements to 28 February 2015

Location: Capel
Applicant: Shire of Capel
File Reference:
Disclosure of Interest: Nil
Date: 16.03.15
Author: Manager Finance, A Mattaboni
Senior Officer: Executive Manager Corporate Services, S Stevenson
Attachments: Financial Statements for February 2015

MATTER FOR CONSIDERATION

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

BACKGROUND / PROPOSAL**Background**

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

Proposal

The financial statements provided to Council satisfy the requirements.

STATUTORY ENVIRONMENT

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

6.4 Financial Report

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

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

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

Financial Activity Statement Report

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

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

POLICY IMPLICATIONS

Policy 2.6 – Financial Reports, Policy 2.8 – Purchasing, Policy 2.9 – Budget Management – Capital Acquisition & Works, 2.10 – Fixed Asset Accounting, Policy 2.11 – Fair Value of Assets, Policy 2.12 – Investment of Funds.

FINANCIAL IMPLICATIONS

Budget

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

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Strategic Community Plan 2013 to 2031 includes the following strategic objectives which have relevance:

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

CONSULTATION

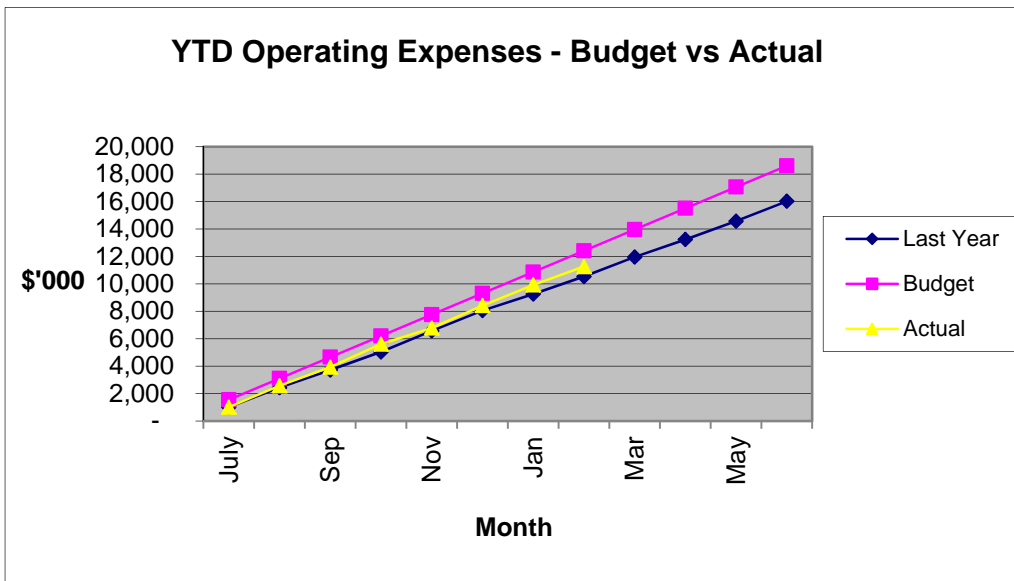
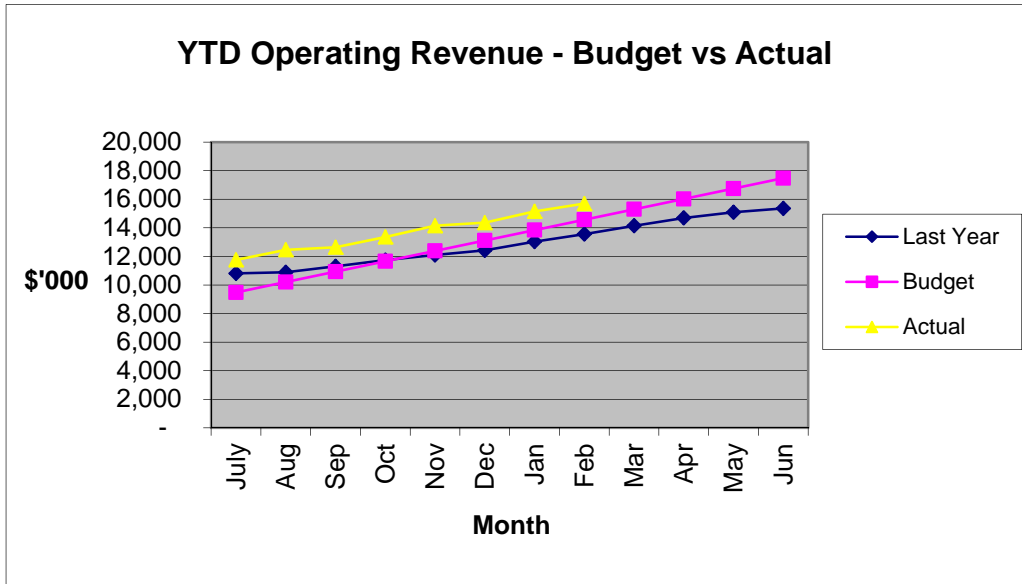
The monthly Financial Statement was developed with the assistance and input of staff who determined expenditure needs and revenue expectations for the remainder of the financial year based upon actual performance compared against budget.

COMMENT

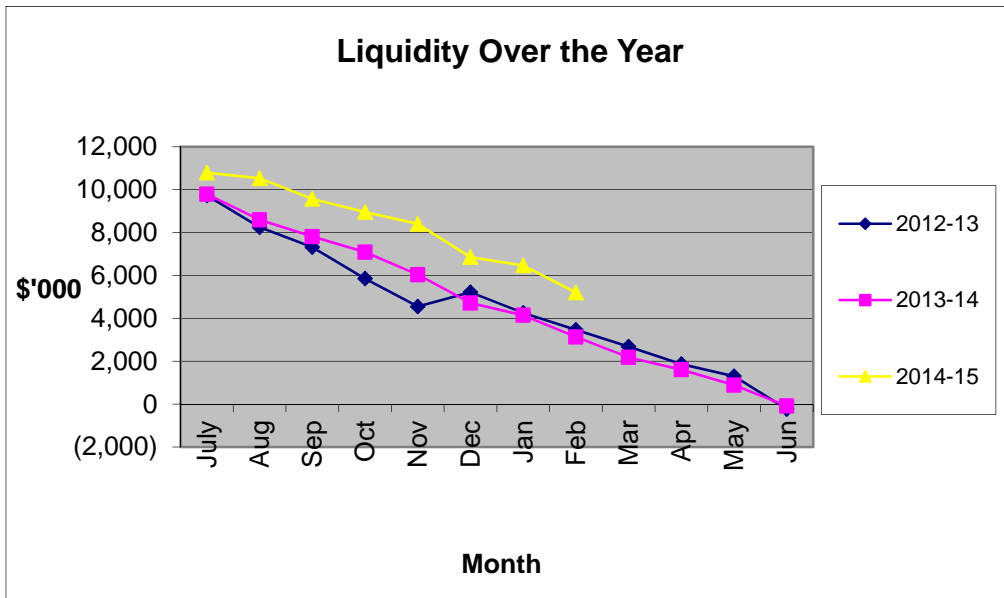
At 28 February 2015, Council's net current assets position was a surplus of \$5,203,077. The forecast year end net current asset position is a surplus of \$243,335 which is a decrease compared to last months \$249,799 surplus. This amount will vary as the forecast figures are updated throughout the year. 91% of Operating Revenue has been invoiced and 60% of the Operating Expenditure has been spent.

A comparison of employee costs shows that 63% of the annual budget has been spent. The employee costs year to date actual amount is \$188,408 or 4% below the year to date budget amount. The employee costs figure includes the leave provision expense calculation to December 2014.

The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. Last year's actual is also included for comparative purposes. The non-cash operating revenue has yet to be posted.

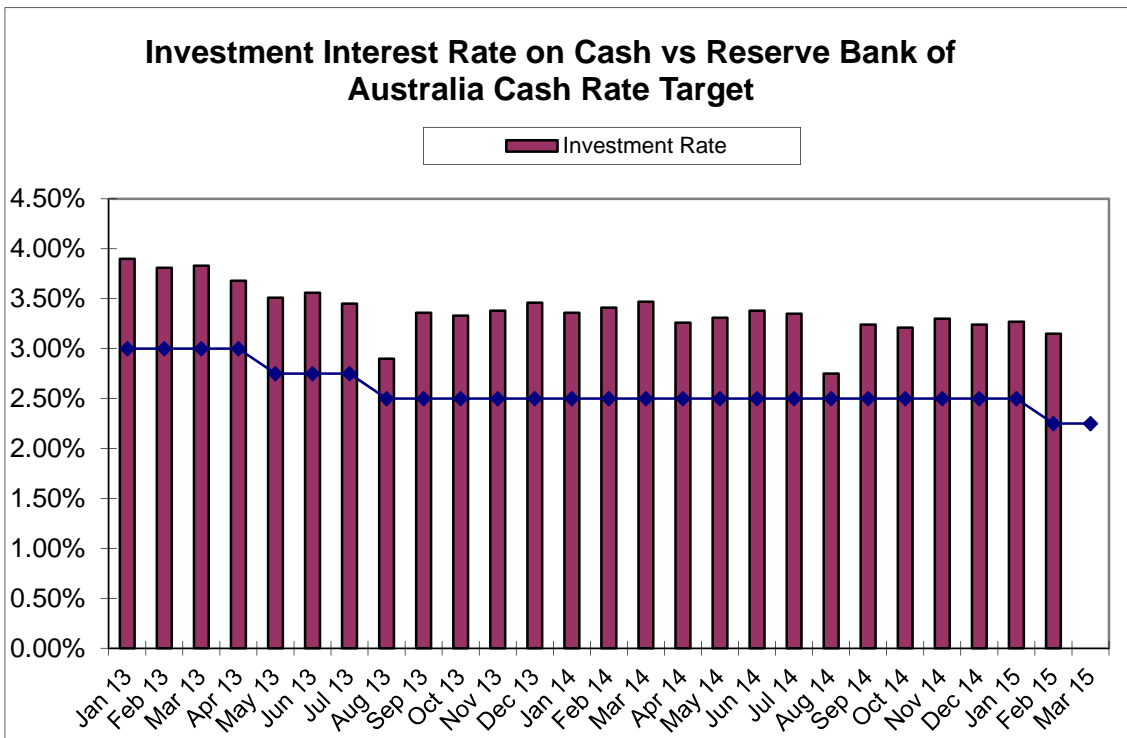


The liquidity graph compares the current year's net current assets position against that of the two previous years.



Council's municipal cash and investments position has increased by \$77,307 compared to January 2015. The Municipal cash position is an amount of \$14,355,653 of which \$8,642,541 is restricted for specific purposes as shown at Note 3. Cash revenue came from Rates receipts and the Financial Assistance grant. Major cash expenses were for payroll, waste contractor payments and public open space contractor payments.

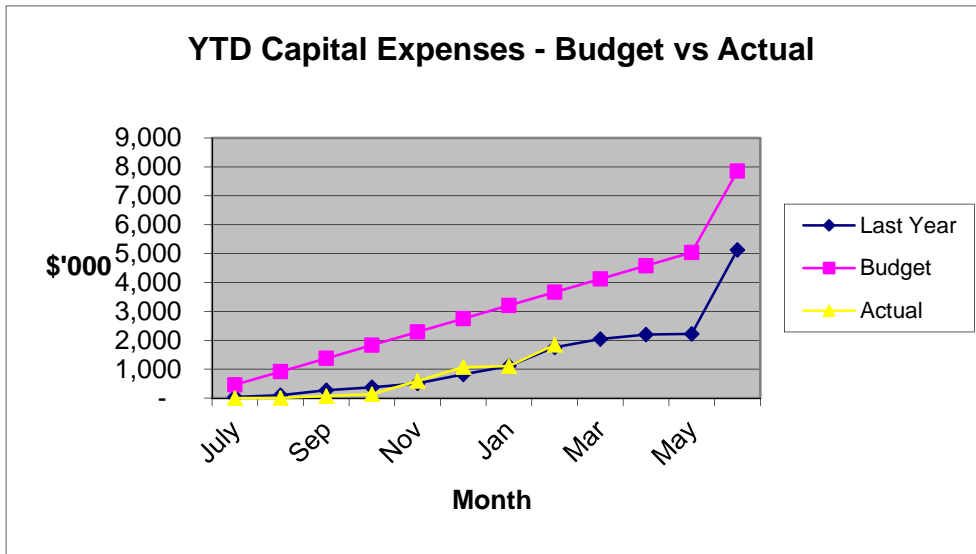
Total interest earned for the year is \$241,234 which is 59% of the annual budget. The average investment rate of return has decreased from last month's amount of 3.27% to 3.15% which exceeds the Reserve Bank's cash reference rate of 2.25%. The decrease in the average investment rate is in line with the target cash rate decrease. The average rate should fall further as existing term deposits mature and are reinvested. The Reserve Bank Board on 4 March 2015 kept their target cash rate at 2.25%. The Shire has term deposits maturing from March 2015 to August 2015, investment terms ranging from 119 days to 183 days and interest rates from 3.20% to 3.64%.



Capital works expenditure of \$652,218 was incurred during the month on:

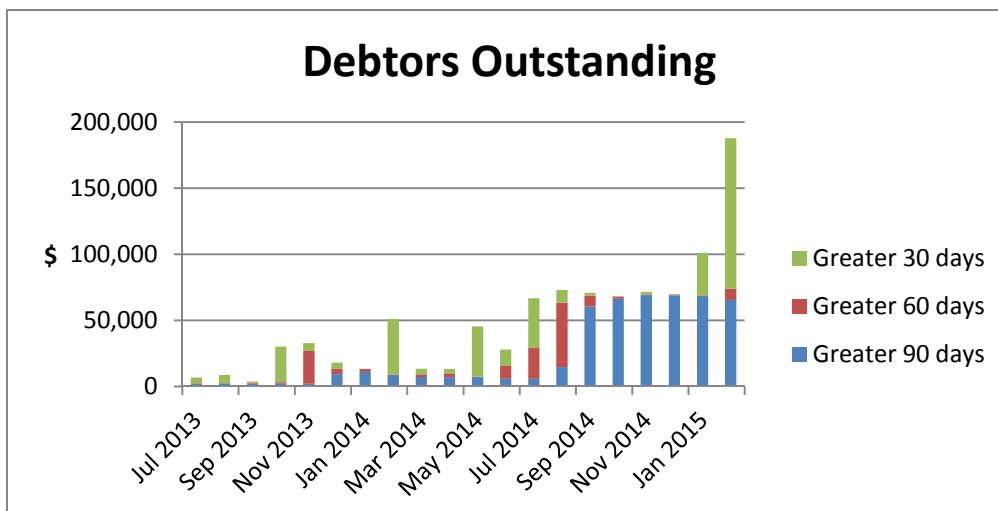
- \$149,372 Road widening,
- \$434,466 Bitumen reseal program,
- \$46,735 Asphalt reseal,
- \$4,640 Path construction,
- \$1,364 Seat installation,
- \$3,645 Capel Civic Precinct,
- \$8,759 Administration building refurbishment and,
- \$2,667 Chairs for Capel hall.

The following graph compares actual capital expenditure against budget on a year to date basis. Last year's actual is included for comparative purposes. Excluding non-cash infrastructure 33% of the annual budget has been spent. This percentage should increase with the commencement and payment of the Administration building refurbishment.

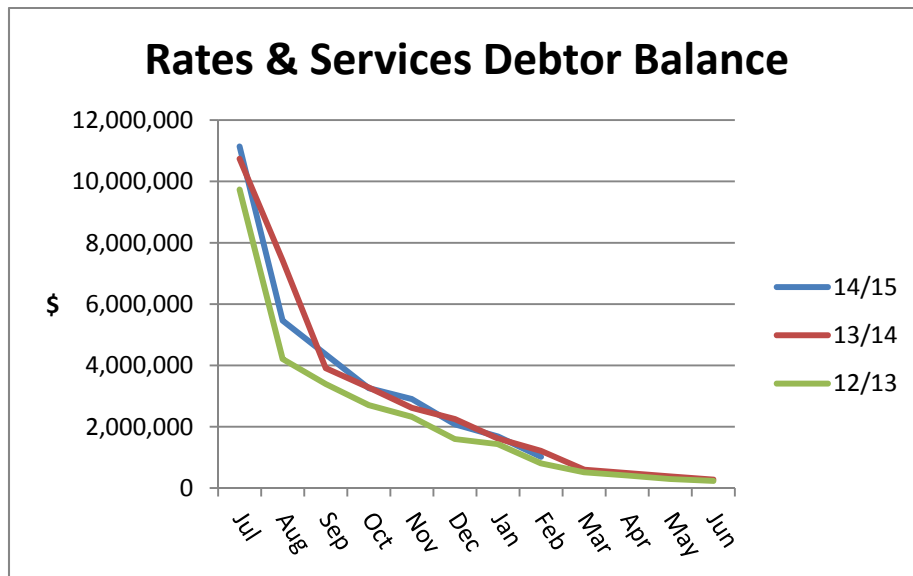


Council's financial ratios are disclosed in Note 14.

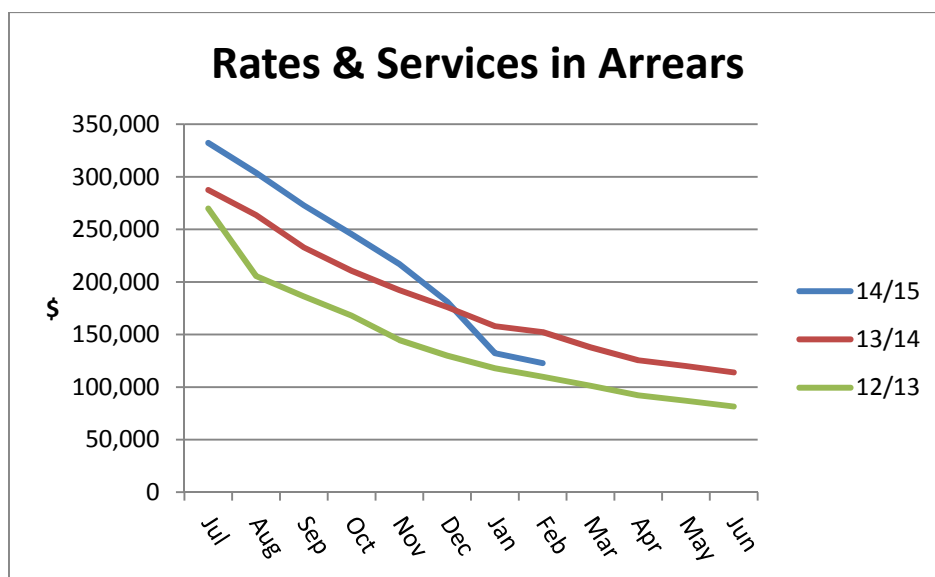
The following graph illustrates Council's current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days. The amount outstanding for greater than 90 days relates to a single debtor for sub division assessment, supervision and community contributions with payment required before clearance of title for the related part of the subdivision.



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



The following graph shows the level of rates and services in arrears for the last three years. The arrears figure is calculated at the end of the financial year meaning the arrears figure for rates and services raised in 2014/15 will be calculated 1st July 2015. Rates and Services in Arrears at the start of each financial year as a percentage of the Rates and Services Debtor Balance has been: 2014/15 2.98%, 2013/14 2.68%, 2012/13 2.77% and 2011/12 2.35%.



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 28 February 2015.

Mr and Mrs Hutton left the meeting at 7.39pm and did not return.

Cr McCleery returned to the meeting at 7.40pm.

VOTING REQUIREMENTS

Simple majority

OC0321 OFFICER'S RECOMMENDATION – 15.5/COUNCIL DECISION

Moved Cr Hearne, Seconded Cr Smith

That Council adopts the financial statements for the period ending 28 February 2015 as attached.

Carried 8/0

Mrs Stevenson left the meeting at 7.41pm.

COMMUNITY SERVICES REPORTS

OC0322 (16.1) Application to Keep 3 Cats – 63 Paragon Loop, Dalyellup

| | |
|-------------------------|---|
| Location: | Dalyellup |
| Applicant: | Rebecca Ison |
| File Reference: | 342225 |
| Disclosure of Interest: | Nil |
| Date: | 18.02.15 |
| Author: | Customer Service Officer, J Riedmann |
| Senior Officer: | Executive Manager Community Services, M Plume |
| Attachments: | Location Map |

MATTER FOR CONSIDERATION

An application has been received to keep 3 cats at 63 Paragon Loop, Dalyellup.

BACKGROUND / PROPOSAL

Background

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

Proposal

The applicant seeks Council's approval to keep three cats at 63 Paragon Loop, Dalyellup.

STATUTORY ENVIRONMENT

Cat Act 2011, Section 5, Division 2 – Local Laws

79. Local laws

- (1) A local government may make local laws 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) Without limiting subsection (1), a local law may be made as to one or more of the following —
 - (a) the registration of cats;
 - (e) cats creating a nuisance;
 - (f) specifying places where cats are prohibited absolutely;
 - (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;
 - (h) limiting the number of cats that may be kept at premises, or premises of a particular type;

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

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

POLICY IMPLICATIONS

There are no current policies applicable to this matter.

FINANCIAL IMPLICATIONS

Budget

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

Long Term

There are no long term implications with this application.

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The Strategic Community Plan 2013 to 2031 includes the following strategic objective which has relevance:

- Key Focus Area 2 – The Community Experience: Strategic Objective - 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.

CONSULTATION

A letter was sent to the owners of all adjoining land advising of the application and asking whether or not they had any objections to the proposal. A total of 25 letters were sent out with 6 replies received. Of the 6 replies received the responses are as follows:

- 1) Do Object – cats are roaming in the area and entering our yard. Do not want any more cats around.
- 2) Do Object – Because the white male cat keeps wandering out of premises and continually in our yard fighting with my cats. Have complained to Council twice about this which resulted in the rangers coming out. Good points are that it is registered, micro chipped and sterilised.
- 3) Do Object – Please no more cats – there are enough in the area – cats are outdoor animals and I find them in the garden or roaming in the patio area.
- 4) Do Not Object
- 5) Do Not Object
- 6) Do Not Object

COMMENT

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

| | | | |
|----------|--------------|-------------------|----------------------|
| Snowball | 7 Years Old | Sterilised Male | Domestic Short Hair |
| Fluff | 13 Years Old | Sterilised Female | Domestic Medium Hair |
| Ebbie | 14 Years Old | Sterilised Female | Domestic Short Hair |

Community Rangers have inspected the property and have advised that the area is adequately secure to confine the cats to the premises. There is a fully enclosed cat enclosure at the side of the house. All cats appear to be well looked after and have a sleeping and feeding area.

In January 2015 the Shire Rangers visited 63 Paragon Loop, Dalyellup after receiving a complaint from a neighbour about a cat from this property coming into the neighbour's yard and attacking their cat. Rebecca Ison was advised by the Rangers of the requirement to register and confine the cats to the property. Since the cat enclosure was constructed there have been no other complaints from neighbours.

In the application, Rebecca Ison states her reason for having the three cats as follows: "the cats have been bought down from Perth. Had three cats since before the Cat laws were changed. Had Fluff and Ebbie since 2003 and Snowball since 2012 (June)."

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

VOTING REQUIREMENTS

Simple majority

| |
|---|
| OC0322 OFFICER'S RECOMMENDATIONS – 16.1/COUNCIL DECISION |
|---|

Moved Cr J Scott, Seconded Cr Bell

That Council grants an exemption allowing Rebecca Ison to keep three cats at 63 Paragon Loop, Dalyellup, subject to the following conditions:

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

| | | | |
|-----------------|---------------------|--------------------------|-----------------------------|
| Snowball | 7 Years Old | Sterilised Male | Domestic Short Hair |
| Fluff | 13 Years Old | Sterilised Female | Domestic Medium Hair |
| Ebbie | 14 Years Old | Sterilised Female | Domestic Short Hair; |

2. The exemption only applies to 63 Paragon Loop, Dalyellup;

3. The exemption may be revoked or varied at any time if the animals, the subject of this exemption, contravene the Cat Act 2011, Cat Regulations 2012, and/or the Shire of Capel Local Laws relating to the Keeping and Welfare of Cats;

4. The exemption is not transferable;

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

6. The premises will during the currency of the permit remain adequately fenced (premises will be deemed not to be adequately fenced if there is more than one escape of a cat from the premises); and

7. The applicant will have during the term of the permit adequate space for the exercise of the cats.

Carried 8/0

OC0323 (16.2) Local Emergency Management Committee Minutes

| | |
|-------------------------|--|
| Location: | N/A |
| Applicant: | Shire of Capel |
| File Reference: | Nil |
| Disclosure of Interest: | Nil |
| Date: | 04.03.15 |
| Author: | Emergency Management Coordinator, D Collins |
| Senior Officer: | Executive Manager Community Services, M Plume |
| Attachments: | Minutes of the meeting of the Shire of Capel Local Emergency Management Committee held on 25 February 2015 |

MATTER FOR CONSIDERATION

To consider the minutes of the meeting of the Shire of Capel Local Emergency Management Committee held 25 February 2015 and adopt the recommendations contained therein.

BACKGROUND / PROPOSAL**Background**

The Shire of Capel Local Emergency Management Committee 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

Council receives the minutes of the meeting of the Shire of Capel Local Emergency Management Committee held on 25 February 2015 and the recommendations therein be adopted.

STATUTORY ENVIRONMENT

Emergency Management Act 2005

- 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 of the Act specifies 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

An amount of \$14,710 was allocated in the 2014/15 budget for the upgrading of switchboards for the Capel Community Centre and Boyanup Hull Kilpatrick Hall. A similar figure will need to be allocated in the 2015/16 budget to allow the Gelorup Community Centre and Peppermint Grove Beach Community Centres to be upgraded to all for connection to the Shire's emergency generator.

Long Term

There are no financial implications for Council 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

The Strategic Community Plan 2013 to 2031 includes the following strategic objectives which have relevance:

- Strategic Outcome 3.4 – promote emergency risk awareness.

CONSULTATION

There has been no consultation undertaken on the matter at this stage.

COMMENT

It is important for the various emergency agencies in the South West to be aware of the availability of halls and centres throughout the Shire that are suitable for the purpose of evacuation during major incidents.

The Shire owns a portable generator that can be used during power outages, and it would make sense to ensure its facilities are compatible, especially those that are acknowledged as being suitable for use as evacuation centres.

Mrs Stevenson returned to the meeting at 7.43pm.

VOTING REQUIREMENTS

Simple majority

OC0323 OFFICER'S RECOMMENDATIONS – 16.2/COUNCIL DECISION

Moved Cr J Scott, Seconded Cr Bell

That Council receives the minutes of the Local Emergency Management Committee held on 25 February 2015, and adopts the Committee's recommendations:

LEMC0202 It be recommended to Council that the Hugh Kilpatrick Hall in Boyanup be recognised as the Shire's Emergency Evacuation Centre until such time as the Capel Community Centre is available.

LEMC0203 It be recommended to Council that consideration be given to allocate funds for the upgrading of the Gelorup and Peppermint Grove Beach Community Centres to enable connection to the Emergency Services Generator in the 2015/16 Budget.

Carried 8/0

OC0324 (16.3) Special Bush Fire Advisory Committee Minutes

Location: Capel
Applicant: Shire of Capel
File Reference: Nil
Disclosure of Interest: Nil
Date: 04.03.15
Author: Emergency Management Coordinator, D Collins
Senior Officer: Executive Manager Community Services, M Plume
Attachment: Minutes of Special Bush Fire Advisory Committee meeting held on 23 February 2015

MATTER FOR CONSIDERATION

To receive the minutes of the Special Bush Fire Advisory Committee meeting held on 23 February 2015 and adopt the recommendation therein.

BACKGROUND / PROPOSAL**Background**

Funding is made available to local government through the ESL to provide for the operating expenses of bush fire brigades and for the scheduled replacement of capital items.

Council commences the annual budget process in January each year and submissions relating to the ESL also are required to be lodged in March each year.

The regular meeting of the Bush Fire Advisory Committee (BFAC) in May is too late to provide input into both of these situations. As such, the Committee is requested to determine if additional funding will be sought through either of these processes.

This Special BFAC meeting was held to consider any applications for items to be obtained and funded in the 2015/16 financial year through either the Emergency Services Levy (ESL) or direct from the Shire of Capel.

Proposal

Funding as identified in the recommendation be sought from DFES and the Shire through the 2015 / 2016 ESL and Budget processes.

STATUTORY ENVIRONMENT

Bush Fires Act Section 36 - Local government may expend moneys in connection with control and extinguishment of bush fires provides in part that a local government may, notwithstanding anything to the contrary contained in any other Act —

- (a) purchase and maintain appliances, equipment, and apparatus for the prevention, control and extinguishment of bush fires , and
- (d) establish and maintain bush fire brigades as a part of its organisation for the prevention, control, and extinguishment of bush fires.

Bush Fires Act 1954 Section 67. Advisory Committees – provides that a local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires.

POLICY IMPLICATIONS

Council Policy 19.23 – Purchase of Equipment for Bush Fire Brigades provides in part:

Equipment will not be purchased, other than to replace an existing item, unless the Bush Fire Advisory Committee has determined:

- a) the need to purchase the item
- b) the item meets all current FESA and Shire of Capel standards.

FINANCIAL IMPLICATIONS

Budget

There are no anticipated implications for the 2015/16 budget beyond the budget allocation.

Long Term

The Intent of the Elgin Brigade to extend current premises to include ablutions, kitchen and meeting room, along with an additional bay to house a third appliance, will require funding from Council in 2016/17 financial year. Whilst the majority of funding for these additions will be through ESL funding, there are certain items not covered such as site works including car parking, landscaping and boundary fencing if required. (Site works are defined as comprising of the demolition or removal of existing buildings, road works, removal of vegetation and topsoil from site, grading and compacting sub grade, imports of sand fill, or cart away soil not needed, grade site to final levels, compaction of pad, provision of engineer's compaction certificate, construction of any retaining structures).

With the extension to the Elgin Fire Station to include a third bay, it is expected that the additional appliance will be sought in the 2016/17 ESL Capital allocation. Long term annual operating costs of the additional appliance will be met with the annual ESL allocation. The Boyanup fast attack and 3-4 truck are also scheduled for replacement in 2016/17 financial year.

Whole of Life

Whilst it is being proposed that the Elgin Fire Station be extended, there will be minimum whole of life financial implications to Council. The Local Government Grant Scheme provides for the reimbursement of utility costs (electricity, water etc) based on a standard facility footprint. Cost of electricity for lighting and power and meter rental, cost of gas for heating and cooking, meter rental and cylinder rental, cost of water supplied to all properties owned, rented or leased as well as rubbish, water supply and wastewater removal excluding ESL charges and General Rates.

The Local Government Manual for Capital and Operating Grants 2015/16 states that BFB facilities/garages are to comply with accepted WA State Government replacement policies for Public Buildings based upon a minimum period of twenty five (25) years for metal/fibro facilities and fifty (50) years for brick facilities.

In 2014 DFES commenced the "Future Fleet" project which is aimed to bring the WA emergency service fleet provided through the LGGs to a 'best of class' standard commencing 2016/17. As a consequence of the future fleet project timelines, delivery of Fleet projects offered in the 2015/16 appliance/vehicle replacement program and in part the four outyears may be delayed, with the type of vehicles delivered determined by the future fleet project's outcome. In instances where the future fleets project timing directly impacts on the replacement program as offered for 2015/16 there will be a need to extend the life of the

appliances / vehicles past these replacement terms which may affect the delivery of the Boyanup appliances.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this matter.

STRATEGIC IMPLICATIONS

Consideration of this matter is consistent with the Shire's Corporate Business Plan 2014 - 2017 Strategic Objectives 2 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; 3 To preserve and enhance the natural and built environment to ensure it is livable, sustainable and adapts to our communities needs and expectations

CONSULTATION

All Brigade secretaries, brigade representatives on this committee and Fire Control Officers were asked to give consideration to this matter by way of meeting minutes from the November 2014 meeting and by email sent on 12 February and again on 18 February 2015.

COMMENT

There were a number of requests from each of the Brigades and these will be costed for inclusion in the 2015/16 ESL funding application.

In response to requests for matters to be considered for funding in the Shire's 2015/16 budget, items were of a minor nature and as such there are no anticipated implications beyond the budget allocation.

VOTING REQUIREMENTS

Simple majority

| |
|---|
| OC0324 OFFICER'S RECOMMENDATIONS – 16.3/COUNCIL DECISION |
|---|

Moved Cr Smith, Seconded Cr McCleery

That Council receives the minutes of the Special Bush Fire Advisory Committee meeting held on 23 February 2015 and adopts the Committee's recommendation:

SBF0201 It be recommended to Council that:

- A. An amount of \$68,970 be sought from the Department of Fire and Emergency Services (DFES) through the 2015/16 Emergency Services Levy as the Operational Grant;**
- B. An amount of \$5,500 be sought from DFES through the 2015/16 ESL for the capital equipment;**
- C. An amount of \$2,717 be sought from DFES through the 2015/16 ESL for capital buildings; and**
- D. An amount of \$1,700 be sought from DFES through 2015/16 ESL non-recurrent expenditure.**

Carried 8/0

| | |
|--|-----|
| NEW BUSINESS OF AN URGENT NATURE | Nil |
| PUBLIC QUESTION TIME | Nil |
| MOTIONS WITHOUT NOTICE (ABSOLUTE MAJORITY BY COUNCIL) | Nil |
| NOTICES OF MOTION FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF THE COUNCIL | Nil |
| ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS | Nil |
| MEETING CLOSURE | |

The meeting closed at 7.46pm.

These minutes were confirmed at an Ordinary Council meeting on 22nd April 2015.

Signed

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

Date