

Shire *of* Capel

MINUTES

ORDINARY COUNCIL MEETING
Wednesday, 26th August 2015



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Shire of Capel



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SHIRE OF CAPEL

ORDINARY COUNCIL MEETING – 26.08.15

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MEETING CLOSURE 110

SHIRE OF CAPEL

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, FORREST ROAD, CAPEL ON WEDNESDAY, 26TH AUGUST 2015 COMMENCING AT 4.35PM.

PRESENT:	President	MT Scott BW Bell BW Hearne PK McCleery SC Manley GJ Norton JA Scott BH Smith PF Sheedy S Stevenson JM Gick MI Plume S Faber C Muller K Muste A Evans
	Chief Executive Officer	
	Executive Manager Corporate Services	
	Exec Manager Engineering & Development Services	
	Executive Manager Community Services	
	Manager Engineering Services	
	Manager Planning Services	
	Senior Strategic Planning Officer	
	Minute Secretary	
APOLOGIES:		Nil
LEAVE OF ABSENCE:	Councillor	SH Baxi (OC0701)
MEMBERS OF PUBLIC:		28 people

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Mrs Lynette Conlon, 31 Treloar Road, Stirling Estate: Regarding Item 14.2 Holiday Accommodation Units on Lot 50 Mallokup Road, Stirling Estate. Some of these questions are from other landowners.

1. The reception carpark areas are utilised at all hours of the day and night causing continual disturbance to our family life, what is the break down on the buffer for this? I.e. buffer, firebreak road, carpark and residence. Is this all within the 30 metres from my side boundary? Is it possible to have the carpark put on the other side of the manager's residence to reduce this?

Mr Jason Gick, Executive Manager Engineering and Development Services (EMEDS): Yes, the offset is 30 metres in total.

2. Is it possible to reverse the entire proposal? Flipping the plan?

EMEDS: We are considering the proposal on the table. To change the proposal the applicant would have to withdraw the application and start again. Unless the Council makes the decision to reflect that, it is too late to change the proposal at this time.

3. Where is the power for this development coming from (as the closest power pole is on my property)?

EMEDS: It would be up to the applicant to take access from the public access supply. It is up to Western Power the best way to determine power supply to the property.

4. Can I request that the buffer between the chalets and the river not be plantation timber like Blue Gum but natives such as Peppies or Tuart?

EMEDS: The landscaping and rehabilitation plan requires an emphasis on native species.

5. Can the value of my property be guaranteed when the zoning for lot 50 gets changed from zone 11 Rural to zone 10 Commercial?

EMEDS: There are no guarantees attached to that.

Ms Susan Stevenson, Executive Manager Corporate Services (EMCorpS): Regarding rate zoning, in terms of the value of the land again as Mr Gick says there are no guarantees on that. In terms of the zoning over property, that is done separately.

Mr Paul Sheedy, Chief Executive Officer (CEO): It is still zoned as Commercial from a rating point of view. We put it into Zone 10 because of its commercial activities in a Rural zone. For the Town Planning Scheme it will remain Rural. Where we have commercial activities in a Rural zone, we change it to a Zone 10. It will not affect your zoning. We will just move the applicant's property to a different rating category.

6. Is signage alone enough to protect our privacy and security from a transient unknown population?

EMEDS: The signage has been recommended as a treatment for visitors to be courteous and not cross this boundary. I would be surprised if a holiday maker would want to cross over the boundary.

7. Is there an assurance that the property will not be expanded in the future with more holiday accommodation on this site?

EMEDS: The proposal is for 5 chalets and this is all that is permitted based on the development in this application.

8. Is there an assurance that these dwellings will be used for tourist accommodation only and not to house workers from surrounding horticultural and agricultural businesses?

EMEDS: The proposal is designed as a tourist facility. No one person is to use the facility for more than three continuous months of the year.

9. Is Council aware Ref #3 and response is not my recollection of events? No agreements were made. Mr Norton's discussions were a way of letting us know that it had been lodged. When I queried him at this time regarding the road and carpark in my recollection it was Mr Norton who said that he wouldn't plant a buffer on his side but was more than happy for us to plant more on our property.

EMEDS: You refer to Attachment 3, the Schedule of Submissions on Page 10 in the Comments column Reference Number 3.

Mrs Conlon: The comment that I "was happy to put plants on my property is agreed" by Mr Norton. That is not exactly what happened. His response was "You

put some more plants on your property if you like". It was never agreed to that I would plant some more trees on my property.

10. How is Mr Norton able to say my home does not have views to the northern side? This is completely untrue. Mr Norton has never been in my house, if he had he would have looked through the large windows in my living area facing his block.

Cr Murray Scott, President (President): We cannot respond on behalf of Mr Norton.

EMEDS: In fairness, Mrs Conlon approached staff earlier this week.

11. Why have we been given no right of response considering our objections?

EMEDS: That goes to due process about how we process each application. Typically, we formulate an agenda item and this type of question where "he said, she said" cannot be answered. We use statements of fact to process the application.

12. Why have the responses to our queries only been made public in the last few days?

CEO: The responses were included in the Attachments which were put on the Shire website on Monday morning. We had a problem with the size of the Attachments for this Agenda however we would normally put them on the website on the Friday before the Council meeting.

13. How in Ref #11.3 can this be even remotely true? We currently have NO traffic past our properties (Lot 2 and Lot 1). The only access is via my driveway. So isn't it logical that any traffic created from this development can only be more intrusive?

CEO: I cannot comment on Mr Norton's response.

14. How can this development improve my land value? (Ref #11.4 response)

EMEDS: There is no information through the assessment process that indicates anything about land value. We cannot predict real estate prices.

15. Which is True? Ref #10.7 "no facilities will be provided to launch motor vessels" or Ref # 13.9 "if there is a jetty it will be for the residence private use."

EMEDS: This application did not include any consideration for a jetty. This application does not cover that.

16. Why does Mr Norton believe that there is only one property (mine) which could be affected by this development? Ref #15.1.

EMEDS: I cannot comment on Mr Norton's response.

17. Mr Norton in the only conversation regarding this development indicated to myself and another neighbour that he already had the support of Council and other agencies and was assured of approval in this matter. He did declare his position within the Shire and that he would remove himself from any voting process and was only letting us know out of courtesy. We were made to feel voiceless. I have to ask is garnering approval prior to placing an application an ethical way for a sitting member to behave?

CEO: There is no approval until Council approves (an application). Staff will work through the application with an applicant, will have discussions about what is to be considered. The staff recommendation is to approve it. What has been conveyed to any applicant, the staff have been instructed by the CEO to be courteous and

professional. A report to Council will support or not support the application. In this case, the applicant would have been told that the report going to Council from staff, staff are of the view that they could support the application. They do not get a vote, the application is not approved until the Council formally approve it at a Council meeting and they debate on the matter.

Mrs Conlon: Outside your property, how would you like a carpark to be placed?

CEO: That is not relevant to this matter.

A member of the public left the Chambers with his child at 5.01pm.

Mr Jim Sala, 332 Mallokup Road, Stirling Estate: I made a submission regarding the development of Holiday Accommodation Units on Lot 50 Mallokup Road (Capel Shire). I am opposed to this development taking place. I have read all the information regarding this project and I am under the impression that the Shire Council has already decided to approve this development. My question is, out of the 12 submissions for or against this development, 9 are opposed. That's 9 families or households that will be affected by this development going thru. Has this really been considered?

President: That is an attachment to the Agenda.

Mr Sala: I don't know Mr Norton, I have never met him. I think out of consideration for the people there he should have come to speak to each of us. Mr Norton probably should have come to everybody in the area and had a chat to them and let them express their feelings. He should have explained what he was going to do. That is my impression. I did ask the question. Has the Council actually considered the submissions? 9 are opposed and 3 are okay with it. Has the Council actually read the statements, have you really submitted what those other people are thinking?

President: The item will be on the table in 30 minutes or so. I understand that my Councillors read the Agendas fully. We will see what happens.

Mr Mike Hearne, 12 Ecclestone Court, Boyanup: In regards to Agenda Item 14.5 Meadowbrooke Lifestyle Village – Development Guide Plan and Design Guidelines. Why is Council voting to adopt the Development Guide Plan (DGP) and Design Guidelines for the Meadowbrooke Lifestyle Estate on Lot 201 Turner Street, Boyanup before the completion of a satisfactory Landscape Management Plan, A Local Water Management Strategy, a Foreshore Management Plan and a Landscaping Master Plan?

EMEDS: Thanks for the questions. The Landscape Management Plan is in progress and there is another stage to the development approval. The Local Water Management Strategy is very nearly completed. The Foreshore Management Plan is largely completed. One of the plans is virtually done, one is very nearly done and the other two are essentially the same.

Mr Hearne: The Emergency Escape Route to the North and West of the existing man made water feature is in an area that is a part of the Creek Flow and is an Aboriginal Heritage Place. Building this road will require significant engineering and will cause a change in the flow of the Creek. This is an area assessed by the Department of Water to be at risk of erosion. Why does this not need to be accounted for in the Development Guide Plan?

EMEDS: I believe it does but if you don't mind I will take that question on notice. I will get back to you with a more informed answer.

Mr Hearne: "Shire staff rely on advice obtained from Department of Water." Does the Shire have any information on the changed flood levels due to back flow in the Creek along the North West Border of the property? This is significant for the residents of Ecclestone Court as the Shire states, "the Shire should not be liable in negligence for decisions made consistently with the prevailing expert advice received with respect to flooding," and these residents may be subject to changed flooding conditions.

EMEDS: We do and the information we have is the information that is shared between the developers working in conjunction with the Department of Water. It has been done outside of the Shire by the Department of Water. They give that information to us and we consider that as part of our assessment.

The information is used to compare levels in the creek and to ensure pre- and post-flows from the site are not changing.

Mr Hearne: Will the Council be asking for a bond or some other form of surety, to ensure the Foreshore Management Plan and a Landscaping Management Plan are implemented satisfactorily?

EMEDS: It is typical to ask for bonds for things that take time to develop. We will delve a little deeper on that through the plant consent stage.

Mr Hearne: The Boyanup Townsite Strategy recognises that, "development will also be required to comply with contemporary urban drainage and water quality principles and requirements whereas existing practices within the town have discharged stormwater directly to the Preston River."

The Department of Water recognises, "the majority of off-site stormwater discharge will be via one major outfall into a drain/creek that runs in a north east direction towards the Preston River ... This system is understood to be managed by the Shire of Capel and already exhibits some gully erosion in close proximity to the foot bridge which forms part of the Preston River Ramble."

The developers claim, "the development is only permitted to release stormwater at the same rate as which it presently discharges from the clay paddock." Is it the vision of the Shire's water management plan for new developments to continue stormwater drainage into the Creek and subsequently the Preston River?

EMEDS: Yes, there will be stormwater going into the creek in a controlled environment. Part of the Stormwater Strategy will be the retention of stormwater on site before it is released into the creek.

Mr Hearne: Would you imagine if the sale yards have polluted water flowing into the Preston River?

EMEDS: I have not had time to consider that. The more water you had, the more diluted it would become, especially in big storm events.

Mrs Ros Foxall, 10 Ecclestone Court, Boyanup: Because the amended DGP now has an increased number of buildings which will necessitate using land now treed or boggy every winter, is this high density development in keeping with the Shire's Community Strategic Plan 2013-2031? If so, how?

EMEDS: The land that is now treed and boggy will be filled so that the levels go up and are filled with sand material. The tree areas that are in that area will be removed to accommodate the housing area. That is a subjective position; some people will want that environment and some people will not. In terms of trees and vegetation, there is an intention by the developer to make it a pleasant place with

common green areas. There is some clearing required no question about that, but it will be developed as a very amenable development.

Mrs Foxall: The receiving drain in Reserve 44252 is blocked in parts by fallen debris and erosion, causing small lakes to form along its N-W border when stormwater drains in from the saleyards and highway drains in existence. Will the creek portion along the bottom of Ecclestone Court be reinforced to accommodate flood water from Meadowbrooke?

EMEDS: There will be some landscaping in the area. They will reduce the amount of drainage with retention and detention. The Stormwater Management Plan will accommodate that. The stormwater will be controlled however there is a need for the Shire to be more active in its duties to keep the creek cleared.

APPLICATIONS FOR LEAVE OF ABSENCE Nil

DECLARATIONS OF INTEREST

Mr P Sheedy declared a financial interest in Item 13.1 Annual Performance Review – Chief Executive Officer, and Item 13.2 Contract Renewal – Chief Executive Officer. The nature and extent of his interest is that he is the officer the subject of these two items.

Cr G Norton declared a financial interest in Item 14.2 Holiday Accommodation Development – Lot 50 Mallokup Road, Stirling Estate. The nature and extent of his interest is that he is the owner of the property where this development is being proposed.

Cr B Hearne declared an impartiality interest in Item 14.5 Meadowbrooke Lifestyle Village – Development Guide Plan and Design Guidelines. The extent and nature of his interest is that he has a relative who lives in Ecclestone Court who has made a submission.

NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS Nil

OC0801 CONFIRMATION OF MINUTES

Moved Cr J Scott, Seconded Cr McCleery

That the Minutes of the Ordinary Council meeting held on 22nd July 2015 be confirmed.

Carried 8/0

OC0802 CONFIRMATION OF MINUTES

Moved Cr J Scott, Seconded Cr Smith

That the Minutes of the Special Council meeting held on 12th August 2015 be confirmed.

Carried 8/0

ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION Nil

PETITIONS/DEPUTATIONS/PRESENTATIONS Nil

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

CHIEF EXECUTIVE OFFICER REPORTS

Mr P Sheedy declared a financial interest in Item 13.1 Annual Performance Review – Chief Executive Officer. The nature and extent of his interest is that he is the officer the subject of this item.

OC0803 (13.1) Annual Performance Review – Chief Executive Officer

Location: Capel
 Applicant: John Phillips Consulting
 File Reference: Personnel 110
 Disclosure of Interest: I wish to declare a financial interest in this matter, being the employee who is the subject of the review
 Date: 28.07.15
 Author: Chief Executive Officer, PF Sheedy
 Senior Officer: Chief Executive Officer, PF Sheedy
 Attachment: Chief Executive Officer – Annual Appraisal Final Report **Confidential**

MATTER FOR CONSIDERATION

1. The endorsement of Chief Executive Officer's Annual Performance Review report submitted by John Phillips that indicates an overall rating of 'Satisfactory'
2. Scheduling of the next review in July 2016.
3. Endorsement of draft Key Result Areas for the period 1st July 2015 to 30th June 2016.

BACKGROUND / PROPOSAL**Background**

Elected Members were given the opportunity to provide feedback, based on a questionnaire containing a series of questions, reflecting the five Key Result Areas and associated objectives and actions.

The Key Result Areas used were:

1. Strategic Directions
2. Structural Reform
3. Sustainable Economic Development
4. Communications & Marketing
5. Financial

Seven Elected Members provided feedback.

The Chief Executive Officer (CEO) provided his own report based on the same questionnaire.

A feedback report was prepared for consideration at a formal appraisal meeting, and the review of performance criteria for 2015/16, which was held with Mr Sheedy on Tuesday 16th July 2015.

Councillors and the CEO also considered the key focus areas for 2015/16.

Proposal

The review of Mr Paul Sheedy's performance as the Chief Executive Officer of the Shire of Capel has been carried out in accordance with Council's statutory obligations and within the terms of Mr Sheedy's contract with the Shire.

Council appointed Mr John Phillips to facilitate the Shire's performance appraisal and contract review process. This included obtaining feedback from respondents, compiling a discussion report for the appraisal meeting ('Feedback Report'), facilitating the appraisal meeting scheduled for 16 July 2015 and drafting the report to Council.

In addition, the key result areas for 2015/16 were reviewed and amended.

Overall Mr Sheedy's performance was considered to be 'Satisfactory', and that he consistently meets expectations in the role. He knows and performs the job well.

STATUTORY ENVIRONMENT

Local Government Act sections 5.38

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

POLICY IMPLICATIONS

There are no current policies applicable to this item.

FINANCIAL IMPLICATIONS

Budget

Funding is provided within the 2015/16 budget to allow for the implementation of the Actions within the KRA's based on them being undertaken internally.

Long Term

Annual salary increases will require additional funding to be provided in future budgets on an annual basis.

Whole of Life

As no assets are being created there are no whole of life cost implications.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications with this matter.

STRATEGIC IMPLICATIONS

Whilst the annual performance review of the Chief Executive Officer is a statutory requirement under the Local Government Act 1995, it is important in ensuring that, the organisation is achieving its objectives, is heading in the direction desired by Council and allows the Council to set specific objectives for the CEO for the next twelve months.

CONSULTATION

As part of the review, consultation occurred with Councillors by John Phillips and with the Chief Executive Officer at the workshop to develop the KRA's. No further consultation is required.

COMMENT

The KRA's for the 2015/16 financial year have been amended to reflect the requirements of Councillors expressed at the workshop on 16th July 2015.

VOTING REQUIREMENTS

Simple majority

OC0803 OFFICER'S RECOMMENDATIONS – 13.1/COUNCIL DECISION

Moved Cr Bell, Seconded Cr Smith

That Council:

- 1. Receives the Chief Executive Officer's Performance Review report and endorses the overall rating of "Satisfactory."**
- 2. Schedules the next annual appraisal to be conducted by 30th July 2016.**
- 3. Adopts the draft Key Result Areas for the period 2015/2016.**

Carried 8/0

Mr P Sheedy declared a financial interest in Item 13.2 Contract Renewal – Chief Executive Officer. The nature and extent of his interest is that he is the officer the subject of this item.

OC0804 (13.2) Contract Renewal – Chief Executive Officer

Location: Capel
 Applicant: John Phillips
 File Reference: Personnel 110
 Disclosure of Interest: I wish to declare a financial interest in this matter, being the employee who is the subject of the contract renewal
 Date: 28.07.15
 Author: Chief Executive Officer, PF Sheedy
 Senior Officer: Chief Executive Officer, PF Sheedy
 Attachments: Contract of Employment 2016 **(Confidential)**

MATTER FOR CONSIDERATION

The extension of the current Chief Executive Officer's contract for a further period of five years from 2nd April 2016 to 1st April 2021 and the affixing of the Common Seal of the Shire of Capel to the document.

BACKGROUND / PROPOSAL

Background

The current contract of the Chief Executive Officer (CEO) expires in April 2016 and under the terms of the existing Contract of Employment (clause 2.2) 'Council and/or the Employee shall initiate discussions no later than twelve months prior to the expiry of the Term the possibility of both parties entering into a new Contract for a further term with the intensions of finishing those discussions not later than six months prior to the expiry of the Term.'

As part of the Chief Executive Officer's annual performance review undertaken on 16th July 2015 consideration was given to a further contract for Mr Sheedy after 1st April 2016.

Proposal

That Council endorses a further contract for Mr Sheedy as Chief Executive Officer of the Shire of Capel for the period 2nd April 2016 to 1st April 2021 and authorises the Shire President to execute said contract in accordance with the agreed terms and conditions outlined in the contract.

STATUTORY ENVIRONMENT

Local Government Act 1995 Sections 5.39 and 5.40

5.39. Contracts for CEO and senior employees

Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
- (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5) may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

POLICY IMPLICATIONS

There are no current policies applicable to this item.

FINANCIAL IMPLICATIONS

Budget

The annual budget makes provision for staff salaries and other on costs included in the Chief Executive Officer contract conditions.

Long Term

The Long Term Financial Plan similar to the annual budget makes provision for staff salaries and other on costs with annual increases in line with expected movements.

Whole of Life

As no assets are being created there are no whole of life cost implications.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications with this matter.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013-2031

The Leadership Experience

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

Strategic Outcomes

- 1.1 Ensure continuous improvement in the organisation
- 1.2 Maintain a safe and rewarding working environment
- 1.3 Develop, support and implement innovative solutions
- 1.4 Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation
- 1.5 Lobby and advocate on behalf of the Shire of Capel community.

Corporate Business Plan 2014-2018

Strategy 1.1B 'Attract, retain and develop a skilled, diverse experienced and capable workforce.'

CONSULTATION

Consultation has occurred between Councillors and the Chief Executive Officer, facilitated by John Phillips, on the consideration of a further contract. No further consultation is required.

COMMENT

As part of the annual performance review, consultation occurred with Councillors by John Phillips and with the Chief Executive Officer on the consideration of a further contract.

The attached draft contract is similar in most instances to the existing contract between Council and the Chief Executive Officer. Changes that have been made to the existing contract by the consultant, John Phillips, are shaded in the attached document and are as follows:

- 2.1 - Term
- 5.1 - Remuneration
- 5.2 – Salary (Cash Component)
- 5.4 - Superannuation
- 5.5 – Professional Membership & Development

VOTING REQUIREMENTS

Simple majority

OC0804 OFFICER'S RECOMMENDATIONS – 13.2/COUNCIL DECISION

Moved Cr Bell, Seconded Cr J Scott

That Council endorses a further contract for Mr Sheedy as Chief Executive Officer of the Shire of Capel for the period 2nd April 2016 to 1st April 2021 and authorises the Shire President to execute said contract 'Contract of Employment 2016 Chief Executive Officer' in accordance with the agreed terms and conditions outlined in the 'Contract of Employment 2016 Chief Executive Officer' document.

Carried 8/0

OC0805 (13.3) Fracking in the Shire – Council Position

Location:	Shire of Capel
Applicant:	N & L Fahie
File Reference:	389015
Disclosure of Interest:	Nil
Date:	30.07.15
Author:	Manager Human Resources, PF Sheedy
Senior Officer:	Chief Executive Officer, PF Sheedy
Attachments:	1 Petroleum Information Sheet 2 Exploration Permit Application

MATTER FOR CONSIDERATION

Council to consider:

- Asking the community for their views and then act accordingly to represent that view
- Its stance on the fracking process in the Shire and should Council support 'no fracking' action to be taken to stop any potential exploration.

BACKGROUND / PROPOSAL**Background**

November 2013 refers: The Department of Mines and Petroleum advised the Shire of Capel that as part of the ongoing program of exploration for petroleum resources in the State of Western Australia, a number of areas have been selected for inclusion in the first acreage release round 2014.

July 2015 refers: Following the calling of tenders the Department of Mines and Petroleum advised the President and Chief Executive Officer that they would be announcing the successful tender for the Petroleum Exploration Permit for an area of the South West that includes the Shire of Capel.

The Department of Mines and Petroleum announced that Unconventional Resources Pty Ltd had been selected as the preferred applicant to undertake exploration in the South West region for oil and gas.

Proposal

Due to the lack of mains water, the entire population of Gelorup and Stratham relies on a combination of rainwater and bores to enable them to live comfortably. We are concerned about the impact that fracking could have on the water table and the quality of water available for domestic use.

Whilst the issue is on the 'back burner' due to native title etc. the community will not wait until the 'rigs are at the gate' and representation is required now from our Council that this type of development is not wanted in this area.

This is far too an important issue to wait and see what happens and we hope that you ask the community for their view and then act accordingly to represent that view.

Council is requested to issue a clear statement that:

- a) Defines clearly their stance regarding fracking in the Shire of Capel; and
- b) If they are against the idea, what they are intending to do to stop any potential exploration.

STATUTORY ENVIRONMENT

Petroleum and Geothermal Energy Resources Act 1967.

Petroleum Pipelines Act 21969

Petroleum (Submerged Lands) Act 1982 and associated regulations.

POLICY IMPLICATIONS

There are no current Council Policies relevant to this matter.

Delegation 124 provides delegation to the Chief Executive Officer:

‘The determination of mining tenement and exploration licence applications be delegated to the Chief Executive Officer except in the case where there are concerns over:

- Access to properties
- Proposed haulage routes
- The standard of road reinstatements to be carried out on the completion of mining.’

FINANCIAL IMPLICATIONS

Budget

The undertaking of a community survey would incur staff, stationery and postage costs which would fall within the existing budget areas of expenditure, but potentially could see expenditure for postage exceeding the budget allocation.

Long Term

Depending on the position of Council on fracking and the extent that the exploration/drilling progresses, Council may incur future increased stationery and postage costs and potentially costs associated with lobbying State and Federal Ministers.

Whole of Life

As there are no assets being created as part of the item there is no whole of life cost applicable.

SUSTAINABILITY IMPLICATIONS

The process involved in the ‘life cycle of petroleum acreage’ as indicated in the attachment requires the applicants to complete and undertake various environmental plans and surveys which should mitigate the likely environmental impacts that fracking has on the land.

There is, however, issues raised and claims made by Environmental Groups that this process despite all the ‘checks and balances’ in place will have a significant impact on the land and community, citing overseas examples.

Financially there is an opportunity for the landowner to benefit with the payment of exploration/access fees by the mining companies who wish to access private property.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013-2031

The Leadership Experience strategic objective:

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

Strategic Outcome 1.6 'Lobby and advocate on behalf of the Shire of Capel community.'

The Environmental Experience strategic objective:

'To preserve and enhance the natural and built environment to ensure it is liveable, sustainable and adapts to our communities' needs and expectation.'

Strategic Outcome 3.2 'Maintain and enhance the quality of our natural environments.'

The Economic Experience strategic objective:

'Foster and support responsible and progressive economic development opportunities within the Shire.'

Strategic outcome 4.8 'Support the retention of the mining industry.'

Shire of Capel Corporate Business Plan 2014-2018

Strategy 3.2B 'Ensure that biodiversity and natural environmental values are protected and conserved.'

CONSULTATION

Consultation with the community with a survey would be undertaken if supported by Council.

COMMENT

As can be seen from the Petroleum Information Sheet 'Petroleum Acreage' (attached) there are a number of phases that the mining company has to go through before being in a position to undertake exploratory drilling and possible petroleum and/or gas extraction, with some of the key points being:

- The Department of Mines and Petroleum (DMP) has issued a six year approval permit.
- An agreement with the Native Title party must be completed before any exploration can commence.
- No drilling will be permitted in residential areas (Dalyellup and Gelorup) near waterways, domestic water supplies etc.
- The mining company is required to submit environmental and safety plans to the DMP.
- Should exploration be approved the company still requires the approval of the landowner to go onto private land.
- Any exploration also requires a planning approval from the local government.

The DMP has also indicated that generally a mining company will undertake seismic surveys for a period of 2-4 years before proceeding with an application to commence drilling after the initial Native Title negotiations and completion of relevant environmental surveys which can take up to two years.

As can be seen from the information above the process from obtaining a permit to gaining an exploration licence to commence drilling is a long process that could take up to six years (hence the 6 year permit) and at any point in this process the mining company can cease the process due to environmental constraints, not be able to negotiate with the Native Title party and seismic surveys indicating that there is insufficient quantity or quality available to justify drilling (costs approximately \$6-\$10million per well) or that the product is too difficult to extract.

The question for Council to consider is whether it wants to take a stand on the issue of fracking in the Shire, seeking comment from the community on its support or opposition to the process and if it is opposition, what action it will take now to try to stop the process or whether it determines it is logical to wait and see where the process gets to and if it reaches the application for drilling stage, then deal with the planning application at that point based on the merit of the application and/or the community feedback.

Given that the current approval process does not require approval of a local government, only a permit from the DMP, it is questionable what action or ability Council has to stop the current process. Political lobbying might be one option but Council needs to be aware that the DMP has issued a six year permit to the mining company and any withdrawal of this permit may have legal and/or compensations issues: not to Council but to the State Government.

Finally, the undertaking of a community survey would provide Council with some indication of the community's view on this matter for action now or in the future. However the time and cost to undertake this survey needs to be weighed up against the possible benefits.

VOTING REQUIREMENTS

Simple majority

OC0805 OFFICER'S RECOMMENDATIONS – 13.3/COUNCIL MOTION

Moved Cr J Scott, Seconded Cr Hearne

That Council does not:

1. Undertake a community survey, at this time, seeking the community's views on the exploration for oil and gas and the extraction process referred to as 'hydraulic fracking' in the Shire of Capel; or
2. Instigate a political/lobbying campaign voicing its opposition to the exploration for oil and gas and potential extraction by the process known as 'hydraulic fracking' in the Shire of Capel

as the issuing of the Petroleum Exploration Permit is the responsibility of the Department of Mines and Petroleum who have strict environmental and other regulations that need to be complied with and Council will be in a better position to assess any future planning application by Unconventional Resources once the results of their preliminary exploration is known.

OC0806 AMENDMENT

Moved Cr Bell, Seconded Cr J Scott

That Council, at this time, does not:

1. Undertake a community survey seeking the community's views on the exploration for oil and gas and the extraction process referred to as 'hydraulic fracking' in the Shire of Capel; or
2. Instigate a political/lobbying campaign voicing its opposition to the exploration for oil and gas and potential extraction by the process known as 'hydraulic fracking' in the Shire of Capel

as the issuing of the Petroleum Exploration Permit is the responsibility of the Department of Mines and Petroleum who have strict environmental and other regulations that need to be complied with and Council will be in a better position to assess any future planning application by Unconventional Resources once the results of their preliminary exploration is known.

The Amendment was Carried 8/0

The Amendment became the Motion and was Carried 8/0

OC0807 (13.4) Regional Waste Management Strategy

Location: South West
Applicant: Talis
File Reference: 391443
Disclosure of Interest: Nil
Date: 03.08.15
Author: Chief Executive Officer, PF Sheedy
Senior Officer: Chief Executive Officer, PF Sheedy
Attachments: Regional Waste Management Strategy - Executive Summary (Talis, July 2015)

MATTER FOR CONSIDERATION

The endorsement of the recommendations in the Report and support for progressing the next stage of the report, being the following key priority tasks identified from the recommendations in the report 'Regional Waste Management Strategy South West Region July 2015'.

1. Undertake a detailed assessment of Clusters 1 and 3 to assess their technical and financial viability;
2. Organise a workshop with Worsley Alumina; and
3. Undertake a Regional Landfill Site Selection Study.

BACKGROUND / PROPOSAL**Background**

May 2014 refers: The Shire of Dardanup advised the Bunbury Wellington Group of Councils (BWGoC) rejected the offer by the BWGoC to purchase the Banksia Road Waste Site and to call for expressions of interests for the outright sale of the site.

July 2014 refers: BWGoC at its meeting on 21st July 2014 resolved:

'That the Bunbury Wellington Group of Councils:

- 1) *Advise the Department of Regional Development that the acquisition of the Banksia Road site is no longer actively being pursued;*
- 2) *Advise the Department of Regional Development that the Bunbury Wellington Group of Councils is now looking to alternative sites for both landfill and longer term solutions in relation to waste to energy and other sustainable options for disposal;*
- 3) *Request that the Department of Regional Development agree to amendments to the funding agreement to allow additional time to progress the outcomes of point 2;*
- 4) *Arrange a meeting of all interested local governments and the South West Development Commission to seek interest in the development of a South West Regional Waste Management Strategy;*
- 5) *Subject to the level of interest in relation to point 4, funding be sought for the appointment of a project officer/consultant to coordinate the development of a strategy, site investigations and alternative solutions.'*

December 2014 refers: Talis was appointed to undertake the South West Management Strategy at an estimated cost of \$40,000 with funding coming from the South West Development Commission (\$5,000) and the balance from South West Local Governments, based on 2014/15 annual rate revenue. The BWGoC contributions were subsidised with 50% of the required funds coming from the Group's Trust Fund.

Proposal

The Bunbury-Wellington Group of Councils, Capes Regional Organisation of Councils and the Warren Blackwood Group of Councils, collectively titled the South West Group, wish to consider further regional collaboration on waste management policies and practices to lead to more efficient and sustainable waste management outcomes.

A regional approach supports the generation of greater economies of scale and therefore provides the South West Group with the ability to cater and process larger quantities of waste. By sourcing waste from a wider geographic area there is the very real potential for the South West Group to move towards developing a cost effective regional waste management solution and provide best practice services to residents that may not otherwise have been possible.

The Regional Waste Management Strategy identifies and assesses Strategic Options within the Region to assist the South West Group shift towards a more sustainable consumption cycle, reducing the environmental footprint of the treatment of residues through best practice disposal and to consider the long term waste management implications of the forecasted population in 2050.

It is evident that recent reform in WA has influenced the waste management industry and will continue into the future. In light of this reform, it is sensible for the South West Group to assess its current situation and commence the process of developing a long term strategy for the future which outlines optimum service delivery models for waste management governance, operations and services.

As part of this Regional Waste Management Strategy a variety of potential Strategic Waste Management Options (Strategic Options) were identified to assist the South West Group in progressing towards a more sustainable waste management system. To determine the feasibility of implementing each of the Strategic Options in the South West Region, an assessment of the Strengths, Weaknesses, Opportunities and Threats (SWOT) was undertaken. In addition, annualised cost estimates of the capital and operations of the various Strategic Options were prepared.

A sustainable waste management system requires initiatives from across all levels of the Waste Management Hierarchy. Therefore, the Strategic Options presented were not considered in isolation but as part of an integrated system of Clusters, which group complimentary Strategic Options. The following proposed Clusters cover the various levels of the Waste Management Hierarchy and have the potential to achieve a range of landfill diversion rates at varying costs:

- Cluster 1: Clean Streams Recycling;
- Cluster 2: Biological AWT; and
- Cluster 3: Thermal AWT.

The establishment of a Waste-to-Energy facility in the South West Region would assist the South West Group in:

- Diverting waste from landfill thereby increasing the useful life of existing landfills;
- Meeting the waste diversion targets adopted by the Waste Authority;
- Reducing the environmental impacts of landfilling;
- Increasing the amount of resources recovered from waste; and
- Generating renewable energy.

However, there are particular support structures for a Waste-to-Energy facility which are currently lacking within the South West region including waste quantities, costs compared to landfilling, markets for energy and connection to the grid. These challenges must be overcome in order to develop a sustainable Waste-to-Energy facility in the South West.

Worsley Alumina has considered the operation of a Waste-to-Energy facility located at its site near Collie, to assist in the powering of the refinery. It is anticipated that if the project were feasible, the South West Group would enter into a Waste Supply Agreement with the developer of the Waste-to-Energy facility. The developer may be Worsley Alumina or a specific Waste-to-Energy provider.

Discussions with Worsley Alumina are ongoing with the aim to develop an agreement to investigate the feasibility of such an undertaking in partnership with Worsley Alumina.

To provide some guidance to the South West Group in relation to the key tasks required to assist in the delivery of a Waste-to-Energy facility, the following preferred tasks have been broken down into two distinct phases, with the first further concentrating on the opportunity with Worsley Alumina. The second phase would be an alternative direction if the Worsley Alumina opportunities do not come to fruition.

Based on where discussion have progressed to at this stage, Talis recommends that a workshop be organised with Worsley Alumina to discuss the findings of the Regional Waste Management Strategy and also the scope of the Feasibility Assessment moving forward.

Currently, the predominant management option for the majority of waste generated within the South West is disposal, with most LGAs operating a local landfill. Enforcement of the Best Practice Landfill Guidelines presents significant financial challenges to the viability of these facilities. Therefore, Talis recognises the potential for a Regional Landfill facility, engineered and operated to best practice standards to provide long term security to the LGAs in the region.

The Regional Waste Management System requires further consideration and investigations to determine which of the Strategic Options is feasible and which apply to each of the LGAs. This will ensure that the network of waste management infrastructure and services is formed to create a successful Regional Waste Management System.

Based on works undertaken as part of this study and the associated findings, Talis recommends the following:

1. The South West Group accepts the Regional Waste Management Strategy.
2. Undertake a detailed assessment of the Strategic Options contained within Clusters 1 and 3 to assess their technical and financial viability.
3. Organised a workshop with Worsley Alumina to discuss the findings of the Regional Waste Management Strategy and also the scope of the Feasibility Assessment moving forward.
4. Undertake a Feasibility Assessment of the Waste-to-Energy Opportunities at Worsley Alumina focussing on both utilising the current Multi-Fuel Combustion Furnace and a purpose built Waste-to-Energy facility. The Feasibility Assessment should include:
 - Technical aspects of the project:
 - Design and engineering requirements;
 - Operational factors;
 - Supporting off-site infrastructure
 - Environmental performance;
 - Approval path and likelihood;

- Financial aspects including capital and operational cost profiles;
 - Funding opportunities;
 - Commercial and Contractual models; and
 - Governance Model for the LGAs.
5. Following discussion with Worsley Alumina, it is recommended that the South West Group explore other opportunities of a similar nature including other major heavy industrial organisations within the South West Region that may require alternative fuels for either heat, steam or electricity production.
 6. If there is a lack of appetite from Worsley Alumina or other heavy industrial organisations, the South West Group should further pursue Waste-to-Energy through the following means:
 - Undertake a Site Selection Study to determine a preferred location for a Waste-to-Energy facility within the South West Region with a key focus on other high energy consumers and grid connection locations;
 - Establish formal Regional Councils or Regional Subsidiaries for the management and ownership of waste;
 - Prepare Memorandums of Understanding (MOUs) between LGAs and/or Regional Councils for the development of a Waste-to-Energy facility; and
 - Preparation of Public Tender Documentation for long term contracts for the acceptance of South West waste at a Waste-to-Energy facility.
 7. Further progress the Waste Disposal Strategy concept of a Regional Landfill by undertaking the following:
 - Site Selection Study focussing on the Optimum Location identified within the Regional Waste Management Strategy; and
 - Undertake a Technical and Financial feasibility assessment of the Preferred Sites.
 8. If a Preferred Site is deemed feasible, further progress the establishment of a Regional Landfill at the site.
 9. Based on the outcomes of Recommendations 2, 3, 4 and 5, undertake a planning exercise for the Local, Sub-Regional and Regional waste management infrastructure based on the outcomes of.
 - Optimum Location for a Regional Landfill;
 - Site Selection Study; and
 - Feasibility Assessments.
 10. The South West Group undertakes a collaborative approach to waste management services including but not limited to:
 - Integrated Waste Education Program;
 - Influencing Commercial Practices;
 - Regional Education Officer;
 - Free Trade Website; and
 - Regional waste management service contracts.
 11. The South West Group considers the development of a formal governance structure including a Regional Waste Management Working Group for the procurement and management of waste management related activities within the South West Region.
 12. Apply for funding to support the implementation of Strategic Options and the Waste Disposal Strategy.

13. The LGAs assess their current waste data gathering and reporting frameworks to ensure that the sources and generators of waste are recorded.

STATUTORY ENVIRONMENT

There are no statutory provisions relevant to the adoption of this report and its recommendations, but the implementation will involve compliance with a number of State and Federal Acts and regulations (Health Act, Environmental Protection Act, Waste Avoidance & Recovery Resources Act etc.)

The Waste Avoidance and Recovery Act 2007 defines “Local Government Waste” as including, among other types, waste from residential sources (Section 3 (1)). This Act requires Local Governments to plan and provide waste services in a manner that is consistent with the State’s Waste Strategy (Sections 40 (2) (4)).

According to Section 67(a) of the Act a Local Government may provide for the proper disposal of waste by making an annual charge per waste receptacle.

POLICY IMPLICATIONS

There are currently no policies relevant to this matter.

FINANCIAL IMPLICATIONS

Budget

The three key tasks recommended for priority implementation at this time equate to an estimated cost of \$67,750 and based on the previous formula used for calculating contributions by each local government towards the Waste Management Strategy (2014/15 rate revenue), presuming all local governments continue to participate, Council’s contribution is expected to be \$4,100 (6%).

The 2015/16 budget includes a provision of \$5,000 for regional waste facility investigation.

Long Term

The BWGoC has \$4.1 million funding from Royalties for Regions that is still available to assist with the purchase and development of a regional waste facility; however it is expected that Council will be required to contribute further funds to allow additional studies and investigations to be undertaken before a decision would be made on the purchase of a suitable site.

There will also be a requirement to contribute annual funds to the ongoing operation of the regional facility, with contributions being reduced by the ability of the site to generate funds from receiving waste.

Whole of Life

A regional waste facility will have a number of infrastructure assets at the site that will incur whole of life costs and future replacement costs. It is expected that a large portion of these funds especially for things like plant replacement, rehabilitation etc. would be in a reserve fund/s generated from annual fees.

SUSTAINABILITY IMPLICATIONS

The establishment of a regional waste facility provides the opportunity for significant environmental improvement on how waste is dealt with and the amount that is deposited in the ground. Greater emphasis will be placed on the Waste Management Hierarchy of ‘Avoid, Reduce, Reuse and Recycle.’

The cost of managing waste will continue to escalate where local governments undertake their own individual waste management and the only option to reduce this cost and make the process more sustainable is to consider sharing the facility with other local governments and the concept of one regional facility will achieve maximum costs benefits.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013-2031

The Leadership Experience and specifically strategic outcome:

1.3 Develop, support and implement innovative solutions

The Environmental Experience and specifically strategic outcome:

3.2 Maintain and enhance the quality of our unique natural environments.

Shire of Capel Corporate Business Plan 2014-2018

Strategy 3.2A Provide leadership in living sustainably

Action 3.2A3 – Encourage the community to embrace sustainability practices, including recycling and less landfill.

Western Australia Waste Strategy

The Western Australian Waste Strategy: "Creating the Right Environment" (2012) is the major policy providing waste management strategic direction in WA. According to the Vision set forth in the document *"the primary goal of sustainable waste management strategies is to reduce the environmental impact of waste and maximise conservation of natural resources through reduced overall material use and increased materials and energy recovery."*

Southwest Regional Blueprint

The Southwest Regional Blueprint report issued by the South West Development Commission of the Western Australian Government in December 2014 indicates as a regional priority:

"Sustaining environmental qualities

Acting to mitigate and adapt to climate change and sustain the environmental qualities which are intrinsic to the character of the South West ".

Regional waste is identified as one of the associated objectives. Among the actions in the next 1-3 years is to:

"Build sub-regional waste facilities capable of recycling and managing waste to a forecast regional population of 500,000".

CONSULTATION

The consultants have undertaken a number of workshops and information sessions with representatives of the South West Local Governments to ensure the report meets the Group's expectations.

COMMENT

The Executive Summary in full is included in the attachment with important parts of it being included under the 'Proposal' section of this report. A full copy of the 'Regional Waste

Management Strategy' Report July 2015 has been provided to Councillors under separate cover.

The report makes a series of recommendations that the consultant is recommending that the South West local governments implement that looks to explore:

1. New technologies/Strategic Options that will reduce the amount of waste going into landfill
2. Waste-to-Energy opportunities at existing plants or other opportunities
3. Identification of, and feasibility studies into, suitable sites/s for a future regional waste facility
4. The formation of a Regional Council or Regional Subsidiaries model for the Group
5. A regional collaborative approach to waste management
6. Funding opportunities to establish a regional waste facility.

As indicated in the 'Financial Implications' section of this report contributions to future studies will be shared amongst the participating South West Local Governments (11 of 12) but there will still need to be significant contributions by each local government to reach the final conclusion of a regional waste facility. The \$4.1 million currently available to the BWGoC can be utilised for the purchase of land and development of the site as a Regional Waste facility.

VOTING REQUIREMENTS

Simple majority

OC0807 OFFICER'S RECOMMENDATIONS – 13.4/COUNCIL DECISION

Moved Cr Smith, Seconded Cr McCleery

That Council:

1. **Endorses the Talis 'Regional Waste Management Strategy South West Region July 2015', Report and recommendations 1-13 contained within the Report (as detailed in the attached Executive Summary);**
2. **Supports progressing, and providing funds for, the next stage of the Report, being the following key priority tasks identified from the recommendations in the Report 'Regional Waste Management Strategy South West Region July 2015':**
 - **Undertake a detailed assessment of Clusters 1 and 3 to assess their technical and financial viability;**
 - **Organise a workshop with Worsley Alumina; and**
 - **Undertake a Regional Landfill Site Selection Study; and**
3. **Supports continuing to work towards developing a South West Regional Waste Management System, in collaboration with other South West local governments, including participating and contributing to further studies to assess strategic options, waste to energy development opportunities, regional site alternatives and establish an appropriate governance model.**

Carried 8/0

ENGINEERING AND DEVELOPMENT SERVICES REPORTS

OC0808 (14.1) Tender 15/03 Dalyellup Public Open Space Maintenance

Location:	Various Public Open Space and Street Scene locations within the Dalyellup Estate
Applicant:	Shire of Capel
File Reference:	399933
Disclosure of Interest:	Nil
Date:	22.07.15
Author:	Manager Engineering, S Faber
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachments:	A Pricing Schedule Submitted by the Tenderers – Confidential B Best Value Table – Confidential C Location Map of POS and Streetscape areas

MATTER FOR CONSIDERATION

Consideration of tender submissions for the maintenance of Public Open Space in Dalyellup.

BACKGROUND / PROPOSAL

Background

The Dalyellup Estate developers, as part of their development conditions, provide areas of Public Open Space (POS), streetscape landscaping and infrastructure for public usage within the Dalyellup Estate. This provision of POS meets Liveable Neighbourhoods' requirements that developers establish and maintain landscaping for a minimum of two (2) summers. As part of the development of POS, the Shire performs a practical completion inspection of the POS to determine whether it is ready and suitable for use by the community. Upon successful practical completion, initiation of the two (2) summer maintenance period commences for the developer.

At the completion of two (2) summers the developer may request a handover of the POS to the Shire. A handover request is assessed by Shire staff against the Shire's handover procedure, and if found to be compliant, handover of the POS can occur. Once approval for handover is established it is then the ongoing responsibility of the Shire to maintain the POS.

To manage POS in Dalyellup the Shire calls Public Tenders seeking qualified contractors to carry out the maintenance function.

The current contractors for the Dalyellup Estate POS are LD Total and Dirt Design Landscaping. The contracted maintenance works are currently apportioned at an approximate 60/40 split. This arrangement currently gives best value for the Shire. Notwithstanding this arrangement, staff will be undertaking an overview analysis, as requested by Council, to compare contracting to in-house resourcing for this service.

It is expected that additional portions of POS will be transferred to the Shire during the life of this proposed contract, outside the areas covered in the current contract. This is due to the continual development of POS in the Dalyellup Estate. The new tender conditions allows for additional POS maintenance to be offered to an incumbent contractor or alternatively other landscape maintenance contractor(s) in the pursuit of achieving a best value result. Council should note that the estate reticulation maintenance handover is on the table at this time, in addition to new areas of POS. If conditions of handover are satisfied this item may be taken over during the life of this contract. Currently the Shire is only responsible for damaged

sprinkler replacement and the pumps within the Lakes system. All other reticulation infrastructure is currently maintained and managed by the developer.

The current contract for the maintenance of POS within the Dalyellup Estate expired in July 2015. The incumbent contractors have agreed to continue to maintain the POS under the current contract conditions on a month by month basis until a new contract can be put in place.

The then Director Technical Services and Manager Works carried out an assessment of contract maintenance requirements for Dalyellup POS prior to the 2011/2012 budget process. This assessment resulted in a budget allocation in the 2011/2012 financial year budget for the provision of employment of two Shire Parks and Gardens staff and plant in January 2012. These two positions are primarily stationed at Dalyellup and carry out garden maintenance and day to day requests outside the contracted works. This level of service provided directly by Shire staff within the Dalyellup Estate is not envisaged to change and will continue at this time.

Should the review of contract services compared to in-house services demonstrate an advantage in changing the service arrangements, the contract is structured to accommodate a future change if necessary.

Proposal

To consider the attached tenders and offer a contract of works for up to a period of three years (one plus one plus one contract) for the separable portions of POS within the Dalyellup Estate.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.57 Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

Local Government (Functions and General) Regulations 1996

Part 4, Division 2 Tenders for providing goods and services (s.3.57) outlines processes and conditions for local government tendering.

POLICY IMPLICATIONS

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

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

Neither tenderer qualified for consideration of local purchasing preference under this provision of this policy.

Policy 3.14 Occupational Safety & Health.

Policy 7.7 Roads – Verges.

FINANCIAL IMPLICATIONS

Budget

Financial allocation is included in the 2015/2016 draft budget for consideration.

Long Term

The contract is for a one year term (with options to extend for another two years, one plus one on successful completion of works). Ongoing budgetary allocation for the maintenance of the POS within the Dalyellup Estate will be required at the renewal of the maintenance contract through the annual budget process.

Whole of Life

Council will be required to consider ongoing budgetary allocation to service the maintenance requirement within the Dalyellup Estate. There will also be a requirement to make budget allocation for the replacement of assets throughout the life of POS.

SUSTAINABILITY IMPLICATIONS

POS and streetscapes within the Dalyellup Estate are developed in consultation between the Developers and the Shire. The consultative process evaluates community needs and expectations while assessing the sustainability of the POS. This assessment looks at the use of sound horticultural and infrastructure development practices to gain best value while balancing public needs/expectations and ongoing maintenance requirements.

Development of POS is considered with the aim to minimise the maintenance requirements as much as practical while maintaining the community experience.

POS and streetscapes are an important feature of a well-designed community and add to the wellbeing of people.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013-2031

1 The Leadership Experience

1.5 Ensure the effective management of Council's resources.

2 The Community Experience

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

2.3 Preserve and protect the character of the communities.

3 The Environmental Experience

3.3 Preserve and protect the character of the towns as they expand.

4 The Economic Experience

4.4 Improve the attraction of the towns as retirement destinations.

5 The Infrastructure Experience

5.6 - Effectively manage the Shire's assets and resources.

CONSULTATION

Consultation took place between officers in the areas of Engineering and Development Services and Corporate Services.

The Shire's tender panel has carried out the tender assessment and discussions on the preferred tender.

Referees were consulted and invited to provide comment. Feedback was satisfactory with a few issues being raised that were addressed/resolved satisfactorily by the contractor.

COMMENT**PREFERRED TENDERER**

Evaluation Breakdown

Tenders were assessed against the Qualitative Criteria below:

Criterion	Relevant Experience 20% - (60 points)	Key Personnel, Skills and experience 10% (30 Points)	Tenderers Resources 10% (30 Points)	Demonstrated Understanding 10% (30 Points)	OH&S & Traffic Management 15% (45 Points)	Price 35% (105 Points)	Total (300 Points)
Skyline Landscape Services	50	20	20	23	30	105	248
LD Total	50	22	24	25	36	87	244

Both tenderers answered the criteria well. However, LD Total did not include any ASIC registration details. A search of both ABN and ASIC indicates that LD Total is a trading name of Sanpoint Pty Ltd, trustee for the Fiore Family Trust. Its response to the question – ‘Are you acting as trustee of a trust?’ – was ‘No’.

Both tenderers answered the remaining criteria to a similar level. Skyline Landscape Services did not specifically mention traffic management in its submission.

The evaluation panel considered that to gain best value for the Shire, splitting the POS areas between the two contractors should be considered. LD Total as the incumbent contractor has participated in a similar contract arrangement with the Shire previously. Due to Skyline Landscape Services not being engaged previously with the Shire, Skyline Landscape Services were asked if it would be willing to consider an offer of a split contract of works. Skyline Landscape Service indicated that ‘they were keen to work with the Shire’ and ‘would consider an offer of a split contract of works’.

The Manager Engineering Services carried out analysis of the two tenderers’ pricing schedule to assess the best value for the Shire, and the best value table was developed (see attachment B). This table has formulated the level of works to be offered to LD Total and Skyline Landscape Services.

VOTING REQUIREMENTS

Simple majority

OC0808 OFFICER'S RECOMMENDATIONS – 14.1/COUNCIL MOTION

Moved Cr McCleery, Seconded Cr J Scott

That:

1. Council accepts the offer from Skyline Landscape Services Pty Ltd to the value of \$382,711.01 being for the maintenance of POS within the Dalyellup Estate as prescribed within the best value table for the period of 1 September 2015 to 31 August 2016 and;
2. Council accepts the offer from LD Total to the value of \$98,853.21 being for the maintenance of POS within the Dalyellup Estate as prescribed within the best value table for the period of 1 September 2015 to 31 August 2016 and;
3. If either party rejects the offer as prescribed within the above recommendations that an offer be made to the remaining party to carry out the maintenance of POS within the Dalyellup Estate as per their tendered price schedule.

Mrs Evans and Mr Sheedy left the Chambers at 5.23pm and returned at 5.24pm.
The member of the public with the child returned to the Chambers at 5.26pm.

OC0809 AMENDMENT

Moved Cr Hearne, Seconded Cr Norton

That:

1. Council accepts the offer from Skyline Landscape Services Pty Ltd to the value of \$382,711.01 being for the maintenance of POS within the Dalyellup Estate as prescribed within the best value table for the period of 1 September 2015 to 31 August 2016 and;
2. Council accepts the offer from LD Total to the value of \$98,853.21 being for the maintenance of POS within the Dalyellup Estate as prescribed within the best value table for the period of 1 September 2015 to 31 August 2016 and;
3. If either party rejects the offer to share the Contract then Skyline Landscape Services be offered the full contract.

The Amendment was Lost 0/8
The original Motion was put and Carried 8/0

Mr Faber left the meeting at 5.45pm and did not return.

Cr G Norton declared a financial interest in Item 14.2 Holiday Accommodation Development – Lot 50 Mallokup Road, Stirling Estate. The nature and extent of his interest is that he is the owner of the property where this development is being proposed.

Cr Norton left the Chambers at 5.46pm.

OC0810 (14.2) Holiday Accommodation Development – Lot 50 Mallokup Road, Stirling Estate

Location:	Lot 50 Mallokup Road, Stirling Estate
Applicant:	G Norton
Owner:	G Norton
File Reference:	C5.2.N.170
Disclosure of Interest:	Nil
Date:	14.04.15
Author:	Planning Officer, A Dykstra
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachment:	1. Location plan 2. Development plans 3. Schedule of submissions

MATTER FOR CONSIDERATION

Planning Consent is sought under the Shire of Capel Town Planning Scheme (the Scheme) and the Greater Bunbury Region Scheme (GBRS) for the development of five (5) four bedroom chalets and one manager's residence to be constructed on Lot 50 Mallokup Road, Stirling Estate (the Site). The development is to be located on the north eastern side of the Site overlooking the Capel River.

The buildings will be constructed from sea containers as the base and standard building materials (including Hardi products, colourbond, stud walls and gyprock) to finish the construction. An enclosed sewer system is proposed and potable water supply will be harvested rainwater.

BACKGROUND/PROPOSAL

Background

Nil

Proposal

The applicant has submitted detailed site plans and elevations of the proposal. In addition, the applicant has provided a range of information and justification for the proposal as summarised below:

- A sustainable aspect to the buildings has been promoted, which includes outside colours to create a low impact with the surrounding environment, and buildings located so to be solar passive.
- The five 4 bedroom chalets and manager's residence will be fenced to retain the maximum available area to continue grazing stock. A common area and pathways with river access will be provided.
- Building materials will have sea containers as the base structure and standard building materials to complete the chalets.

- Landscaping will be minimal to reduce fire risks, maintain good airflow around buildings and help with mosquito numbers.
- A 'Fujiclean' enclosed effluent disposal system is proposed, however, this will be subject to approval from the Shire Health Department. Water supply will be from rainwater tanks.
- A limestone based road with bluemetalscalps will provide access and each chalet will have four carparking bays.
- Mosquitos are a hazard in this location and residents will be made aware of risk minimisation. Buildings will incorporate measures to minimise insects entering each building.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 7

The Site is zoned 'Rural' under the Scheme and is 15.0723ha in area.

1.6 Scheme Objectives

Clause 1.6.1 – The objects of the Scheme are in part 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.

Chalet Development can be defined within the Scheme as 'Holiday Accommodation', which pursuant to the Zoning Table is an 'SA' use requiring the approval of the Council.

Clause 5.7 provides Council's objective in the management of land uses in the Rural Zone, which is to preserve the character of the rural area, discourage removal of prime agricultural land from agricultural production and prevent adverse effects on the continuation of established or potential agricultural pursuits. Clause 5.7 also lists general matters to be considered in assessing applications for Planning Consent.

Clause 8.3.2 provides in part that in determining an application for planning consent Council shall have regard to:

- (a) The purpose for which the land is zoned;
- (d) The size, shape and characteristics of the land and whether it is prone to inundation by flood waters;
- (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 that the Council determines to be relevant.

Greater Bunbury Region Scheme

The Site is zoned 'Rural' and is located within the Strategic Agricultural Resource Policy Area under the Greater Bunbury Region Scheme. Accordingly the proposal was referred to the Department of Agriculture and Food (DAFWA) for comment. The Department initially advised that it did not support the proposal for a number of reasons and primarily that the accommodation was too close to an intensive agricultural operation.

Recent advice received from DAFWA, following the submission of a proposal to plant a buffer within the property adjoining the Capel River, supports the proposal provided this is implemented. This advice is acceptable to the Shire and consequently pursuant to the GBRS

the application can be delegated to the local authority. This matter is discussed in more detail under Consultation and Comments below.

POLICY IMPLICATIONS

Town Planning Policy 6.10 refers – Rural Tourist Accommodation. The development falls under the category “Holiday Accommodation” being individual short stay units such as chalets and being self-contained in nature. In considering applications for Rural Tourist Accommodation a number of matters need to be considered including compatibility with surrounding area, buffers to existing rural land uses, visual amenity of surrounding properties, environmental considerations and general development criteria.

FINANCIAL IMPLICATIONS

Budget

The site is currently rated in Zone 11 “Rural”. Should approval be issued and the development proceed the rating will change to “Land Use – Commercial”, rate zone 10 and have a significant increase in the annual rates levied.

The applicant has paid the planning Application fee of \$2,525.00.

Long Term

There are no long term costs to consider.

Whole of Life

There are whole of life costs to consider.

SUSTAINABILITY IMPLICATIONS

In providing a tourist opportunity the proposal would potentially promote local goods and service providers. There would also be economic benefits to the landowner as a consequence of the tourist accommodation business.

The site contains large remnant trees, is parkland cleared and used for grazing. The proposed development is sited to preserve native vegetation. The applicant has advised the sewer system will be an on-site ATU and located south of the development away from the river and wetland areas. All potable water will be collected from roofed areas thus, the environmental impact on groundwater and drainage would be minimal.

Social implications of the development will provide an opportunity for tourists and visitors to experience the countryside of the rural area.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013 - 2031

The Shire of Capel Strategic Community Plan sets out the overarching vision for the Shire, which is a ‘community of diverse lifestyles experiences accommodating progressive growth, sharing in prosperity, and valuing the environment. The following strategic directions are considered to be relevant to the proposal:

- 2.1 Provide social, recreational and cultural opportunities and facilities for our communities;
- 2.3 Preserve and protect the character of the communities;
- 3.1 Promote the diverse lifestyle opportunities in the Shire;
- 4.1 Provide opportunities to take advantage of the Shire’s location;
- 4.7 Promote tourist interests and provision of tourist accommodation;

- 4.9 Encourage business development; and
 5.2 Maintain and enhance the quality of our built environment.

CONSULTATION

The proposed Holiday Accommodation development has been advertised for public comment to adjoining landowners and relevant government agencies for 28 days in accordance with Scheme requirements. Following the close of advertising a total of fifteen submissions were received, six from government agencies and nine from nearby landowners.

The submissions from the relevant authorities generally raised matters that can either be dealt with by appropriate conditions or be given as advice to the applicant. The authorities and nearby landowners, however, did raise some 'issues of note' that required further information from the applicant. It is considered these issues of note have been satisfactorily addressed and resolved to the point the proposal can now be approved. More detail on each submission, the issues raised and how each issue has been addressed is documented in the attached Schedule of Submissions.

The main issues of note that required some modifications to the proposal and/or additional requirements have been discussed below under Comment.

COMMENT

Policy 6.10 – Rural Tourist Accommodation

Policy 6.10 lists matters and general development criteria that are to be addressed in the consideration of an application for Rural Tourist Accommodation. In addition to those set out in clause 5.7 of the Scheme, the following matters to be considered are relevant:

(i) The proposal is consistent and compatible with the nature and amenity of the surrounding rural area.

The surrounding rural area comprises a mix of land uses consisting of agricultural land used for grazing to the west, the river to the north/east with intensive horticulture beyond that and 15 "Rural residential" style lots of approximately 1ha each to the south, of which 10 have been developed for residential purposes. The nature of the surrounding rural area is therefore not strictly used for agricultural purposes and it could be argued that visually the development is consistent with the established residential land uses adjoining.

Amenity concerns were raised from adjoining landowners particularly due to the short term nature of guests and traffic/noise implications. Such concerns from existing residents are acknowledged, however, it must be noted the impacts of the development would be minimal in the context of the 10 existing residential properties already generating a level of noise and traffic. This matter is further discussed below under "Other Issues".

(ii) The development is sufficiently separated and/or buffered from surrounding agricultural, mining or other potentially incompatible land use so as not to impact on the operations or viability of such.

Compliance with this Policy matter is discussed in more detail under "Separation Distance from Horticultural Activities".

(viii) Except for Bed & Breakfast Establishments, development shall be setback a minimum of 100m from all boundaries unless it can be demonstrated that a vegetated buffer of a minimum 30m is achieved to the subject boundary. If this can be demonstrated, a reduced setback may be considered.

With the exception of Chalet No. 1, all buildings are located less than 100m to the northern boundary which adjoins the Capel River. The manager's residence is the closest being 22m

from the north-eastern river boundary and 20m from the southern boundary to an adjoining lot. The Policy refers this setback to Holiday Accommodation, Guest Houses and Caravan Parks however the Manager's Residence is technically not a short stay unit and could be treated similar to a single dwelling.

The applicant has agreed to implement a landscaped buffer along the southern boundary adjoining the smaller rural lots, which will screen the driveway and Manager's Residence. The river setback to the Manager's Residence should be setback at least 30m in line with the DoW 30m biophysical foreshore setback. It is recommended both the buffer and the increased setback to the Manager's Residence be imposed as relevant conditions of approval.

The reduced 100m requirement for the northern setback to the chalets should be considered given there are no amenity implications to development on adjoining land and that the river and a proposed buffer will be established near the northern boundary.

(iii) Whilst accommodation development will not be encouraged to locate on land identified as having high land capability for agriculture land use and/or is within Planning Unit CA4 of Shire Land Use Strategy, proposals will be considered where it can be shown that due regard has been given to the objective and other principles set out in this policy.

The land is not located within Planning Unit CA4. No information has been provided as to the land capability of the site or detail of the agricultural viability of the land.

The greater Bunbury Region Scheme notes under "Unconstrained Land Capability and Suitability for Agriculture" mapping the land is included in an 'Agricultural Priority Management Area'. It is also included in the Strategic Agricultural Resource Policy Area under the GBRS and DAFWA have responded accordingly (as discussed below and in the Schedule of Submissions). The policy seeks to protect viable agricultural land, however, it would appear the development may compromise this objective. The Land Capability Tool (WALGA) shows approximately only half the land comprising soils with high perennial and annual horticulture capabilities.

The land however is not a large agricultural lot and could be argued not to be agriculturally viable being only 15.0723ha in area whereas the WAPC regard as a policy position a viable grazing lot at 40ha and intensive horticulture having 20ha of viable land. Of the total land area, approximately a third comprises non-productive wetland area making the viable productive area approximately only 10ha. The land also contains a number of large remnant trees which further reduces the likelihood of any intensive agriculture or horticulture pursuits.

(v) There is no adverse impact on the visual amenity of surrounding properties and the development is sympathetic to the rural landscape of the area including vistas from public roads. Development in this regard shall be screened or have only filtered views from surrounding properties and roads.

The applicant will need to demonstrate measures to reduce impacts on the visual amenity by the inclusion of additional screen vegetation and the use of dark colours sympathetic to the surrounds. It should be noted that given the established residential lots adjoining to the east the area does not purely comprise a "rural landscape". This matter is discussed in more detail under "Amenity of Surrounding Properties" below.

(vi) The character, design, size and scale of a proposed development does not resemble an urban character form of land use.

The size and scale of the proposed development is considered acceptable given the intent of the design to accommodate patrons for short-stay purposes and that a total of six buildings are proposed. The buildings will be open in style not having individual fences resembling an urban form. It is recommended that plans showing materials and colours of the proposed chalets, conducive to the natural and rural character of the area be submitted as a condition of any planning consent.

(vii) The proposal upholds the environmental values of the land including retention of remnant vegetation, appropriate buffers from wetlands and watercourses, utilises environmentally acceptable effluent disposal and avoids potential impacts on surrounding land.

In regard to vegetation the development will be on land that is already cleared and the remnant native trees on site will not be removed.

The Department of Water and DPaW have responded to the proposal and have indicated a range of criteria that will need to be satisfied particularly with regard to protection of the EPP wetlands that are located on the land and adjoining properties. These are discussed in detail under the attached Schedule of Submissions, summarised below under "Other Issues" and reflected in the recommended conditions of approval accordingly.

(xi) Provision of safe access/entry points.

The crossover entry is located on a curve in the road and concerns were raised from residents in the area that this is a dangerous location.

Shire officers assessed the existing intersection of the proposed crossover and Mallokup Road to determine if the available sightlines were in accordance with the standards outlined in the *Austrroads Guide to Road Design 2009*. The assessment identified that with some minor vegetation pruning within the verge, sightlines in excess of 262m were available from both directions of Mallokup Road to the crossover intersection, which is a 'worst case scenario' required for vehicles with a 100km/h design speed and a reaction time of 2.5 seconds. The design speed is based on Mallokup Road being an unposted speed road. Although the sight lines are already adequate, some selective pruning will ensure more than adequate sight lines are achieved.

(xiii) Adequate servicing of the development in terms of car parking, effluent disposal, water supply, power and other services.

The site and proposed development can be adequately serviced though alternative effluent disposal systems, which will be required, but need to be located south of the proposed buildings given the proximity to EPP wetlands and the river. This will need separate prior approval of the Shire Environmental Health Services Division prior to the issue of any building permit.

Vehicle parking and access is adequate and will be serviced via an unsealed road and parking areas. It is recommended that at least the crossover and the parking area adjoining the manager's residence be sealed for safety and amenity purposes.

Other Issues

Including matters raised during the submission period, the following major issues are discussed:

Separation Distance from Horticulture Activities

As noted above DAFWA initially did not support the proposal mainly due to the proximity of the chalets being closer (approximate distance 150m) than the recommended 300m to the nearby intensive horticultural activities. The applicant responded suggesting a landscaped buffer consisting of blue gums be implemented on the adjoining land to the north to reduce spray drift.

Whilst this is near the 'source' of the spray drift, there are complications in ensuring the buffer is established and maintained in perpetuity being on an adjoining title of land under different ownership. Rather than the applicant having to impose notifications on the respective titles and enter into legal agreements, the applicant has agreed to establish the buffer within Lot 50 between the chalets and the northern boundary adjoining the river. Discussions with DAFWA

revealed that provided a 'multi-layered' buffer is established between the chalets and the northern boundary this would serve the purpose of providing a spray drift buffer. DAFWA also noted there is a Guide for Urban Rainwater Collection, which is available on its website.

DPaW has confirmed support of the 6-8m wide tree buffer along the eastern and north eastern boundary of the site and noted the plan should include details such as site preparation, infill planting to replace plant losses, species planting plan and timing and pest management. A Revegetation Plan has subsequently been submitted that has addressed these matters. It will be conditional that the revegetation plan be approved, implemented and covered by a development bond. It should be noted the bond amounts for both the revegetation and landscaping plans are calculated as the amount payable as shown as evidence of a contract price of works plus 30%. This calculation is consistent with Council Policy 6.2 for Bonds for Uncompleted Works.

DPaW requirement for a 50m buffer to the Multiple Use Wetland (MUW)

DPaW noted the site contained an EPP wetland and development was in close proximity to the MUW area. Pursuant to the EPA Guidance Statement No. 33 a minimum buffer of 50m should be provided between wetlands and developments. Further liaisons between the Shire, DPaW and the applicant revealed that DPaW were willing to accept a 30m setback from the green area depicted on the aerial photo site plan that it purported to be the MUW. The MUW was depicted on previous site plans referred from DPaW, which is approximately 10m further away from the development. It is therefore recommended the 30m setback be from the MUW line as referred from DPaW and not the green area on the photograph, which is a variable line depending on the season and time the photo was actually taken.

The criteria behind identifying the wetland buffers is discussed under Chapter B4 of the Guidance Statement and is based on an assessment of: the wetland values, the activities, land uses or development near the wetland; and the threats posed by the adjacent activities, land uses or development. It is considered the development and its associated activities would have low impacts on the adjacent wetland areas provided ancillary infrastructure including the effluent disposal system is located well beyond 50m from the MUW. This view has been shared by DPaW in its acceptance of a reduced setback to the MUW.

The subject proposal is considered to be suitably designed and located to ensure protection of the EPP wetlands and other natural values of the site and surrounds with this achieved in summary via the following:

- No modification of or impact on any of the wetlands is proposed with the nearest chalet to the EPP wetlands being approximately 80m (to the EPP wetland to the north west), which complies with the 50m minimum buffer distance requirement specified by DPaW;
- The development is proposed outside of those areas identified as 'Environmentally Sensitive Areas' by DPaW;
- No remnant vegetation is proposed to be cleared as a result of the proposal; and
- The harvesting of rainwater into a large tank system south of the development and minimal landscaping around the buildings will ensure limited impact on surface water. Combined with the use of an appropriate on-site effluent disposal treatment unit located in excess of 100m from the river frontage the development can be sustainably accommodated in the proposed location.

A proposed deck was within this wetland and it was suggested this be relocated outside the MUW and that the structure into the river from the Manager's Residence not form part of this approval and that subsequent separate approval will be required from the Department of Lands.

Flood levels

In advice received from the Department of Water (DoW), it was noted a portion of the lot is affected by flooding during major river flows and any filling or buildings should be located outside of the 100year floodplain. A minimum habitable floor level of 3.55m AHD was recommended.

The applicant did not provide any floor levels for the buildings but indicated on the submitted plans the buildings sited beyond a 5.0m HD contour line. The advice from the Department of Water however shows the same contour line as 4.0m AHD and not 5.0m ADH. It is regarded the correct contour line is that provided in the attachment from the DoW.

Advice from the Shire Engineering Development Officer also advised the building floor levels should be 500mm above the 1:100yr peak level. The peak level as advised by the DoW is 3.05m AHD.

Assuming the 4.0m contour line is correct, the buildings are located beyond this line and consequently a floor level greater than 3.55m AHD can be achieved. It is recommended the applicant be advised to demonstrate the proposed finished floor levels of the buildings have a minimum 3.55m AHD with the Building Permit application.

Amenity of Surrounding Properties

Adjoining and nearby landowners raised concerns in regards to additional noise, views, safety and dust related impacts from the development.

In regard to noise this could be experienced mainly from vehicles and from guests within their individual chalets. To help alleviate vehicle noise and safety it is recommended the crossover be sealed and the carpark area adjoining the Manager's Residence be also sealed to reduce vehicle tyre noise when parking. In terms of noise from guests it should be noted the closest chalet to the nearest adjoining landowner is approximately 100m. A Manager's Residence is closer (approximately 50m) in which a permanent manager/caretaker will reside.

The development will be located on land that has been parkland cleared and will be visible from adjoining residential land uses, and from Mallokup Road. In regard to the adjoining lot to the east, the closest building is the proposed Manager's Residence and not a short term unit, therefore, it could be argued a single dwelling could rightfully be developed in this location. Amenity concerns from adjoining landowners regarding views and noise are noted, however, it should also be noted that a single residence up to two storeys high could be approved on the site 20m from the side boundary without the need for Planning Consent or neighbour consultation. The Manager's Residence has a permanent residential land use and it is recommended this be setback 30m from the southern boundary in order to accommodate the access way, a substantial landscaped buffer and a firebreak as required by DFES.

To help mitigate the amenity implications the applicant has suggested a buffer be planted along the southern boundary of the site. This is supported near the boundary provided the required fire breaks are still maintained adjacent to the adjoining properties.

Conclusion

The initial submitted application when referred to relevant government authorities and nearby landowners raised a number of issues as discussed above. In allowing the applicant to review these matters it is considered these issues can now be addressed satisfactorily. The relevant authorities have also had opportunity to review aspects of the proposal and compromised to the final outcome the subject of this application.

The subject proposal is considered to be generally consistent with the objectives and intent of the Rural Tourist Accommodation Policy. The siting, design and scale of the proposal ensures

that whilst five chalets are proposed, the principles of the policy are upheld and the character and amenity of the area will not be affected. Various other matters can be addressed by conditions on the Planning Consent.

A member of the public left the Chambers at 5.47pm and returned at 5.49pm.

Four members of the public left the Chambers at 6.06pm and did not return.

VOTING REQUIREMENTS

Simple majority

OC0810 OFFICER'S RECOMMENDATION – ITEM 14.2/COUNCIL MOTION

Moved Cr J Scott, Seconded Cr McCleery

That Council:

- 1. Approves Holiday Accommodation comprising a total of five Chalets and one Manager's Residence on Lot 50 Mallokup Road, Stirling Estate pursuant to Clause 8.3.3 of Town Planning Scheme No. 7 and Clause 41 of the Greater Bunbury Region Scheme subject to the following conditions:**
 - (a) All development being in accordance with the approved Development Plan(s) dated 26th August 2015 and any amendments marked in red;**
 - (b) All buildings shall be located and setback no closer than 30m to the line defined by Department of Parks and Wildlife as the "Multiple Use Wetland". Details shall be submitted with the application for a Building Permit.**
 - (c) The occupancy of the Holiday Accommodation units by any one person shall be limited to no more than 3 months within any 12 month period and that this restriction be noted on the title of the land as provided by Section 70A of the Land Act at the cost to the applicant.**
 - (d) Prior to the lodgement of a Building Permit, application details are to be submitted regarding the provision for onsite storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Shire of Capel.**
 - (e) Signage being erected along the neighbouring fence lines discouraging patrons from trespassing on adjoining properties and advisory notices being placed in the holiday units to the satisfaction of the Shire of Capel.**
 - (f) Prior to occupation, the crossover to Mallokup Road and the car parking area adjacent to the Manager's Residence being designed, bitumen sealed, line marked and drained to the specification and satisfaction of the Shire of Capel. All other parking areas and access to be suitably constructed, drained, marked out and thereafter maintained to the satisfaction of the Shire of Capel.**
 - (g) Plans submitted for a Building Permit are to show finished floor and finished ground levels and details of stormwater and roof run-off disposal.**
 - (h) Prior to the lodgement of a Building Permit Application, a Landscaping and Revegetation Plan must be submitted for approval by the Shire of Capel. The landscape plan must address the following:**

- A site plan of proposed development with natural and finished ground levels.
- A landscaped buffer along the full southern boundary of Lot 50.
- A landscaped 'revegetation' buffer adjoining the Capel River boundary being 490m long, 8m wide commencing at the south eastern corner of the site.
- The Revegetation Buffer to provide for a multi layered buffer providing local native species with varying heights.
- Landscaping around the proposed chalets in order to soften the built structures.
- Exact species, location and number of proposed plants to be planted.
- A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
- Mulching or similar treatments of garden beds including edges.
- Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
- Treatment of paved areas (parking and pedestrian areas).
- Fence material, height and treatment.

Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan(s). These areas must be maintained as landscaped areas at all times and to the satisfaction of the Shire of Capel.

A bond to the value of the work is to be lodged at the time of obtaining a Building Permit.

- (i) Prior to lodgement of a Building permit application, a Fire Management Plan to be prepared, approved and implemented to the satisfaction of the Shire of Capel.
- (j) Prior to occupation, a mosquito management plan is to be prepared and implemented to the satisfaction of the Shire of Capel.
- (k) Prior to the lodgement of a building permit application, a detailed schedule of colours and materials shall be submitted for approval by the Shire of Capel, and the development must be finished and maintained thereafter in accordance with approved plan/schedule. The preference is for colours that will blend in with the rural and natural character of the area as intended by Council's Rural Tourist Accommodation Policy.
- (l) Prior to the commencement of the use necessary pruning of roadside vegetation is to be undertaken to the satisfaction of the Shire of Capel to ensure adequate sightlines are achieved in accordance with the standards outlined in the *Austrroads Guide to Road Design 2009*.
- (m) Plans submitted for the Building Permit application to indicate the following modifications as indicated in red on the approved plans:
 1. The Manager's Residence being located no closer than 30m to the southern boundary;
 2. The Deck and BBQ area being located outside the Multiple Use Wetland as advised by the Department of Parks and Wildlife.
- (n) Within 12 months of the date of the Building Permit issue, the external finishes of the sea containers being completed including the outside walls, colourbond roofing and any required painting.

Advice Notes

- (i) In relation to condition (g) the applicant is advised that the minimum finished floor level of buildings shall be 3.55m AHD.
- (ii) In relation to condition (h) the respective bond payable is a total of the contract price of the works plus 30%. Evidence of a contract price to be provided that includes site works, cost of plant species, any infrastructure and implementation.

2 Advise the applicant of the need to comply with the following requirements of other legislation:

(a) The issue of a Building Permit and compliance with the *Building Act 2011*, Building Regulations 2012 and the Building Code of Australia;

(b) Environmental Health requirements:

- An application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Capel, in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Site specific testing will be required to determine the applicable type of effluent disposal and treatment device needed. The testing shall include soil permeability, soil absorption and depth of clay material, depth of sand and soil phosphorus retention index (PRI). An application to Construct or Install an Apparatus for the Treatment of Sewerage shall be included with all Building Permit applications. The Geotechnical Report should qualify the use of onsite effluent disposal in accordance with AS 1547.

- Aerobic treatment or alternative effluent disposal systems are likely to be required 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 of Capel.
- The property is not connected to scheme water. This will require a water supply service to the satisfaction of the Shire of Capel and will require regular water monitoring to ensure compliance with the Australian Drinking Water Guidelines No. 6.

(c) Obligations under the *Rights in Water and Irrigation Act 1914* in regard to taking any groundwater;

(d) Necessary approvals from the Department of Parks and Wildlife, the Department of Lands and the Department of Aboriginal Affairs for any works to be carried out within the river banks or the adjacent foreshore area (Multiple Use Wetland and EPP Wetland).

(e) A permit to be obtained from the Department of Environmental Regulation should any clearing of native vegetation be proposed.

3. Advise the applicants that a separate application is required to be made for all advertising signs in accordance with Council's Signs Local Laws and Town Planning Scheme.

Lost 5/2

Mrs Stevenson left the Chambers at 6.21pm and returned at 6.26pm.

VOTING REQUIREMENTS

Simple majority

OC0811 COUNCIL DECISION

Moved Cr Bell, Seconded Cr J Scott

That Council does not approve the Holiday Accommodation comprising a total of five Chalets and one Manager’s Residence on Lot 50 Mallokup Road, Stirling Estate pursuant to Clause 8.3.3 of Town Planning Scheme No. 7 and Clause 41 of the Greater Bunbury Region Scheme as it considers that the Manager’s Residence is too close to the adjoining property, and the applicant be requested to reconsider the layout plan.

Carried 5/2

Reason: As Council considers that the Manager’s residence is part of the tourist accommodation proposal and as such a 100 metre setback from the south boundary is considered desirable.

Mrs Stevenson left the Chambers at 6.28pm to collect Cr Norton and they returned at 6.28pm.
Mr Gick and Cr Smith left the Chambers at 6.28pm.
A member of the public left the meeting at 6.28pm and did not return.

Eight members of the public left the meeting at 6.29pm and did not return.

OC0812 (14.3) Town Planning Scheme No. 7 - Scheme Amendment No. 63

Location:	Portion Lot 9001 Hawley Parkway, Capel
Applicant:	TPG Town Planning Urban Design and Heritage
Owner:	Meynell Pty Ltd
File Reference:	C.5.37.63
Disclosure of Interest:	Nil
Date:	16.07.15
Author:	Planning Officer, A Dykstra
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1: Location Plan 2: Zoning Map 3: WAPC Ref: 149634 – approved subdivision plan 4: Schedule of Submissions

MATTER FOR CONSIDERATION

Consideration of submissions received during the advertising of the proposed Scheme Amendment and determination of whether to proceed to seek the final approval of the Hon. Minister for Planning to Amendment No. 63 to Town Planning Scheme No. 7 (the Scheme).

Request has been made from TPG (the Applicant) for Council to initiate an amendment to Town Planning Scheme No. 7 (the Scheme) to rezone a portion of land described as 'Yelka Road' from a 'No Zone' (being land intended for a road reserve) to 'Residential' with a code of R20. The amendment will facilitate the subdivision of the land into residential lots.

BACKGROUND/PROPOSAL

Background

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

July 2008 – Following approval from the Minister, Amendment 33 was published in the Government Gazette.

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

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

July 2014 – The WAPC granted conditional support to re-approve Stage 2 of Goodwood Estate. The proposed subdivision included residential lots over the Yelka Road reserve. The WAPC agreed to create a 'superlot' incorporating the Yelka Road reserve with the intent that it be subdivided into residential lots following approval of the subject Scheme Amendment proposal that would rectify the zoning anomaly. Enclosed is a copy of the approved plan WAPC ref: 149634 Sheet 2 (Attachment 3).

February 2015 – Council resolved to initiate Scheme Amendment No. 63, which was subsequently advertised for public comment.

Proposal

The proposal is to amend the Scheme map by rezoning the portion of road reserve known as Yelka Road from its existing 'no zone' designation to 'Residential' to allow additional residential lots.

Yelka Road, which is approximately 60m long and 15m wide, was to link in a north/south direction between Dilert Street and Hawley Parkway, which both run east/west. The applicant states the road has no substantial impact on the permeability of the site given both Dilert Street and Hawley Parkway have direct access to Prowse Road to the west and Wardang Loop to the east, which adjoins the POS and eventually connects to Goodwood Road. The applicant considers Yelka Road serves little or no purpose as it is unlikely residents will need to travel between Dilert Street and Hawley Parkway. It was considered this road be better developed as single residential lots than an unnecessary road.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 7

Lot 9001 is zoned "Residential" with the codes "R2.5", "R20" and "R30" pursuant to the Subdivision and Development Guide Plan and Amendment No. 33 to the Shire of Capel Town Planning Scheme No. 7. Portions of the land are also reserved "Recreation". The whole of Lot 9001 is within Precinct No. 3 listed under Appendix 15 – Residential Precincts.

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

The provisions of clauses 5.3.1 and 5.3.2 relating to the Scheme's objectives in controlling development in the Residential zone are also applicable to the assessment of the proposal.

Greater Bunbury Region Scheme

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

It is to also be noted that the Environmental Protection Authority (September 2003) in undertaking its assessment of land in the Shire of Capel for the GBRS identified in Bulletin 1108 that the subdivision area contained remnant vegetation, significant fauna and ecological linkage values.

The residential zoning of the land was considered acceptable subject to the conservation of remnant vegetation as part of any future subdivision proposal. Relevant conditions have been imposed as required pursuant to the Amendment No. 33 provisions, to impose building envelopes and the existing Declared Rare Flora being protected by fencing and appropriate notifications on the titles as required by the Department of Parks and Wildlife (DPaW) (formerly the Department of Environment and Conservation) on the R2.5 lots.

Planning and Development Act and Regulations

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

Planning and Development Act 2005

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

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

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

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

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

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

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

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

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

Town Planning Regulations 1967

17(1)(a) Within 42 days (or such period as approved by the Minister) of the closure of the advertising of the amendment Council is required to consider all submissions and in respect of each submission consider whether the amendment should be modified or whether the submissions should be rejected.

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

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

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

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

POLICY IMPLICATIONS

There are no policy implications to consider.

FINANCIAL IMPLICATIONS

Budget

Fee rates for Scheme Amendments are set by the Town Planning (Local Government Planning Fees) Regulations and are effectively based on cost recovery. An amount of \$1340.90 has been calculated and paid for the fee charges in accordance with the *Town Planning Regulations (1967)*.

Long Term

The land will become rateable land in lieu of a road reserve which will have positive financial implications.

Whole of Life

The amendment will result in a reduced amount of road reserve (60 metres) that will need to be maintained.

SUSTAINABILITY IMPLICATIONS

There are economic outcomes to the developer and community by lots created for sale. The Council benefits by not needing to maintain a road in the future.

The proposal rezones an area having 'no zone' to 'Residential', which was to be a constructed road. The subject portion of land contains no vegetation and if ultimately developed into residential land uses may result in more vegetation being established than the current road reservation use.

Social benefits arise from additional residents as a consequence of the additional lots.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2031

The Shire of Capel Strategic Community Plan sets out the overarching vision for the Shire, which is a 'community of diverse lifestyles experiences accommodating progressive growth, sharing in prosperity, and valuing the environment'. The following strategic directions are considered to be relevant to the proposal:

- 2.3 Preserve and protect the character of the communities;
- 3.3 Preserve and protect the character of the towns as they expand; and
- 5.2 Maintain and enhance the quality of our built environment.

CONSULTATION

The amendment was initiated by Council and required to be advertised for public inspection in accordance with Sections 83 and 84 of the *Planning Development Act 2005* (the Act) for a minimum of 42 days.

Comments were requested from all landowners adjoining the Scheme Amendment area and relevant government authorities. The closing date for submissions was 2 July 2015. One submission was received from the Department of Mines and Petroleum (DPM).

The DPM advised that the Geological Survey of WA assessed the proposal and advised the proposal is within 500m of a Strategic Mineral Resource Protection Area for Titanium-Zircon mineralisation. The DPM does not oppose the change, but requested that notifications be

placed on the title of any new lots alerting potential purchasers that mining may occur in the future.

At the time Scheme Amendment No. 33 facilitated the original subdivision, the same matter was noted but not placed on the titles until the subdivision stage was undertaken. This was imposed with the recent approval of the surrounding Stage 2.

The land is included within Precinct 3 under Appendix 15 of the Scheme. A provision already exists (No. 13) that states that the Commission may impose that a memorial be placed on all new titles notifying that mining activity could occur within 500m of the subdivision area. As this advice will be transferred to the lots at the subdivision stage no modification to the amendment is necessary.

COMMENT

Amendment No. 33 to the Scheme (2007) and the appurtenant Subdivision Guide plan sets out the requirements that this subdivision will need to address to achieve a suitable form of development that is appropriate, suitable and capable of providing for residential use. This includes matters such as drainage and fill, POS, lot yield, road access and advice to purchasers.

At the time the re-approval of Stage 2 was considered by the WAPC in a subdivision application, a slight variation to the Subdivision Guide Plan was proposed in that a north/south connecting road within the R20 north western sector was omitted. This was previously supported by Council staff in the subdivision referral to the WAPC as the road is not considered essential for connectivity. The portion of land comprising the road reserve that formed part of Stage 2 (approved in 2009) was never created nor ceded as a road reserve thus still owned by the subdivider.

However, it was brought to the attention of the WAPC that as the land comprising the road reserve is not zoned (i.e. a road reserve) any proposed residential development on lots over this area technically are not on land that is zoned and coded. Shire Staff suggested that clearances should not be issued in relation to the creation of lots within the current non-zoned road reserve area until the relevant zoning anomalies have been rectified and the Guide Plan modified accordingly.

The WAPC liaised with the applicant and approved the subdivision including the creation of a large lot (Lot 158) that was to comprise eight residential lots and gave advice that subdivision of this lot would not be supported until such time as the portion of land (comprising the road reserve) is zoned residential. The WAPC also advised the removal of Yelka Road was not a major variation to the Guide Plan that necessitated a modification.

It is therefore recommended the amendment proceed and the land be rezoned to "Residential" and coded R20 accordingly.

VOTING REQUIREMENTS

Simple majority

OC0812 OFFICER'S RECOMMENDATIONS – 14.3/COUNCIL DECISION

Moved Cr J Scott, Seconded Cr Hearne

That Council resolves:

1. In accordance with Regulation 17(2) (a) of the Town Planning Regulations 1967 (as amended) to proceed with Amendment No. 63 to Town Planning Scheme No. 7 by:
 - (a) Amending the Scheme Maps by changing the zoning of Portion Lot 9001 Hawley Parkway from "No Zone (Road Reservation known as Yelka Road)" to "Residential" with a density code of "R20".
2. Pursuant to Regulation 22(1) to authorise the President and Chief Executive Officer to execute the amendment documents by signing and affixing the Shire's common seal; and
3. To forward the amendment to the Western Australian Planning Commission for endorsement and subsequent forwarding to the Minister for Planning for final approval.

Carried 7/0

OC0813 (14.4) Town Planning Scheme No. 3 – Scheme Costs for 2015/2016

Location:	Gelorup
Applicant:	Nil
File Reference:	C5.33.000V18
Disclosure of Interest:	Nil
Date:	23.07.15
Author:	Senior Strategic Planning Officer, K Muste
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1 Income Statement for the year ended 30 June 2015 2 Expenditure Statement for the year ended 30 June 2015 3 Updated Schedule of Scheme Costs for the 2015/2016 year 4 Map of affected area

MATTER FOR CONSIDERATION

Adoption of the rate per hectare for contributions to the Scheme Costs Schedule to be paid by subdividing land owners within Town Planning Scheme No. 3 and receipt of the annual accounts.

BACKGROUND

Minute No. OC0807 of 2014 refers. Council adopted a Scheme Cost rate of \$2,659 per hectare for the 2014/2015 year.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 3 provides for the adoption of a Schedule of Scheme Costs for works, such as drainage and road widening, that are required to facilitate the coordinated subdivision of the Scheme area that covers the Gelorup Residential R2.5 zone. Subdividing land owners are required to contribute to the cost of scheme works in a ratio to the area of land being subdivided. They must also pay separate cash-in-lieu land value contributions to offset the cost of acquiring centralised areas of POS land and areas of road widening within the Scheme.

POLICY IMPLICATIONS

There are no Council policies relevant to this matter.

FINANCIAL IMPLICATIONS

Town Planning Scheme No. 3 is a self-funded program providing main drainage and collector road infrastructure coordination for the Residential R2.5 subdivision in Gelorup. It also collects funds through cash-in-lieu payments for Public Open Space and road widening land acquisition to cover the cost of such land set aside on the Scheme map. The Scheme does not have an effect on the Shire's operating budget because it is a self-funded program.

The intent of the Scheme is to have it conclude with no debts when all subdividing land owners have completed their respective subdivisions. To achieve that, and to avoid Council being called on to make up any deficit, the budget of the Scheme is managed in a deliberately conservative way, which will lead to a surplus at the conclusion of the Scheme. The Scheme requires that any surplus must be spent on improvements within the Scheme area, but it should be understood that the only time that can be determined is at the final winding up of the Scheme when all Scheme Cost contributions have been received.

SUSTAINABILITY IMPLICATIONS

The annual review of Town Planning Scheme No. 3 is a statutory administrative requirement. The financial sustainability of the project requires regular monitoring, to ensure that outstanding works will be undertaken within the reasonable capacity of funds that can be collected from the remaining future subdividing landowners. Given that the contribution cost per hectare for Scheme Works is still quite low relative to other types of subdivision servicing costs which the subdividers do not have to meet because of the absence of reticulated sewer and water requirements it is considered that the Scheme does not create an unsustainable financial burden on future subdividers.

STRATEGIC IMPLICATIONS**Shire of Capel Corporate Business Plan 2013-2017**

In the Strategic Direction "The Environmental Experience" Strategy 3.1A7 is to "Facilitate the implementation of the Gelorup residential zone through Guided Subdivision Town Planning Scheme No. 3."

Adoption of the recommendations of this item is an essential administrative function for the ongoing financial management of the Town Planning Scheme No. 3.

Strategic Community Plan 2013-2031

1 The Leadership Experience

Strategy 1.4 Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation.

5 The Infrastructure Experience

Strategy 5.6 Effectively manage the Shire's assets and resources.

CONSULTATION

No consultation with the community or others is required as the item seeks to merely update the existing Scheme.

COMMENT

The Scheme received income via interest earned on the bank account balance relevant to the Scheme. No land owners proceeded to final approval subdivision during the 2014/15 financial year so no Scheme Cost contributions were received. Income is allocated proportionally to the items listed on the Income Statement.

The only expenditure for the year consisted of recovery of administration costs related to staff time. Total income less total expenditure is consistent with the Town Planning Scheme No. 3 Reserve balance of \$439,126.94 at 30 June 2015.

The Schedule of Scheme Costs has been updated consistent with the Income and Expenditure Statements and the estimated costs for civil works items yet to be completed has been increased by 2%. This is higher than the reported Perth WA CPI of 1.4% for the 12 months to 31 March 2015 as civil construction works cost increases tend to be higher. After allowing for increases in the estimated value of works to be completed and taking into account income received, the effect on the Scheme Contribution rate will be an increase of 2.7% over the previous year.

The balance of Scheme Contributions to be collected is an amount of \$205,464 when divided by the balance area to subdivide of 75.2484ha which gives a new rate per hectare for subdivider contributions of \$2,730.48 which will be rounded up to \$2,731.00.

VOTING REQUIREMENTS

Simple majority

OC0813 OFFICER'S RECOMMENDATIONS – 14.4/COUNCIL DECISION

Moved Cr McCleery, Seconded Cr Hearne

That Council:

- 1 Receives the Income and Expenditure Statements for Town Planning Scheme No. 3 to 30 June 2015; and**
- 2 Adopts the Schedule of Scheme Costs for 2015/2016 financial year with a Scheme Cost rate of \$2,731.00 per hectare.**

Carried 7/0

Cr Smith and Mr Gick returned to the Chambers at 6.30pm.

Cr B Hearne declared an impartiality interest in Item 14.5 Meadowbrooke Lifestyle Village – Development Guide Plan and Design Guidelines. The extent and nature of his interest is that he has a relative who lives in Ecclestone Court who has made a submission.

OC0814 (14.5) Meadowbrooke Lifestyle Village - Development Guide Plan and Design Guidelines

Location:	Lot 201 Turner Street, Boyanup
Applicant:	MPM Development Consultants
File Reference:	C5.2.B.49/V5
Disclosure of Interest:	Nil
Date:	30.06.15
Author:	Manager Planning Services, C Muller
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	<ol style="list-style-type: none"> 1. Location Plan 2. Development Guide Plan (contained in Amendment No. 46) 3. Design Guidelines (contained in Amendment No. 46) 4. Development Guide Plan (Revision A) 5. Design Guidelines (Revision A) 6. Schedule of Submissions 7. Development Guide Plan Revision D 8. Meadowbrooke Lifestyle Estate – Design Guidelines

MATTER FOR CONSIDERATION

Council is requested to adopt a Development Guide Plan (DGP) and Design Guidelines for the Meadowbrooke Lifestyle Estate on Lot 201 Turner Street, Boyanup which differ substantially from the Development Guide Plan and Design Guidelines contained within the Scheme Amendment No. 46 Report. Council is also requested to consider submissions received during the advertisement of the proposal.

Although the applicant requested the Council determine the Development Application simultaneously with the consideration of the DGP and Development Guidelines, assessment of the Development Application is dependent on further detailed information to be provided by the applicant and Council will be requested to consider such application at a subsequent Council meeting.

BACKGROUND / PROPOSAL

Background

May 1994 – Application made to the former Department of Planning and Urban Development to subdivide 24 lots of sizes between 1000m² to 3000m². Council conditionally supported the subdivision, however it did not proceed.

September 1995 – Planning Consent granted to 3 family type group dwellings, 3 single room grouped dwellings and a recreation / facility building. The main issues were the need for a geotechnical report for footing design, effluent disposal, and provision of central laundry facility, storm water disposal needs and the transfer of a drainage easement to Council.

November 1998 – Rezoning (Amendment No. 1) of the site to include Additional Uses of Respite Centre, Multi-Purpose Building, Arts and Crafts and Holiday Accommodation gazetted. Residential R10/R15 and Foreshore Protection zoning was retained.

November 1998 – April 2001 – Wide range of Planning Consent applications received and determined.

July 2001 – Survey Strata application submitted to the WAPC to subdivide one of the existing dwellings from site. Council did not support the application and the WAPC refused the application.

July 2001 – Council resolved to adopt rezoning documents (Amendment No. 14) for the land. The rezoning proposed to include the use “Short Term Accommodation” in lieu of the current use “Holiday Accommodation”. This change in use was to facilitate uses such as lodging houses, which included backpackers’ hostels. The Scheme Amendment also put in place development requirements relating to the architectural theme, parking requirements, storm water disposal, effluent disposal and water supply.

July 2001 – February 2003. Various Planning Applications received and determined.

February 2004 – proposals for outdoor concerts received and considered but did not eventuate.

April 2004 – Section 39 and 40 certificates provided for liquor licence application for restaurant.

May 2004 – February 2005. Various Planning Applications received and determined.

March 2005 – Planning Consent was granted to increase the seating capacity of the restaurant to 150 people and to use the ‘Stables’ building as a Reception Centre for up to 70 people.

August 2005 – January 2008. Various Planning Applications received and determined.

February 2009 – Council resolved to initiate Amendment No. 46 to facilitate the development of an Aged Persons Village incorporating associated facilities and recreational areas. Pursuant to the Act the amendment was referred to the EPA for consideration.

October 2009 – The EPA requested modifications to the amendment prior to commencing advertising. Council resolved to adopt the suggested modifications, which vary from the February 2009 resolution. The modifications suggested by the EPA resulted in the need for a number of additional provisions relating to Water Management, Foreshore Management and Noise Management.

April 2010 – Council resolved to adopt Scheme Amendment No. 46. Final approval was granted by the Minister for Planning in September 2010.

June 2013 – Lot 200 (Foreshore Area) reserved for Regional Open Space pursuant to the Greater Bunbury Region Scheme was purchased by APC purchased from Preston Green Pty Ltd.

Proposal

MPM Development Consultants submitted an application on behalf of Preston Green Pty Ltd, owner of Lot 201, for the development of the Meadowbrooke Lifestyle Village at Lot 201 Turner Street, Boyanup. The revised Development Guide Plan and Design Guidelines differ substantially from those contained within the Scheme Amendment No. 46 Report. Council was requested to consider the Development Guide Plan and Design Guidelines simultaneous with the determination of the development application.

The applicant seeks consent for the lifestyle village, which includes the following proposed uses on the land:

- 180 free standing modular homes;
- Community Centre for residents/The Club House;
- Family Centre;

- Short Stay visitor accommodation units;
- Secure caravan/boat parking and storage area;
- Bowling Green;
- Golf 'Chip and Putt' area;
- Small workshop;
- Storage shed;
- Security gate at Turner Street entrance;
- Visitor parking bays;
- Bio-retention basin and other water-sensitive urban design drainage features; and
- Community Garden as detailed in the proposal.

The following modifications proposed to the Development Guide Plan require consideration with the determination of the development application:

- Additional developable land
The applicant has indicated that the design of the village responds to the topography and landscape features (i.e. the river foreshore and man-made pond) as well as the current infrastructure, access opportunities and the results of the Preston River Flood Study. Hyd20 was commissioned by the applicant/landowner to prepare a flood study and the results indicate that there is additional land within the site located outside of the Preston River floodplain which may also be considered for development. The plan of modification demonstrates the lease area layout incorporating the additional developable land which increases the dwelling yield from 125 to 180 dwellings.
- Road Layout
According to the applicant the road layout seeks to reduce speed. The entry road provides a boulevard, landscaped entrance with the road leading to a roundabout adjacent to the Club House. The orientation of the road network is largely determined by the existing access as well as the physical constraints associated with the topography of the land.
- Increase number and relocation of caravan parking
The number of caravan/trailer/boat/camper parking bays are increased from 10 to 47 bays and the bays are relocated near the entrance of the village. According to the applicant this will provide for ease of pick up and drop off via a one-way system and avoid, as far as possible, the necessity to manoeuvre through the village.
- Fire Management
An emergency escape route has been incorporated into the design consistent with the recommendations contained within the Bushfire Management Plan. The Bushfire Management Plan requires a 3m non-combustible wall to be constructed to assist in achieving a Building Protection Zone and assist with shielding lots in the north west portion of the development.
- Noise Wall
Information provided indicates that road traffic noise levels will be above targets. As such, the construction of a noise wall is proposed 2.3m in height parallel to South Western Highway with returns at 1.8m high along the rear of the lease areas as demonstrated on the plan of modification.
- Family Centre
The intended Caretaker's Dwelling is replaced with a Family Centre for the purpose of a small function room, arts and crafts room, visiting hair dressing, beautician rooms and secured outdoor activity area for grandchildren including play equipment.

- Community Centre
The community centre will be used for club house purposes and will be expanded to include a range of uses listed in the application documentation, including a heated indoor swimming pool.
- Short Stay Visitor's Accommodation
The guest house next to the club house is replaced with short stay visitor's accommodation.
- Other notations
Village green, bowling green with 3 lanes, chipping /putting golf area, small resident's workshop, storage area and community garden.
- The "Summary of Guidelines"
This has been omitted from the plan of modification. The new Design Guidelines are contained in the proposal.

The Development Guide Plan and Design Guidelines (contained in Amendment No. 46) are Attachments 2 and 3 to the report with the Development Guide Plan and Design Guidelines (Revision A) Attachments 4 and 5 to the report.

The proposal comprises a Transport Management Plan, Foreshore Management Plan, Transportation Noise Assessment, Sustainability Outcomes and Implementation Plan, Bushfire Management Plan which were advertised for comment with the proposal.

Submissions received during the advertisement of the proposal are contained in Attachment 6 and will be discussed in the "Consultation" and "Comment" sections of the report.

The applicant, as a result of submissions, has amended the Development Guide Plan (refer Attachment 7) and provided the following summary of changes made:

- *Location of Emergency Access Route relocated at western end consistent with original DGP and DA (December 2014) in response to MRWA submission requesting "no gap" in noise wall.*
- *Access way widened to 8 metres to accommodate emergency access vehicles and associated manoeuvring.*
- *Increased building setback (minimum 21 metres) from northern boundary of subject land to address DoW, DFES requirements and to avoid aboriginal heritage site in north-eastern corner.*
- *Amended 'Extent of Development Line' to accord with DoW agreed flood modelling.*
- *Relocation of Village Green to better relate to Community centre and entry road.*
- *Development layout on lower portion adjusted in response to flood modelling, bushfire and foreshore management outcomes.*

STATUTORY ENVIRONMENT

Shire of Capel Town Planning Scheme No. 7

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

Under Appendix 4 of the Scheme:

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

The following uses are listed as permitted uses:

- Residential R40 -Aged Persons Accommodation

- Guest house/short term accommodation
- Community Centre
- Caretakers dwelling
- Car parking
- Administration office.

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

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

In considering the discretionary uses, the Council may invite public comment in accordance with Clause 8.2.3 of the Scheme prior to determining the use.

Under Appendix 1 of the Scheme:

‘Aged Persons Village’ means a building or group of buildings designed for residential occupation by aged persons and includes buildings and parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care.

‘Guest House’ means a residential building for which the primary purpose is short – stay tourist accommodation.

‘Caretakers dwelling’ means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

Greater Bunbury Region Scheme (GBRS)

The application has been assessed by the Department of Planning in accordance with the provisions of the Greater Bunbury Region Scheme (GBRS), with particular reference to the Notice of Resolution (RES2014/03) made under Clause 27, Schedule 1, Clauses 2, 3 & 4 and the Instrument of Delegation (DEL2014/01) under Section 16 of the Planning and Development Act 2005, Schedule 1, Clauses 3 and Schedule 2, Clauses 1, 2 & 4.

The Department of Planning has no objection to the development in principle, and made the following comments:

- *Lot 201 is zoned Urban under the GBRS and abuts land reserved for Primary Regional Roads, Regional Open Space, and Railways. The proposal is not of a type that is exempt from requiring planning approval under the GBRS, and therefore a GBRS development application will be required.*

If the development is below the DAP threshold, the Shire may have delegation to determine the GBRS development application on the Urban zoned land, provided Council accepts the advice and recommendation of the Department of Planning, Main Roads WA (MRWA) and the Public Transport Authority (PTA).

The Department of Planning recommends that the development be referred to the Department of Parks and Wildlife and the Department of Water, to ensure the development does not negatively impact upon the adjacent Regional Open Space.

- *Lot 200 is reserved for Regional Open Space and abuts a Waterways reservation. Any development on Regional Open Space requires a development*

application, unless it is an exempted development as detailed in Clause 25 of the GBRS, or the development is in accordance with a management plan which has been endorsed by the WAPC. The Shire may have delegation to determine the GBRS application on ROS if the proposed development is ancillary and incidental and does not conflict with the purpose of the Regional Open Space, and they accept the advice of the Department of Planning.

In this instance the proposed development is not an exempted development, and therefore requires planning approval under the GBRS. Given the nature of the proposed development within the Regional Open Space, in this instance, and taking into account the existing River Ramble trail, the proposed development is considered to be ancillary and incidental to the existing development within the reserve.

The Department of Planning recommends that the development proposal/foreshore management plans are referred to the Department of Parks and Wildlife and the Department of Water for advice and recommendation.

- *It should be noted that the Department's role in the assessment of this development application is an advisory role only unless Council does not accept the advice and/or recommendation from DoP, PTA and/or MRWA, in which case the determination will have to be made by the WAPC.*

POLICY IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Budget

The applicant has been invoiced for the planning consent application fee in the amount of \$14,847; fees for the assessment of the Development Guide Plan and Design Guidelines including advertisement costs will be invoiced at the completion of the process.

Long Term

The development is likely to have demands on Boyanup's facilities and services.

Under Appendix 4 of the Shire of Capel Town Planning Scheme No. 7 the following conditions require a developer contribution, construction or implementation:

- Condition 8 - Community facilities
- Condition 9 - Dual use path linkages and associated facilities
- Condition 11 - Upgrading of Turner Street and its intersection with South West Highway
- Condition 14 - Implementation of the Foreshore Management Plan

The development will generate rates for the Shire based on GRV, which will increase as the development grows.

Whole of Life

The development will create additional path infrastructure, which together with the resurfacing of Turner Street, will require ongoing maintenance. Should Council consider the acceptance of

a management order over Lot 200 there will also be ongoing maintenance costs associated with the Foreshore Reserve management. Therefore Council needs to consider acceptance of the Foreshore Management Plan in a manner which takes into account maintenance burdens. This aspect will be discussed further in the Comment section of the report.

SUSTAINABILITY IMPLICATIONS

Pursuant to Appendix 4 of the Shire of Capel Town Planning Scheme No. 7 the applicant is required to prepare a Sustainability Outcomes and Implementation Plan to address matters including energy efficiency, solar orientation, water use, water sensitive landscaping and water harvesting. Acceptance of the plan will be discussed further in the Comment section of the report.

The increase in lot yield from 125 to 180 leased areas maximises the use of the R40 density of the land. The location of the development in close proximity to the facilities and services of the town centre has important social and economic benefits. As is evident from the Schedule of Submissions, local business owners expect residents of the development together with their visiting family and friends will bring more business to town.

STRATEGIC IMPLICATIONS

Shire of Capel Community Strategic Plan 2013-2031

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

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

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

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

CONSULTATION

The proposal was advertised for a period of 21 days which concluded on 19 June 2015. The proposal was referred to 81 landowners within a radius of 250m of the development site, as well as 19 government and other agencies. In addition to notification in the *South West Times* newspaper, a copy was also available at the Shire Office and Boyanup Library; and details were placed on the Shire website.

A total of 14 submissions were received from government and other agencies; 10 residents (5 households) of Ecclestone Crescent submitted a letter that raises concerns in regards to the proposal. Twenty submissions in support of the proposal were received from prospective residents, local business owners and other interested parties.

Following advertising the applicant was given the opportunity to comment on the submissions received. A Schedule of Submissions is contained in Attachment 6. The applicant responded with comments to each of the main issues raised by the submitters, also contained in Attachment 6, these will be discussed further in the Comment section of the report.

Several comments have also been received from Building, Environmental Health, Engineering Development, Environmental and Sustainability officers of the Engineering and Development Services Division throughout the assessment process particularly regarding specialist reports such as the Foreshore Management Plan, Sustainability Outcomes and Implementation Plan, and Local Water Management Strategy etc.

Council was briefed at the July 2015 Council Meeting which included the Executive Managers and generated several enquiries which are commented on in detail below.

COMMENT

In accordance with Condition 1 of Appendix 4 of the Scheme, prior to development commencing on the subject land, a Development Guide Plan (DGP) and associated Design Guidelines are to be adopted by Council which form the basis of development assessment for the site. The DGP is the key planning instrument that encompasses the outcomes of studies prepared by the applicant, and guides land use and development. Concept plans were prepared to support Amendment No. 46 but have not been adopted.

This report presents an updated DGP which is intended to encompass all relevant components of Appendix 4, investigations undertaken by the applicant and feedback provided by the community and government agencies. These matters have been captured through either notation on the plan or implementation notes that accompany the DGP. Each of the key components of the assessment and their relationship to the DGP are discussed in Table 1 below.

Table 1 Development Guide Plan Assessment

Development in accordance with adopted Development Guide Plan (DGP) <i>Required in accordance with requirements 1-5 inclusive which set out the process for the development guide plan adoption and relevant provisions.</i>	
Discussion	DGP Response
<p>As highlighted above, the DGP & Design Guidelines will ultimately form the key policy basis for which a development application for the site will be assessed. It is standard practice that in addition to the preparation to the DGP itself, an implementation note is included specifying that all subsequent development is undertaken in accordance with the endorsed DGP.</p> <p>This provision ensures that the DGP and Design Guidelines are appointed as the main basis of assessment of a development application submitted for the site.</p> <p>Pursuant to Appendix 4 of the Scheme there is a mechanism to allow further modification of the DGP and Design Guidelines subject to the process as set out in development standard/condition 2 and 3.</p>	<p>Land Use Note 1 is to be modified to read as follows:</p> <p>Note 1: Development shall be generally in accordance with the Development Guide Plan, Implementation Notes and Design Guidelines endorsed by the Shire of Capel in accordance with the provisions contained in Appendix 4 of the Shire of Capel Town Planning Scheme No. 7.</p>
Proposed Land Uses <i>Required in accordance with condition 5 point 2) and condition 7 of Appendix 4 of TPS7</i>	
Discussion	DGP Response
<p>In order to comply with this requirement an additional land use implementation note is to be added to the DGP relating to the proposed land uses.</p> <p>It is the intention to construct two display homes at the location depicted on the DGP. Should the construction of the two display homes occur in accordance with the Design Guidelines a separate application for Planning</p>	<p>The is to be modified to reflect the a Land Use Note relating to proposed land uses:</p> <p>Note 2: Planning Consent shall be obtained for the permitted and discretionary uses contained in Appendix 4.</p>

<p>Consent is not needed as assessment against the Design Guidelines will occur at the Building Permit application stage.</p>	<p>That the Legend on the DGP relating to “Proposed Display Homes” be modified to delete the wording “(Subject to Separate Application for Planning Consent)” and replacing it with “(Subject to compliance with the Design Guidelines at Building Permit application stage)”</p>
<p>Landscape Master Plan <i>Required in accordance with condition 5 point 6) and 7) in Appendix 4 of TPS7</i></p>	
<p>Discussion</p> <p>In the Design Guidelines prepared by the applicant, Element 4 states that a Landscape Master Plan is to be submitted and adopted for the development. The Landscape Master Plan is anticipated to deal with the broader development whilst landscaping of the land lease areas are managed through the Design Guidelines.</p> <p>Accordingly, a land use note is to be included on the DGP to require that landscaping is implemented in accordance with an adopted Landscape Management Plan to the satisfaction of the Shire.</p>	<p>DGP Response</p> <p>Land Use Note 3 to be modified to read as follows:</p> <p>Note 3: Development shall be in accordance with the requirements of an adopted Landscape Master Plan containing detail relating to pedestrian access and walkways to be approved by the Shire of Capel.</p>
<p>Provision of Local Water Management Strategy (LWMS) <i>Required as a part of condition 5 point 8) and clause 12e) of Appendix 4 which establishes the need for a LWMS.</i></p>	
<p>Discussion</p> <p>As a part of condition 5 of Appendix 4 the applicant is required to prepare a Local Water Management Strategy (LWMS) for the subject site. This is currently in the process of being finalised, with the Department of Water having identified a number of matters which are currently being resolved by the applicant, these relate to:</p> <ul style="list-style-type: none"> • Assess and mitigate against the potential erosion risk in receiving drain in Reserve 44252, which is managed by the Shire of Capel; • Quantify the demand and prove up the source of fit for purpose irrigation water supply; • Additional detail for the management of the artificial lake on site. <p>The proponent is currently in the process of addressing the matters raised by the Department of Water, having increased the setback to the Foreshore Reserve as per updated flood mapping and rehabilitation requirements, and adding stone pitching to Reserve 44252 to reduce erosion impacts.</p> <p>The Department has indicated that an Urban Water Management Plan is not required in this instance (required as per clause 12e) given the LWMS provides adequate detail to assess the proposed management of water resources, and that the Shire of Capel will not be responsible for the management of any of the stormwater infrastructure.</p> <p>One component of the LWMS addresses flood modelling.</p>	<p>DGP Response</p> <p>Inclusion of a Land Use Note stating:</p> <p>Note 4: Development shall be in accordance with the requirements of a Local Water Management Strategy approved by the Shire of Capel and the Department of Water.</p> <p>Note 5: Where land within this Development Guide Plan is within an identified floodprone area, any approval for the subdivision or development of that land shall require a notification to be registered against the certificate of title to the land (pursuant to section 165 of the Planning and Development Act in the case of subdivision or section 70A of the Transfer of Land Act in the case of development) advising owners or prospective owners of that land that:</p> <ul style="list-style-type: none"> • The land is within a floodprone area and may be subject to flooding; and • The development of any habitable room must have a

Comments received from the Department of Water, Flood Management Engineer on 13 July 2015 are as follows:

The Department of Water (DoW) uses the following guiding principles to ensure proposed development in floodprone areas is acceptable with regard to major flooding:

- (1) *proposed development has adequate flood protection from a 100 year ARI flood*
- (2) *proposed development does not detrimentally impact on the existing 100 year ARI flooding regime of the general area.*

The report detailed hydraulic modelling carried out to determine the pre and post development 100 year ARI flood levels associated with the development of the Meadowbrook Estate site.

The DoW has reviewed the report and is satisfied with the approach and methodology used in the study. The increase in flood levels (afflux) predicted for both of the modelled scenarios is considered acceptable with regard to DoW guiding principles, taking into consideration: the magnitude of the afflux; the nature of the floodplain through the modelled reach; and the proposed landuse planning for the general area that was available at the time of the study.

DoW recommends minimum habitable floor levels of 0.5 metres above the adjacent Department of Water 100 year ARI flood levels to ensure adequate flood protection.

Please note that this advice is related to major river flooding only and other planning issues, such as environmental, ecological and aesthetic considerations, may also need to be addressed.

It should be noted that the flood modelling is only one component of the LWMS and in this case the only component likely to affect the DGP layout. As an outcome of the flood management studies the DGP has been amended by the applicant to accord with DoW endorsed flood modelling and the development layout on the lower portion has been adjusted in response to flood modelling. No further modifications to the layout are envisaged at this stage.

Following on from the Council briefing in July 2015 Legal Advice has been obtained from McLeods Solicitors summarised as follows:

As the flooding issue seems likely to be fundamental to the acceptability of the DGP it would tend to suggest that it should not be put before the Council unless and until the DoW has approved the LWMS, as it is not appropriate to approve a planning instrument while deferring a fundamental component of it for later consideration.

minimum floor level 0.5 metres above the adjacent Department of Water 100 year ARI flood level for flood protection.

<p>Summary</p> <ol style="list-style-type: none"> 1. A condition of planning approval which requires an indemnification to be given will generally not be appropriate. 2. It is appropriate for the DGP to make provision for a suitable notification to be given to owners/occupies of land potentially affected by flooding. 3. The Shire should not be liable in negligence for decisions made consistently with the prevailing expert advice received with respect to flooding. <p>Where land within this Development Guide Plan is within an identified floodprone area, any approval for the subdivision or development of that land shall require a notification to be registered against the certificate of title to the land (pursuant to section 165 of the Planning and Development Act in the case of subdivision or section 70A of the Transfer of Land Act in the case of development) advising owners or prospective owners of that land that:</p> <ul style="list-style-type: none"> • The land is within a floodprone area and may be subject to flooding; and • The development of any habitable room must have a minimum floor level 0.5 metres above the adjacent Department of Water 100 year ARI flood level for flood protection. <p>It is therefore recommended that a land use note be placed on the DGP as per the wording provided by the Solicitor.</p>	
<p>Aged Care and R40 Development Requirements <i>Required in accordance with condition 6 in Appendix 4 of TPS7.</i></p>	
<p>Discussion</p> <p>A detailed assessment against the Design Guidelines is contained in Table 3 below. In terms of the DGP it is crucial a link is established with the Design Guidelines, accordingly a land use note has been included to this effect.</p> <p>Assessment of proposed lease areas as per R-Code requirements will be undertaken as a part of the Development Application, which would be covered by a standard condition as follows:</p> <p>All development being in accordance with the Approved Development Plan(s) dated _____;</p> <p>It is noted that the applicant has submitted a detailed plan with lease areas defined (Drawing No. 14041-03: Rev A) which demonstrates compliance with the R40 site area requirements. A broad level of assessment has been undertaken against the Residential Design Codes requirements on the basis that the land is not to be subdivided into individual lots but would be managed under leasehold arrangement similar to a grouped dwelling development.</p>	<p>DGP Response</p> <p>That Land Use Note 2 and 4 which reads as follows be deleted from the DGP:</p> <ul style="list-style-type: none"> • Proposed leased areas are indicative only and are subject to design, survey and WAPC approval in accordance with Section 136 of the Planning and Development Act 2005. • Land lease areas to comply with R40 standards of the Residential Design Codes with respect lot size. <p>Inclusion of a Land Use Note stating:</p> <p>Note 6: Aged persons dwellings and land lease areas to be assessed in accordance with the R40 requirements of the Residential Design Codes and Design Guidelines for the site.</p>

<p>Further assessment against the Residential Design Codes and Design Guidelines for individual units will be undertaken at the Building Permit application stage.</p> <p>The applicant is to submit a separate application to the Western Australian Planning Commission pursuant to the requirements as set out in Planning Bulletin number 71 – “Residential leasehold estates and developments” post approval of the DGP and the Development Application. As this is separate legislation advice will be provided at Development Application stage and the applicant will be requested to remove Land Use Note 2 and 3 from the DGP and replace it with a land use note consistent with condition 6 of Appendix 4.</p>	
<p>Community Contribution <i>Required in accordance with condition 8 in Appendix 4 of TPS7.</i></p>	
<p>Discussion</p> <p>The basis of condition 8 was prepared to ensure that the subject development did not provide a duplication of facilities within the village or already established in the community. The requirement also provided for public use of facilities that may be provided with the village that were not otherwise provided within the town site. In lieu of providing public facilities the applicant also has the option to pay a contribution to the Shire for community facilities.</p> <p>In this case the applicant has advised that due to security and insurance implications that the provision of internal facilities for public use is not a feasible option in this instance. In this regard a contribution is required to be paid for community facilities.</p> <p>For the purposes of guidance, the Shire has used the Community Facilities and Services Plan (July 2013) which identified significant community infrastructure in the Shire and its population centres, which, when considered in conjunction with the draft development contribution plan provisions and the slightly lower expected occupancy of the development (1.5 persons per dwelling) this has translated to a contribution requirement of \$5,250 per dwelling. When this is applied to the 181 units (Revision C) being proposed the total contribution amounts to \$950,250.</p> <p>A meeting has been arranged to discuss this matter further with the applicant on 13 August 2015. Notwithstanding the outcome of the meeting the DGP is to be modified to reflect the Scheme requirement for a contribution to be made to the Shire towards community facilities.</p>	<p>DGP Response</p> <p>Inclusion of a Land Use Note stating:</p> <p>Note 7: A contribution is to be made to the Shire towards community facilities to the specification and satisfaction of the Shire of Capel.</p>
<p>Infrastructure Upgrades <i>Required in accordance with condition 9 (Path Linkages), condition 10 (traffic and pedestrian impact and management study) and condition 11 (Turner/South Western Highway Intersection Upgrade) of Appendix 4 of TPS7.</i></p>	
<p>Discussion</p>	<p>DGP Response</p>

<p>As part of the DGP the applicant has prepared a Traffic and Pedestrian Impact and Management Study. As an outcome of the study, it was identified that the proponent would prepare a footpath across the train line in a southward direction connecting with Bridge Street, and that the trips generated as an outcome of the development did not warrant the upgrade of the Turner Street/South West Highway intersection.</p> <p>The proposal was referred initially to the Shire’s Engineering Division who indicated that the following works be requested in addition to those proposed by the applicant:</p> <ul style="list-style-type: none"> • Upgrade/Resurfacing of Turner Street and associated drainage; and • The provision of a dual use path along Turner Street to South Western Highway. <p>In addition to the above and as a part of the consultation process, Main Roads has advised that on the basis of safety, that the intersection of South Western Highway and Turner Street should be upgraded.</p> <p>Donald Veal Consultants prepared the Transport Impact Assessment for the applicant. The study indicated that no upgrade is needed to the intersection as a result of the Meadowbrooke development. Notwithstanding, the same consultants prepared the Boyanup Transport Infrastructure Study (BTIS) for the Shire of Capel which was adopted by Council on 24 June 2015. Clause 9.4.2.6 of the BTIS states that <i>“Under the ultimate traffic volumes without the bypass, the numerical warrants for turning lanes along the South Western Highway are met. Without the installation of turn lanes a vehicle stopped to turn right into Turner Street has the potential to block the through movement along South Western Highway resulting in queue lengths on the South Western Highway of 12-13 vehicles in the am peak hour.”</i> As per the implementation schedule of the BTIS the turn lanes on South Western Highway at Turner Street is a medium priority (within 2-5 years) at an indicative cost of \$15,000.</p> <p>In response to the above a specific land use note has been prepared to deal with the infrastructure upgrades required as a part of the proposal.</p> <p>It is anticipated that through the assessment of a development application that a condition will need to be included that specifies as to the timing of the implementation; and specific requirements relating to the emergency access crossover.</p>	<p>Inclusion of a Land Use Note as follows:</p> <p>Note 8: Infrastructure upgrades are to be undertaken through the provision of the following to the specification and satisfaction of the Shire of Capel:</p> <ol style="list-style-type: none"> a) Resurfacing of Turner Street including upgrades to the stormwater infrastructure at the eastern end; b) Upgrade of the intersection of Turner Street and South Western Highway in consultation with Main Roads WA; c) Upgrade and provision of a dual use path between the site and Bridge Street in consultation with the Public Transport Authority; d) Provision of a dual use path along the extent of Turner Street.
<p>Foreshore Management Plan (FMP) <i>Required in accordance with condition 14 in Appendix 4 of TPS7.</i></p>	
<p>Discussion</p> <p>The applicant has submitted a Foreshore Management Plan prepared by Biodiverse Solutions Pty Ltd.</p>	<p>DGP Response</p> <p>Inclusion of a Land Use Note and key on the DGP designating the</p>

<p>The Foreshore Management Plan stems from an EPA recommendation at the Scheme Amendment stage where the EPA requested modifications to Amendment No. 46 prior to commencing advertising. During April 2010 Council resolved that it was not prepared to proceed with the Scheme Amendment under Amendment No. 46 until an agreement has been reached in respect to tenure, management and rehabilitation of the proposed Recreation reserve. At that stage Council was concerned about the future maintenance burden of the reserve and how public access will be provided. Notwithstanding Council adopted Amendment No. 46 and approval was granted by the Minister for Planning in September 2010. During June 2013 the WAPC purchased from Preston Green Pty Ltd Lot 200 reserved for Regional Open Space pursuant to the Greater Bunbury Region Scheme. Consequently easements relating to the Preston River Ramble Trail infrastructure have been granted to the benefit of the Shire of Capel and the Public at Large as depicted on Deposited Plan 400906 burdening Lot 200. Although the Shire has been requested by the WAPC to consider acceptance of a management order over Lot 200 Shire Staff replied that it is not prepared to accept the order until such time as a foreshore management plan has been prepared and implemented to the satisfaction of the Shire.</p> <p>The foreshore management plan is to establish the management program that will be implemented by the applicant in the foreshore area. This includes, but is not limited to:</p> <ul style="list-style-type: none"> • Weed management; • Revegetation/rehabilitation; and • Ongoing maintenance and management. <p>It should be noted that there is a connection between the Foreshore Management Plan and the Bushfire Management Plan needing an agreed outcome with several stakeholders involved, which include the Applicant, WAPC as new landowner, Shire of Capel and the Department of Water in consultation with the Fire and Emergency Services Authority.</p> <p>The specifics in terms of the management arrangement are still in the process of being finalised, however to ensure that the agreed outcome is enforceable through the development assessment process a land use note has been included on the DGP.</p>	<p>Foreshore Reserve area as 'Subject to Foreshore Management Plan'.</p> <p>The following note is recommended for inclusion on the DGP:</p> <p>Note 9: A Foreshore Management Plan shall be prepared and implemented to the satisfaction of the Department of Water and Shire of Capel in consultation with Western Australian Planning Commission.</p>
<p>Noise Management <i>Required in accordance with condition 15 in Appendix 4 of TPS7.</i></p>	
<p>Discussion</p> <p>The applicant has submitted an acoustic consultant's report prepared by Lloyd George Acoustics which depicts the noise contours and lots which are anticipated to be affected by noise from South Western Highway and the Railway Reserve (if operational).</p>	<p>DGP Response</p> <p>Land Use Notes 5 and 6 reads as follows, these notes are to be renumbered:</p> <p>Note 10: The proposed lifestyle village is situated in the vicinity of</p>

<p>The DGP already contains notations pertaining to noise management, this need to be renumbered. It is recommended that the Design Guidelines incorporate reference to construction requirements at Building Permit application stage.</p> <p>Comments obtained from Main Roads WA are to be considered at the Development Application stage, however the DGP is to be amended to remove the Emergency Access way to ensure that there are no gaps in the noise wall.</p>	<p>transport corridors (South Western Highway and Railway Reserve) and may be affected by transport noise.</p> <p>Note 11: Buildings to be constructed on affected land lease areas to comply with noise mitigation requirements in accordance with the Transportation Noise Assessment Report.</p> <p>As per the Legend on the DGP land lease areas that require noise mitigation measures are identified. The icon in the Legend reads:</p> <p>“Land lease areas to comply with Noise Mitigation Requirements”</p> <p>Accordingly as an outcome of the Building Permit process the Noise Management measures will be assessed.</p> <p>As stated in the Proposal section of the report the DGP has been modified and the location of the Emergency Access Route relocated at the western end of the site in response to MRWA submission requesting “no gap” in noise wall. Accordingly the access way has been widened to 8 metres to accommodate emergency access vehicles and associated manoeuvring.</p>
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Bushfire Management Plan (BMP)	
Discussion	DGP Response
<p>The applicant has submitted a Bushfire Management Plan prepared by Biodiverse Solutions. The plan identifies the Preston River Reserve located to the north east and the Shire Recreation reserve located to the northwest as containing Bushfire Prone vegetation, and as an outcome the affected lease areas have been identified as Bushfire Prone Areas with tentative BAL ratings ranging between BAL 12.5 – 29.</p> <p>Final approval of the Bushfire Management Plan from Department of Fire and Emergency Services is required prior to approving any Development Application relating to the land.</p> <p>Land use notes will be included on the DGP to ensure that at the building permit stage that the dwellings in the Bushfire Prone Area will be assessed in accordance with AS3959-Construction of Buildings in Bush Fire Prone Areas. Accordingly the Development Guidelines are to be modified to reflect this requirement to be complied with</p>	<p>The Development Guide Plan is to be modified with a layer and corresponding key in the Legend designating the lease areas or lots which are ‘Bushfire Prone’.</p> <p>Additionally, Land Use Note 7 is to be deleted and replaced with the following Note:</p> <p>Note 12: Any development within the identified Bushfire Prone Area is to demonstrate compliance with AS 3959-Construction of Buildings in Bush Fire Prone Areas and the development shall be in compliance with a Bushfire Management Plan to be adopted by the Department of Fire and Emergency Services (DFES).</p>

at Building Permit application stage.	
Sustainability Outcomes and Implementation Plan <i>Required in accordance with condition 16 in Appendix 4 of TPS7</i>	
Discussion	DGP Response
<p>The applicant has prepared a Sustainability Outcomes and Implementation plan as a part of the initial development application submission.</p> <p>It is intended that the recommendations contained within the Sustainability Outcomes and Implementation Plan will be captured through the Development Guide Plan and Design Guidelines, or otherwise be verified in the form of an audit. A land use note has been included on the plan to reflect the need for a plan to be prepared to the satisfaction of the Shire.</p> <p>It is considered that if an audit is undertaken to determine the extent to which the applicant has fulfilled the requirements of the plan, that this could be imposed as a condition of planning approval.</p>	<p>Inclusion of a Land Use Note:</p> <p>Note 13: Development shall be in accordance with the requirements of an adopted Sustainability Outcomes and Implementation Plan approved by the Shire of Capel.</p>

Assessment of the Design Guidelines is contained within Table 2 below.

Table 2 - Design Guidelines Assessment

Table 2 below includes a summary of the key changes between the Scheme Amendment No. 46 Design Guidelines and the modified Design Guidelines. It is important to note that the proposed changes do not materially affect the broad intent of the R40 Aged Persons Accommodation concept and the majority of the modifications introduce more detail to reflect the Residential Design Codes.

**** NOTE ON TABLE**

Text shown as Underlined are Shire modifications to the Design Elements.

Design Guidelines (DG)
3. Objectives of Design Guidelines
<ul style="list-style-type: none"> To encourage development, that acknowledges the strong visual linkages to regional and local open space and the Boyanup townsite. To promote a coordinated approach to streetscape, landscaping themes and built form. To establish car parking and vehicle access standards that assist in achieving the objectives. To ensure pedestrian access standards are provided and coordinated with existing and proposed linkages. To encourage a standard of development that is in keeping with the character of the existing onsite development and surrounding townsite. To support the principles and practices of sustainable home design. To encourage development in a form that will give regard to security of property and the safety of future residents and visitors.
Officer Comment:
Applicant’s proposed DG inserts the word “character”. No other change to the previously adopted Village Design Guidelines.
4. Application of Guidelines.
<p>Dot point 5 had been added by the applicant:</p> <ul style="list-style-type: none"> Before applying for a Building Permit the prospective resident, or their agent, must submit the documentation to the land owner, or its appointed representative, for

assessment for compliance with the Guidelines.

Officer Comment:

No change to the previously adopted Design Guidelines apart from the addition of the Building Permit clause and reference to the new Lot number 201 (previously 888).

Element 1 - Lot Boundary and Street Setbacks (Residential Component)

- Separation between the dwellings to comply with the requirements of the Residential Design Codes and the Caravan Parks and Camping Grounds Regulations 1997.
- Setbacks to a communal street may be reduced to 2.5 m, or 1.5 m to a porch, verandah, balcony or the equivalent to comply with the Residential Design Codes.
- Land lease area boundaries are considered lot boundaries for the implementation of these Design Guidelines.

Modifications required to the Design Guidelines:

- Rename the Element to include Lot Boundary and Street Setbacks.
- Refer to the Caravan Parks and Camping Grounds Regulations 1997;
- Include reference to setback to communal streets as per the R Codes.
- Dot point 2 to be deleted as this is adequately dealt with by the Residential Design Codes.

Element 2 – Architectural Form and Building Appearance

Officer Comment:

The applicant's modification refer to:

- Point 2 insert of additional design details in regards to the treatment of blank walls.
- Point 3 in regards to Material Types the previous Design Guidelines included "transportable, park homes style/cabins not permitted. Dwellings to be constructed as a standard of brick and tile, brick and tin".
- Previously a Planning Consent was required for detailed dwelling design and this has been modified to refer to Building Approval.
- Addition of two new design clauses referring to Corner Lots and Outdoor Living Areas.

In order to comply with the Caravan and Camping legislation the wording "*park home*" needs to be reflected in the Design Guidelines. The applicant submitted Typical House Designs and confirmed that the units would be modular homes. The applicant describes a "*..modular home is still essentially prefabricated, constructed off-site and premade to order, then transported and installed on-site..*".

Whilst the material finishes are not to be brick and tile as per the original intent it is no different from a Typical House Design. The illustrations demonstrate that the overall built form would be of a high quality that includes many features associated with a traditional home. This includes a roof pitch, front doors, windows and porch details. A Building Permit will still be required for each dwelling.

Modifications required to the Design Guidelines:

That the wording of Element 2 be deleted and replaced with the following:

- The design of dwellings may be varied to accommodate "park homes" to comply with the requirements of the Caravan Parks and Camping Grounds Regulations 1997, however the architectural form and building appearance should be in keeping with the existing development and rural character of Boyanup townsite. Each dwelling has to comply with the following requirements and compliance shall be demonstrated with the Building Permit application:
- Front elevations to buildings shall include:
 - A minimum of 2 colours and 2 materials;
 - At least one architectural feature such as a porch, feature wall, verandah, planter box, or other features creating visual interest may also be accepted.

- The dwellings shall be in accordance with Residential Design Codes Table 3 Category A (single level development).
- Any extensions or alterations to the existing buildings shall be in keeping with the existing architectural style of the development.

Element 3 – Solar Access

- Dwellings shall be sited and planned to best achieve passive solar benefits. Building Permit applications for dwellings shall demonstrate that the design has given regard to this requirement.
- An outdoor living area in accordance with 5.5.2 Aged or dependent persons' dwellings Clause C2.1 v of the Residential Design Codes.

Modifications required to the Design Guidelines:

Include reference to outdoor living area as per the Residential Design Codes.

Element 4 – Landscape

- A landscape strip as an interface to South Western Highway and the noise attenuation wall is to be provided.
- A Landscaping Master Plan shall be submitted for approval and should propose species endemic to the area, or reflective of other treatments throughout the estate. The Landscape Master Plan shall incorporate the principles of the Shire of Capel's *Urban Landscape Strategy 2011*.
- Well defined front yards, landscaping and trees will be used to create a high quality streetscape and neighbourhood that is a pleasant and healthy place to live.
- The landscaping plan should take into account the following principles:
 - Passive surveillance being maintained to the street whereby plants will not screen the view from the street, lane or open space areas, or surveillance from the street, lane or open space areas;
 - Selected plants being of an appropriate scale that do not dominate the streetscape or affect passive solar requirements for homes;
 - Water Corporation criteria for "Water Wise" gardens;
 - The landscaping treatment and interface between the site and the local recreation reserve; and
 - The landscape treatment of the internal road reserves and parking areas that are to include street trees or planting consistent with the Landscape Master Plan.

Officer Comment:

The proposed Landscape Guidelines have been completely revised to that previously approved. The overall intent of the landscaping guidelines remain the same although some minor details have been omitted.

Modifications required to the Design Guidelines:

Insert additional details into the proposed Landscape Design Guidelines and include reference to the Shire of Capel's adopted *Urban Landscape Strategy 2011*.

Element 5 – Vehicular Access, Visual Truncation, Traffic Management and Car Parking

- A minimum of one bay will be provided per dwelling. Visitor parking will be distributed throughout the village development within the communal parking areas.
- Visitor parking is provided in excess of the Residential Design Codes requirement (1 bay per 4 dwellings).
- Where possible, crossovers should be limited to 3 metres wide, and should not exceed 6 metres. Crossovers will be restricted in the entry of the residential area.
- No more than one crossover to be allowed per land lease area.

Officer Comment:

The applicant has proposed a minor modification to the previously approved Design Guidelines.

The overall intent of the car parking provision remains unchanged the modification refers to the explanation of the parking arrangements and reference to the R Codes.

One car space per dwelling has previously been supported and is currently proposed. Visitors' bays will be dealt with separately as part of the Development Assessment.

Pursuant to the Shire of Capel Town Planning Scheme No. 7 *'Except with the approval of the Council, no building, wall, fence or other form of visual obstruction greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within a 15 metre truncation of a street corner'*.

Policy 6.12 provides a basis for the relaxation of the standard in relation to the placement of any building, wall fence or other form of visual obstruction greater than 0.75m in height within the 15 by 15 metre visual truncation. This Policy relates to Residential Zones in the Capel and Boyanup Townsites where the density code is greater than R2.5.

The policy forms the basis of providing an 8 x 8m visual truncation without the need for applying for Planning Consent, by providing additional information at the Building Permit stage. Based on the indicative floor plans provided by the applicant, land lease areas have widths of 13.4m and 14.0m respectively, therefore an 8 x 8m visual truncation will be difficult to achieve.

It is recommended that Council through the adoption of the Design Guidelines relax the requirement to comply with Clause 7.8 pursuant to the Scheme and that the visual truncation requirements pursuant to the Residential Design Codes be complied with in lieu thereof.

Modifications required to the Design Guidelines:

That the heading and wording of Element 5 be deleted and replaced with the following:

Element 5 – Vehicular Access, Visual Truncation, Traffic Management and Car Parking

- A minimum of one parking bay will be provided per dwelling in accordance with the requirements of the Residential Design Codes.
- Visitor parking will be distributed throughout the village development within the communal parking areas.
- Visitor parking is provided in excess of the Residential Design Codes requirement (1 bay per 4 dwellings).
- Sight lines and visual truncation of each lot lease area shall be in accordance with the requirements of the Residential Design Codes.
- The visual truncation requirements of Clause 7.8 of the Shire of Capel Town Planning Scheme No. 7 do not apply to the land lease areas within the Meadowbrooke Lifestyle Estate Development Guide Plan area, unless located on a public road.

Element 6 – Fencing

- Fencing should be uniform throughout the residential development and in accordance with the Fencing Local Laws.
- Other than battle-axe configured sites, no secondary street or front boundary fencing will be permitted.
- Details of boundary fences to the South Western Highway and Turner Street to be provided in the Landscape Master Plan.
- Electronic security gates/fencing will be permitted at the village entry.

Officer Comment:

The applicant's modification refers to:

- Point 2 that now proposes that no front boundary fence is permitted where previously this allowed for open style fencing.
- Point 3 that the fencing detail shall form a part of the Landscape Master Plan.

- Point 5 states that electronic security gates would be permitted whereas previously the Guidelines stated that “Electronic security gates/fencing will not be permitted. The village will maintain openness to the town site”.

Modifications required to the Design Guidelines:

Remove reference to the Policy as this is a previous Building Policy likely to be reviewed soon.

Element 7 – Pedestrian Access

A pedestrian pathways plan will comprise part of the Landscape Master Plan.

Officer Comment:

The applicant proposes a minor modification to the previously adopted Design Guidelines. Pedestrian Access is to form part of the Landscape Master Plan, previously referred only to the Development Guide Plan.

Element 8 - Equal Access Requirements

Officer Comment:

This element was not previously adopted in the Design Guidelines. Council, through the adoption of the Design Guidelines, will agree to the variation of the requirement to comply with the ‘Deemed-to-Comply’ requirement of the Residential Design Codes pursuant to Part 5.5.2 Aged or dependent person’s dwellings, on the basis that it is satisfied that the proposal is consistent with the relevant design principles.

The applicant contends that the subject proposal (and associated design elements not considered to meet the deemed-to comply requirements of the Residential Design Codes) is consistent with other similar Lifestyle Villages that have been developed successfully elsewhere throughout the State. Therefore, and in accordance with the provision relating to ‘Exercise of Judgement’ and other relevant clauses as contained within the Codes and Town Planning Scheme No. 7, Council is requested to recognise that:

1. The vision and intent of the proposal is to develop a ‘Lifestyle Village’ as distinct from a retirement village;
2. The proposed development meets the demonstrated need for aged person’s accommodation in the locality and Region;
3. The proposed development and use is consistent with current State and local strategic planning and policies;
4. The proposal is consistent with the objectives and design principles espoused in the Residential Design Codes; and
5. That the development can be properly implemented and audited by the Shire of Capel as part of the on-going building approval process.

Notwithstanding the applicants request it is important that aged or dependent persons’ dwellings are designed to allow for ageing in place, whereby dwellings cater for an individual to remain in their chosen place of residence even though their physical and sensory abilities may change in the future. Certain minimum requirements, as set out in appropriate Australian Standards must be part of the original construction, or can be introduced (retrofitted) with ease in the future. In particular, this would include designs with minimal use of varying floor levels and stairs, adequate passageways and door widths, roofed car parking spaces, accessible utilities and slip resistant floors for kitchens, laundries, bathrooms and toilets as described in AS 4299:1995, Adaptable Housing. This would result in such dwellings being more flexible to accommodate the changing needs of residents.

Modifications required to the Design Guidelines:

In view of the above it is recommended that the Design Guidelines be modified to include the following wording:

- The objective of this Element is to ensure dwellings are designed with ageing in place for development to be flexible to accommodate the changing needs of ageing residents.

The following requirements listed below are mandatory in each dwelling; however it is encouraged to meet all the requirements within the Australian Standard 4299:1995 – Adaptable Housing.

Dwelling Entrance:

- An accessible path of travel from the street frontage, car parking area or drop-off point in accordance with the requirements of AS4299 clause 3.3.2 (as amended);
- Level entry to the front entry door with preferable all external doors having level entries (diagram, figure C1 of AS4299 [as amended]).

Doors:

- All external and internal doors to ensure a minimum 820mm clear opening where possible (AS4299 clause 4.3.3 [as amended]).

Corridors:

- Internal corridors to be a minimum 1000mm wide.

Grab Rails:

- Provisions to be made for the installation of grab rails in accordance with AS4299 clause 4.4.4 (h) by incorporating noggins for future rail installation.

Toilets:

- Where possible, a visitable toilet (AS4299, clause 1.4.12 [as amended]), preferably located within a bathroom.

Element 9 (previously 8) – Ancillary

- Storage of any goods, materials or the like shall not be permitted on access laneways, street car parking areas and road verges.
- Bin storage to accommodate a 3 bin rubbish disposal system (3x 240L per house) and clothes drying areas must be fully screened from public view.
- Homes must be provided with a storeroom of not less than 4m² in floor area. The storeroom must be fully enclosed with access outside the dwelling i.e. no direct access from inside the dwelling.
- Freestanding storerooms must be constructed of the same or complimentary materials, finishes, colours and roof type as the main dwelling.

Officer Comment:

Although this element has been revised by the applicant the overall intent remains the same and more detail has been included.

Modifications required to the Design Guidelines:

Insert provision to include reference to the need for a 3 bin rubbish disposal system to reflect Environmental Health Services requirements.

Element 10 – Waste and Water Management

- Water conservation strategies relating to the home and garden shall be used to assist in reducing water use and water costs for the occupants.
- A rainwater storage tank may be installed with each dwelling and shall be fitted with a mosquito screen.

Modifications required to the Design Guidelines:

This is a new section proposed by the applicant. It is recommended that some amendment be made to this Design Element to refer to mosquito screens. Dot point 2 has been deleted as a Water Management Program has not been required by the Shire and monitoring of such a program rests with the applicant.

Element 11 – Energy Efficiency

- Consideration of dwelling orientation and appropriate appliance and lighting options can reduce high energy consumption. The dwellings shall use inverter split system reverse cycle air conditioning and LED lighting where practicable.
- Consideration of hot water systems positioned as close as possible to the area of most use.
- Consider the installation of photovoltaic or renewable energy systems.
- The reader is referred to the Sustainability Outcomes and Implementation Plan

prepared for the Meadowbrook Lifestyle Estate.

Modifications required to the Design Guidelines:

This is a new section proposed by the applicant and is recommended that it is worded to encourage consideration of these matters instead of making it mandatory which is difficult to monitor and control compliance.

Element 12 – Noise Attenuation

Modifications required to the Design Guidelines:

Insert a provision to reflect Noise Attenuation requirements:

- The Building Permit application for a building on a land lease area identified on the Development Guide Plan to comply with Noise Mitigation Requirements is required to include a written statement/certificate from an Acoustics Consultant and the building contractor to confirm that the relevant components of the AS2107 have been complied with.

Element 13 – Fire Management

Modifications required to the Design Guidelines:

Insert a provision to reflect Bushfire Management requirements:

- The Building Permit application for a building on a land lease area need to demonstrate that the relevant components of the AS3959 have been complied with. A written statement/certificate from the building designer and builder is to be submitted with the building permit application.

As is evident in Table 2 the Applicant has made some amendments to the Design Guidelines contained in the Scheme Amendment No. 46 report.

A new Element 8 relating to Equal Access Requirements is recommended by Shire staff to ensure that dwellings are designed to allow for ageing in place, whereby dwellings cater for an individual to remain in their chosen place of residence even though their physical and sensory abilities may change in the future. To achieve this certain minimum standards must be part of the original construction. Element 8 is modelled on the information obtained from the applicant relating to what is proposed and achievable given the intended house product, this varies from the Residential Design Codes requirement pursuant to Part 5.5.2 Aged or dependent person’s dwellings. Council through the adoption of the Design Guidelines will agree to the variation of the requirement to comply with the ‘Deemed-to-Comply’ requirement of the Residential Design Codes on the basis that it is satisfied that the proposal is consistent with the relevant design principles as demonstrated in the table above.

The Applicant’s proposal is acceptable with recommendations to add Elements 10, 11, 12 and 13 requiring building design to incorporate noise attenuation measures and bushfire requirements at the Building Permit application stage.

CONCLUSION

The matters raised within the submissions are summarised as follows:

- Main Roads WA requested upgrades to the intersection of Turner Street and South Western Highway. This requirement has been addressed through the modification of the DGP to include Land Use Note 8. Main Roads WA requirements regarding the emergency access crossover have been noted and are to be conditioned at Development Application stage. The applicant has amended the DGP and Revision D no longer reflects the gap in the noise wall.
- Department of Aboriginal Affairs confirmed that Lot 201 Turner Street, Boyanup, intersects with one Aboriginal heritage place under the Aboriginal Heritage Act, 1972

(AHA) as currently mapped on the Register of Aboriginal Sites (the Register):DAA 19795 Preston River. The DGP demonstrates this and further advice will be provided at Development Application stage.

- Public Transport Authority stated the architectural upgrade recommendations of the Lloyd George Acoustic report should be adopted together with notification of this potential issue. Land Use Notes 10 and 11 on the DGP relates to Noise Management and the Design Guidelines has been modified to include Element 12 requiring noise mitigation at building permit application stage.
- Water Corporation, Western Power and ATCO Gas Australia
None of the service providers have identified major issues at the DGP stage and connection to services is to be conditioned at the Development Application stage.
- Department of Water
The areas proposed to be developed are within the flood fringe, which according to advice received from the Department of Water is acceptable as long as the flood regime of the general area is not unacceptably affected. The applicant amended the DGP to reflect an increased building setback (minimum 21 metres) from northern boundary of the subject land to address the DoW requirements. Local Water Management Strategy (LWMS) and the Foreshore Management Plan are in the process of being finalised and the DGP has been modified to include Land Use Note 4 and 9 requiring development to be in accordance with the requirements of a Local Water Management Strategy and Foreshore Management Plan.
- Department of Parks and Wildlife
Parks and Wildlife advised that the MU wetland areas can be managed as part of the Local Water Management Strategy and provided advice regarding vegetation types to be considered within the Foreshore Management Plan.
- Objection from Ecclestone Court Residents
 - Zoning - The proposal is being assessed in accordance with the current zoning of the land. The development is to be managed under the Caravan Parks and Camping Grounds Regulations 1997 and not developed as a conventional Caravan Park. Element 2 of the Development Guidelines has been modified to reflect Architectural Form and Building Appearance requirements to achieve development in keeping with existing development and rural character of the Boyanup townsite.
 - Flood waters – Shire staff rely on advice obtained from Department of Water.
 - Vegetation removal - The Silver Birch Trees have been identified as a weed requiring removal from Lot 201 and the Foreshore Reserve and specifics of the management arrangement of the Foreshore will be contained in the Foreshore Management Plan. The DGP has been modified to include Land Use Note 9. A Landscape Master Plan is required to address landscaping along the South Western Highway, the DGP has been modified to include Land Use Note 3.
 - Acid Sulphate Soils – Advice will be provided at the Development Application stage.

From the above it can be concluded that the submissions received from government, and other agencies and residents of Ecclestone Crescent have been addressed by the modifications contained in the Development Guide Plan Revision D (Plan Number 14041-01) (refer Attachment 7) and the Meadowbrooke Lifestyle Estate – Design Guidelines (refer Attachment 8). Although the applicant agreed to the modifications and prepared the documents for adoption by Council, Land Use Note 5 is not acceptable to the applicant that provided the following:

- *“From the modelling undertaken, it is our belief that the modelling establishes quite clearly that the land is not flood prone up to a 1 in 100 year flood event – similar in fact to many developed areas of land throughout the State; as also discussed, we are seeking confirmation from the Department of Water and WAPC that this is, in fact, the case. Subject to the outcomes of our investigation we may also seek a legal opinion to provide Council with further clarification and comfort on this issue.*
- *We have substituted the term ‘dual use’ with ‘pedestrian’ at Land Use Note 8(d) reflecting Jason’s comment at our most recent meeting (i.e. “path width of 1.2 to 1.5 metres back of kerb”).”*

Council is now required to make a determination on whether or not to adopt the Development Guide Plan Revision D (refer Attachment 7) and the Meadowbrooke Lifestyle Estate – Design Guidelines (refer Attachment 8). However given the advice obtained from the Solicitor it is strongly advised that the DGP be modified to reflect the wording of Land Use Note 5 to accord with the Solicitor’s advice.

A member of the public returned to the meeting at 6.34pm.

VOTING REQUIREMENTS

Simple majority

OC0814 OFFICER’S RECOMMENDATIONS – 14.5/COUNCIL DECISION

Moved Cr Bell, Seconded Cr McCleery

That Council resolves pursuant to Condition 1 of the Special Use Zone relating to Lot 201 (previously Lot 888) Turner Street Boyanup, within Appendix 4 of Town Planning Scheme No. 7, to adopt Development Guide Plan Revision D and associated Meadowbrooke Lifestyle Estate – Design Guidelines subject to submission of a modified Development Guide Plan to the satisfaction of the Shire of Capel that incorporates the following change:

- a. Land Use Note 5 to read as follows:**
- Where land within this Development Guide Plan is within an identified floodprone area, any approval for the subdivision or development of that land shall require a notification to be registered against the certificate of title to the land (pursuant to section 165 of the Planning and Development Act in the case of subdivision or section 70A of the Transfer of Land Act in the case of development) advising owners or prospective owners of that land that:**
- **The land is within a floodprone area and may be subject to flooding; and**
 - **The development of any habitable room must have a minimum floor level 0.5 metres above the adjacent Department of Water 100 year ARI flood level for flood protection.**

Carried 8/0

Mr Gick and 13 members of the public left the meeting at 6.44pm.

Mrs Muller, Mr Muste and a member of the public left the meeting at 6.45pm.

CORPORATE SERVICES REPORTS

OC0815 (15.1) Application to Keep 3 Cats – 57 Weld Road, Capel

Location:	Capel
Applicant:	Harriet Clarke
File Reference:	379288
Disclosure of Interest:	Nil
Date:	23.07.15
Author:	Customer Service Officer, P Mileto
Senior Officer:	Executive Manager Community Services, M Plume
Attachment:	Location Map

MATTER FOR CONSIDERATION

An application has been received to keep 3 cats at 57 Weld Road, Capel.

BACKGROUND / PROPOSAL

Background

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

Proposal

The applicant seeks Council's approval to keep three cats at 57 Weld Road, Capel.

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;

Keeping and Welfare of Cats Local Law – Clause 5

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

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

Environmental – 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 13 letters were sent out with 7 replies received. Of the 7 replies received, the responses are as follows:

- 1) Do Object – Since the cats have come our tame dove has lost its tail, now disappeared. One can safely assume, caught by a cat. I do not mind 3 cats if they are kept on their property. We did have one cat and the amount of birds it killed was appalling & that is why we do not have one. I do not want cats in our garden.
- 2) Do Object – Mrs Clarke needs to be aware of the Shire By-laws concerning cats. The need to keep the cats on her property. I have had problems with straying cats before, Tuesday 23/6/15 I chased a black & White cat from my property. It returned to 57 Weld Road.
- 3) Do not object – We do not object but the cats must stay on the property of 57 Weld Road, if that can be achieved then I do not object.
- 4) Do not object – We have no objection to the cats providing they are kept away from native wildlife.
- 5) Do not object
- 6) Do not object
- 7) Do not object – I do not object but would like to know that they will be inside at night as one is often at my house in the middle of the night, which upsets my 2 cats that are inside.

COMMENT

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

Frog	3 Years Old	Sterilised Male	Domestic Short Hair
Ophelia	3 Years Old	Sterilised Female	Domestic Short Hair
Shakespeare	6 Years Old	Sterilised Male	Domestic Short Hair

Community Rangers have inspected the property and have advised that the cats appear to be well looked after, healthy and have a sleeping and feeding area.

Whilst not required for this application, the applicant intends to install an enclosure 3m x 2m off the front bedroom window.

The cats are kept inside the house except when the owners are at home, when the cats' movements are monitored.

Ms Clarke states that she has had 3 cats for the last 3 years, before the Cat Laws came in. They are like her family. She got the third after looking after the last one from SAFE. She says that the cats stay inside, as there is adequate room and until she builds a cat run.

The application is supported by the Community Rangers and as there is no evidence to the effect of nuisance behaviour or complaints with the animals referred to in this application, it is recommended that Council grant approval. It is considered that the provisions contained in the recommendation will be sufficient to control any nuisance behaviour caused by the cats. Contraventions of the Cat Act or Cat Local Laws may result in cancellation of the exemption.

VOTING REQUIREMENTS

Simple majority

OC0815 OFFICER'S RECOMMENDATIONS – 15.1/COUNCIL DECISION

Moved Cr J Scott, Seconded Cr McCleery

That Council grants an exemption, allowing Ms Clarke to keep three cats at 57 Weld Road, Capel, subject to the following conditions:

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

Frog	3 Years Old	Sterilised Male	Domestic Short Hair
Ophelia	3 Years Old	Sterilised Female	Domestic Short Hair
Shakespeare	6 Years Old	Sterilised Male	Domestic Short Hair

2. The exemption only applies to 57 Weld Road, Capel;

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 7/1

OC0816 (15.2) Accounts Due and Submitted for Authorisation

Location: Capel
Applicant: Shire of Capel
File Reference:
Disclosure of Interest: Nil
Date: 26.08.2015
Author: Finance & Accounts Payable Officer, S Searle
Senior Officer: Executive Manager Corporate Services, S Stevenson
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:

EFT19551	26/08/2015	JOHN ANDERSON ELECTRICIAN	SUPPLY AND INSTALL AUXILIARY POWER INLET SOCKET, SWITCH AND WIRING TO CAPEL HALL	5980.00
EFT19552	26/08/2015	AUSLEC	SUPPLY TWO 32MM 90DEGREE ELBOWS	25.23
EFT19553	26/08/2015	BUNBURY TYREPOWER	SUPPLY TYRE TO FIT OUT- FRONT MOWER	160.00
EFT19554	26/08/2015	BUNNINGS BUILDING SUPPLIES PTY LTD	CHAIN AND FITTINGS FOR GUIDE POST / VERGE EDGING AND KITCHEN DOOR HINGES	316.09
EFT19555	26/08/2015	BUSSELTON- DUNSBOROUGH ENVIRONMENT CENTRE	40 X JOURNEY INTO THE LUDLOW TUART FOREST BOOKS"	400.00

EFT19556	26/08/2015	STAPLES AUSTRALIA PTY LTD	2015/16 STATIONERY	546.45
EFT19557	26/08/2015	COVS PARTS	TWO BATTERIES FOR ISUZU CP578	480.70
EFT19558	26/08/2015	TJ DEPIAZZI & SONS	LANDSCAPE MIX DELIVERY TO CAPEL SHIRE DEPOT	528.11
EFT19559	26/08/2015	STATE LIBRARY OF WESTERN AUSTRALIA	2015/16 RECOVERY OF LOST AND DAMAGED ITEMS	18.70
EFT19560	26/08/2015	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	SUBSCRIPTION TO ENVIRONMENTAL PLANNING TOOL (EPT) FOR 2015/16	2832.50
EFT19561	26/08/2015	LANDGATE	RURAL UV INTERIM CHARGABLE	197.50
EFT19562	26/08/2015	MJB INDUSTRIES	16/50 CONCRETE BASE	444.07
EFT19563	26/08/2015	MARKETFORCE	VARIOUS ADVERTISEMENTS	1436.81
EFT19564	26/08/2015	POSITION PARTNERS	MAGNET OFFICE PRODUCT MAINTENANCE	555.50
EFT19565	26/08/2015	SJ ROADWORKS	WEEKS HIRE OF ROLLER - COMMENCING 16/4/15 AND COVER PART FOR HAMM ROLLER DAMAGE	1854.52
EFT19566	26/08/2015	RTW STEEL FABRICATION	STRAIGHTEN PIVOT SHAFT FOR ISEKI DECK	93.50
EFT19567	26/08/2015	SOUTHERN LOCK & SECURITY	SUPPLY 6 PADLOCKS KEYED TO L1 ON SHIRE SYSTEM	538.67
EFT19568	26/08/2015	SOUTH WEST ZONE WA LOCAL GOVERNMENT ASSOCIATION	ANNUAL FEES FOR MEMBERSHIP OF SW ZONE FOR 2015/16	600.00
EFT19569	26/08/2015	TOTALLY WORKWEAR	PROTECTIVE JACKET	136.13
EFT19570	26/08/2015	TRADELINK PLUMBING SUPPLIES	SUPPLY 1 DRINKING FOUNTAIN BUBBLER FOR PEPPERMINT GROVE BEACH FORESHORE	332.12
				17476.60

OUTSTANDING CREDITORS AS AT 31 July 2015: \$178,854.52

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 26th August 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

OC0816 OFFICER'S RECOMMENDATIONS – 15.2/COUNCIL DECISION

Moved Cr Hearne, Seconded Cr Norton

That Council authorises the Schedule of Accounts covering vouchers EFT19551 to EFT19570, a total of \$17,476.60, for payment.

Carried 8/0

OC0817 (15.3) Accounts Paid During the Month of July 2015

Location: Capel
Applicant: Shire of Capel
File Reference:
Disclosure of Interest: Nil
Date: 26.08.15
Author: Finance & Accounts Payable Officer, S Searle
Senior Officer: Executive Manager Corporate Services, S Stevenson
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 July 2015 are as follows:

EFT19265	01/07/2015	AUSTRALIA POST	POSTAGE FOR MONTH OF MAY	1111.08
EFT19266	01/07/2015	AUSTRAL MERCANTILE COLLECTIONS P/L	LEGAL FEES 14/15	1209.46
EFT19267	01/07/2015	ALL WEST BUILDING APPROVALS PTY LTD	ANNUAL ORDER - ASSISTANCE WITH THE ASSESSMENT OF BUILDING PERMITS & CUSTOMER SERVICES PROVISIONS	847.00
EFT19268	01/07/2015	BUNNINGS BUILDING SUPPLIES PTY LTD	5 PIECES OF TIMBER TREATED	25.05
EFT19269	01/07/2015	BULLIVANTS PTY LTD	2 TIE DOWN STRAPS	52.80
EFT19270	01/07/2015	KORONG VENDING (BCM VENDING)	HACC-MACHINE RENTAL \$190X12	376.00
EFT19271	01/07/2015	BAREFOOT BOOKS	BOOK PURCHASES	102.31

EFT19272	01/07/2015	COATES HIRE SERVICE	COMPLEX OFFICES 12X12 CONTINUATION OF HIRE TO 28 AUGUST 2015	4615.28
EFT19273	01/07/2015	CELLARBRATIONS AT CAPEL	WINE AND BEER FOR CITIZENSHIP CEREMONY ON 11 MAY 2015	372.84
EFT19274	01/07/2015	CAPELBERRY	COUNCIL MEETING DINNERS FOR 14 PEOPLE	350.00
EFT19275	01/07/2015	CARTERS FENCING	REMOVAL OF ASBESTOS FROM ROAD VERGE ELGIN RD	383.90
EFT19276	01/07/2015	DAVID COLLINS	REIMBURSEMENT RED CROSS TRAINING ACCOMM AND MEALS- DISASTER COMMUNICATION	183.00
EFT19277	01/07/2015	CAPEL HARDWARE & FARM SUPPLIES	60 BAGS OF PRE-MIX CONCRETE	2732.96
EFT19278	01/07/2015	DAPCO	97,000 SERVICE CP5446	359.75
EFT19279	01/07/2015	DEPARTMENT OF PREMIER & CABINET	BASIS OF RATES APPROVAL UV TO GRV	194.60
EFT19280	01/07/2015	DORMA AUTOMATICS PTY LTD	4X SERVICE AUTOMATIC DOORS AT CAPEL LIBRARY	132.00
EFT19281	01/07/2015	DOME BUNBURY	DOME VOUCHERS FOR VOLUNTEER DRIVERS	500.00
EFT19282	01/07/2015	EATON HARDWARE	14/15 HACC-HARDWARE SUPPLIES	30.79
EFT19283	01/07/2015	LGIS RISK MANAGEMENT	RISK MANAGEMENT PROGRAM	9293.00
EFT19284	01/07/2015	EARTHMAC	TRAFFIC MANAGEMENT - TEST HOLES	4150.00
EFT19285	01/07/2015	FLOWER BAZAAR	BABY BASKET	100.00
EFT19286	01/07/2015	GANNAWAYS CHARTER SERVICE	BUS HIRE FOR JULY INZONE SCHOOL HOLIDAY PROGRAM ACTIVITIES	2630.00
EFT19287	01/07/2015	GHD PTY LTD	RUBBISH SITE REHABILITATION -CAPEL	782.10
EFT19288	01/07/2015	PERTHWASTE GREEN RECYCLING	PROCESSING OF KERBSIDE RECYCLABLES	4714.24
EFT19289	01/07/2015	CECILIA MULLER	REIMBURSEMENT OF PIA MEMBERSHIP FEES	590.00
EFT19290	01/07/2015	THE WORKWEAR GROUP (NEAT N TRIM UNIFORMS)	14/15 UNIFORM ORDER	195.00
EFT19291	01/07/2015	OFFICEWORKS SUPERSTORES PTY LTD	HACC STATIONERY	37.00
EFT19292	01/07/2015	PIACENTINI & SON PTY LTD	TONNE LIMESTONE - TO BE COLLECTED BY SHIRE	174.83
EFT19293	01/07/2015	PRESTIGE PRODUCTS- BUSSELTON	HACC 14/15 AMENITIES- TOWELS TISSUE ETC	145.64
EFT19294	01/07/2015	MICHELLE PLUME	REIMBURSEMENT OF HACC ACKNOWLEDGEMENT & GIFT	114.85
EFT19295	01/07/2015	PLANNING INSTITUTE AUSTRALIA	PIA WA STATE CONFERENCE 2015 REGISTRATION	1855.00

EFT19296	01/07/2015	DONNA RUDOLF	REIMBURSEMENT FOR THE TRANSITION WORKING PARTY LUNCH	123.00
EFT19297	01/07/2015	RETHINK MARKETING	MARKETING CAMPAIGN TV COMMERCIALS	4917.44
EFT19298	01/07/2015	SOUTH WEST TREE SAFE	REMOVE TREE AND STUMP GRIND ROOTS THAT ARE LIFTING DRIVEWAY	2090.00
EFT19299	01/07/2015	CAPEL FRESH IGA	VARIOUS EXPENSES	253.73
EFT19300	01/07/2015	SOUTHERN LOCK & SECURITY	CARRY OUT MAINTENANCE AND TESTING OF ALARM SECURITY SYSTEM CAPEL PAVILION	467.51
EFT19301	01/07/2015	SHADE WEST	REMOVE, STORE AND CARRY OUT MAINTENANCE AS REQUIRED, SHADE SAILS AT BOYANUP COMMUNITY CENTRE	1249.00
EFT19302	01/07/2015	SW PRECISION PRINT	HARDWASTE FLYERS AND RECYCLING CALENDARS	3123.00
EFT19303	01/07/2015	STRATHAM BOBCAT HIRE	HOURLY HIRE OF PLANT AND EQUIPMENT FOR WORKS AT CAPEL RECREATION GROUND	418.00
EFT19304	01/07/2015	D & K THOMAS ELECTRICAL	CHECK/REPAIR BEACH PARK BBQS DALYELLUP	161.70
EFT19305	01/07/2015	RAY TINK ROOFING	CLEAN GUTTERS ON BOYANUP, ELGIN, CAPEL, PEPPERMINT GROVE AND GELORUP FIRE SHEDS	1045.00
EFT19306	01/07/2015	WORK CLOBBER BUNBURY	REMOVE NAMES AND REPLACE WITH NEW NAME	31.90
EFT19307	01/07/2015	WOOD & GRIEVE ENGINEERS	CONSULTING ENGINEERING SERVICES FOR ADMIN BUILDING REDEVELOPMENT	1430.00
EFT19308	01/07/2015	WOODLANDS DISTRIBUTORS & AGENCIES	SUPPLY AND DELIVER 1 SUNRISE SETTING, WALNUT RIGHT WOOD BATONS, DARK GREEN POWDER COAT, IN-GROUND INSTALLATION.	2524.50
EFT19309	01/07/2015	WORKFORCE ROAD SERVICES PTY LTD	SUPPLY AND INSTALL LINE MARKING TO PARADE ROAD	3798.85
EFT19310	01/07/2015	WOOLWORTHS LIMITED (WA)	HACC-DAY CENTRE SHOPPING	982.48
EFT19311	30/06/2015	SHIRE OF CAPEL	RENT ARREARS PAID TO SHIRE OF CAPEL	320.85
EFT19312	06/07/2015	WESTNET PTY LTD	DALYELLUP LIBRARY INTERNET - 12 MONTHS	94.94
EFT19313	06/07/2015	WESTNET PTY LTD	SHIRE OF CAPEL INTERNET ADMINISTRATION - 12 MONTHS	274.84
EFT19314	08/07/2015	AMITY SIGNS	BLUE GUIDE POSTS INCLUDING PAINTING	7847.40

EFT19315	08/07/2015	ALL WEST BUILDING APPROVALS PTY LTD	ANNUAL ORDER - ASSISTANCE WITH THE ASSESSMENT OF BUILDING PERMITS & CUSTOMER SERVICES PROVISIONS	600.60
EFT19316	08/07/2015	ACQUIRE HOME LIVING	LARGE SAUCEPANS, CUTLERY, CUPS & SAUCERS FOR HACC	498.30
EFT19317	08/07/2015	SANDRO AGRIZZI FARM MACHINERY PTY LTD	BRUSH FOR PACIFIC ROAD BROOM	835.00
EFT19318	08/07/2015	BOYANUP HALL ADVISORY COMMITTEE	BOYANUP HUGH KILPATRICK HALL CARETAKING	210.00
EFT19319	08/07/2015	BELL FIRE EQUIPMENT COMPANY	ANNUAL SERVICING OF FIRE INDICATOR PANEL CAPEL LIBRARY (MONTHLY SERVICE)	137.50
EFT19320	08/07/2015	BUNNINGS BUILDING SUPPLIES PTY LTD	MAT FOR SHIRE BUILDING	49.00
EFT19321	08/07/2015	KORONG VENDING (BCM VENDING)	HACC-COFFEE SUPPLIES AND MACHINE RENTAL	1028.00
EFT19322	08/07/2015	BENDIGO BANK BUSINESS CREDIT CARD	VARIOUS CREDIT CARD EXPENSES INCLUDING INTERNET, EHA CONFERENCE FEES, HACC LUNCHES AND DEATH NOTICE AND FLOWERS	1748.82
EFT19323	08/07/2015	SIDDHARTHA BAXI	WALGA COURSE DEBATING 1/5/15 RETURN BOYUPBROOK 240KM X 78CENT PER KM	187.20
EFT19324	08/07/2015	STAPLES AUSTRALIA PTY LTD	14/15 STATIONERY	170.06
EFT19325	08/07/2015	CRANEY'S LUNCHBAR	HACC -ANNUAL ORDER FOR VOLUNTEER LUNCHES 14/15	268.70
EFT19326	08/07/2015	CARTERS FENCING	SUPPLY AND INSTALL 34.6M OF 1500MM HIGH COLORBOND FENCING AND 5M WIDE DOUBLE GATES, INCLUDING 300MM LATTICE SCREENING TO 85 GOODWOOD ROAD CAPEL.	5390.00
EFT19327	08/07/2015	CASTROL AUSTRALIA PTY LIMITED	SUPPLY 20L DRUM MINERAL HYDRAULIC OIL	173.38
EFT19328	08/07/2015	COLES	HACC DAY CENTRE SHOPPING	1028.97
EFT19329	08/07/2015	GELORUP COMMUNITY MANAGEMENT COMMITTEE	GELORUP COMMUNITY CENTRE MANAGEMENT FEES	105.00
EFT19330	08/07/2015	DELRON CLEANING	BUILDING CLEANING FOR MONTH OF JUNE	9528.56
EFT19331	08/07/2015	DEPARTMENT OF TRANSPORT	14/15 VEHICLES SEARCHES	9.75
EFT19332	08/07/2015	DELL AUSTRALIA PTY LTD	1 X DELL OPTIPLEX 9030 SYSTEM	1141.80

EFT19333	08/07/2015	ELGIN HALL COMMITTEE	REIMBURSEMENT OF POWER BILL FOR ELGIN HALL COMMITTEE	196.04
EFT19334	08/07/2015	EARTHMAC	TRAFFIC MANAGEMENT FOR - TREE PRUNING - CAPEL TUTUNUP RD	950.00
EFT19335	08/07/2015	GOLDEN WEST PLUMBING & DRAINAGE	UNBLOCK URINAL AT PEPPERMINT GROVE FORESHORE TOILET AND INVESTIGATE SEWER CONNECTION LINE, UNBLOCK TOILETS AT DALYELLUP LAKES TOILETS, REPAIR BBO AT IRONSTONE GULLY FALLS AND GELORUP SKATEPARK.	1188.55
EFT19336	08/07/2015	BRIAN FISHER FABRICATION	SUPPLY TWO 45KG LPG TO GELORUP COMMUNITY CENTRE	250.00
EFT19337	08/07/2015	FENNESSY'S	CARRY OUT 45,000 KM SERVICE COLORADO 4X4 DUAL CAB 46CP AND 60,000 SERVICE ON CP9370	1059.22
EFT19338	08/07/2015	GHD PTY LTD	ECOLOGICALS ASSESSMENT	1430.00
EFT19339	08/07/2015	INSPIRED DEVELOPMENT SOLUTIONS	MENTORING JUNE 2015	550.00
EFT19340	08/07/2015	IVC COMPUTER SERVICES IVC	1 X 20 METRE NETWORK PATCH LEAD	26.00
EFT19341	08/07/2015	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	ADVERTISE TOWN PLANNING SCHEME ON 21 & 28 MAY 2015 AND NOTICE OF MEADOWBROOK DEVELOPMENT PROPOSAL	886.44
EFT19342	08/07/2015	LD TOTAL	CONTRACT WORK - AS PER DALYELLUP PUBLIC OPEN SPACES (POS) MAINTENANCE	32645.42
EFT19343	08/07/2015	LANDGATE	ADDITIONS TO GRV AREA	161.70
EFT19344	08/07/2015	LINDA'S BOOKS	LOCAL STOCK BOOK PURCHASE	84.90
EFT19345	08/07/2015	MINING & PASTORAL COMMUNICATION SERVICES	24 MOBILE RADIOS, TAIT TM 8115 100 CHANNEL INCLUDES INSTALLATION AND EXCHANGE AND POWER SUPPLY UNIT FOR DEPOT RADIO	32037.50
EFT19346	08/07/2015	THE WORKWEAR GROUP NEAT N TRIM UNIFORMS PTY LTD	UNIFORM PURCHASES	562.50
EFT19348	08/07/2015	PERKINS (WA) PTY LTD	ALTERATIONS AND ADDITIONS TO SHIRE ADMINISTRATION BUILDING	239214.94

EFT19349	08/07/2015	PICTON TYRE CENTRE PTY LTD	REPAIRED HOLE IN TYRE WITH 120 PATCH	234.00
EFT19350	08/07/2015	AUSTRALIA TAXATION OFFICE	1.7.15 GROSS \$203,851.36, TAX - \$43,501.00	49389.00
EFT19351	08/07/2015	RAECO	STORY TIME CHAIR, STATIONERY, BOOK COVERING	417.27
EFT19352	08/07/2015	SOUTH WEST TREE SAFE	REMOVE FALLEN TREE - CAPEL TUTUNUP RD	495.00
EFT19353	08/07/2015	SOUTHERN LOCK & SECURITY	KEY TO DEPOT SYSTEM	147.68
EFT19354	08/07/2015	STRATHAM BOBCAT HIRE	HARDSTAND WORKS AT DEPOT FOR NEW SHED INCLUDING BOBCAT AND HAULAGE OF REQUIRED MATERIALS	836.00
EFT19355	08/07/2015	SUREKLEEN PRODUCTS	20 LITRES OF RE-ODOUR PLUS	323.40
EFT19356	08/07/2015	D & K THOMAS ELECTRICAL	INSTALL 2X WEATHER PROOF POWER POINTS AT PEPPERMINT GROVE BEACH COMMUNITY CENTRE.	1705.77
EFT19357	08/07/2015	TOTALLY WORKWEAR	SHELL POLAR FLEECE JACKETS STRATEGIC PROJECTS & PLANNING (X7)	2103.20
EFT19358	08/07/2015	TRADE HIRE	TEST HOLES FOR ROAD CONSTRUCTION PROJECTS	1020.00
EFT19359	08/07/2015	WARREN BLACKWOOD WASTE	COLLECTION OF HOUSEHOLD WASTE, ORGANIC & RECYCLING	60092.48
EFT19360	08/07/2015	WOOLWORTHS LIMITED (WA)	HACC-DAY CENTRE SHOPPING	55.83
EFT19361	08/07/2015	BRANDICOOT	WEBSITE PACKAGE AS PER 12 MONTH CONTRACT	238.00
		COUNCIL PAYMENTS 19362-19385		
EFT19386	08/07/2015	FUJI XEROX AUSTRALIA PTY LTD	ANNUAL ALLOCATION FOR LEASE OF PHOTOCOPIER - CAPEL LIBRARY	132.00
EFT19388	01/07/2015	HARVEY HEALTH & COMMUNITY SERVICES GROUP	PAYMENT OF CAPEL DARDANUP HOME AND COMMUNITY CARE LEAVE LIABILITY ESTIMATE OF 50%	95000.00
EFT19389	15/07/2015	CLAIRE ANDERSON	REIMBURSEMENT STAFF SUNDOWNER	88.00
EFT19390	15/07/2015	BELL FIRE EQUIPMENT COMPANY	ANNUAL SERVICING OF FIRE INDICATOR PANEL CAPEL LIBRARY (MONTHLY SERVICE)	236.30
EFT19391	15/07/2015	BUNBURY HARVEY REGIONAL COUNCIL	WASTE MAGEMENT EDUCATION PART COST	5047.38
EFT19392	15/07/2015	BRANDICOOT	MONTHLY WEBSITE SUBSCRIPTION	238.00

EFT19393	15/07/2015	BUNBURY PCYC	KIDSPORT REGISTRATION	400.00
EFT19394	15/07/2015	BUSSELTON FOOTBALL & SPORTSMAN'S CLUB (INC.)	KIDSPORT REGISTRATION	185.00
EFT19395	15/07/2015	STAPLES AUSTRALIA PTY LTD	2014/15 STATIONERY	157.08
EFT19396	15/07/2015	CAPEL NEWSAGENCY	PRINTING AND STATIONERY EXPENSES	2109.93
EFT19397	15/07/2015	CLEANAWAY	BURIAL OF KERBSIDE WASTE PICKUP	13591.60
EFT19398	15/07/2015	DAVID COLLINS	EMERGENCY RESPONSE GEAR BAG AND BRACKETS	27.20
EFT19399	15/07/2015	COVS PARTS	SWITCH FOR P0077	26.32
EFT19400	15/07/2015	DICK SMITH ELECTRONICS BUNBURY	EM : HAND HELD UHF RADIO (3 DOUBLE PACKS IF NECESSARY)	564.00
EFT19401	15/07/2015	DAPCO	4 NEW TYRES AND WHEEL ALIGNMENT	883.32
EFT19402	15/07/2015	DEPARTMENT OF PREMIER & CABINET	BASIS OF RATES APPROVAL UV TO GRV - LOTS 295-299, 324-328 ON DP76948, LOTS 349-351, 875, 876 AND 360 ON DP76949, LOTS 4765-4819 ON DP403900	194.60
EFT19403	15/07/2015	ELLIOTT'S SMALL ENGINES	HACC HOME MAINTENANCE	372.25
EFT19404	15/07/2015	ELDERS RURAL SERVICES AUSTRALIA LIMITED	KAMBA M 5L	79.35
EFT19405	15/07/2015	EARTH 2 OCEAN COMMUNICATIONS	FIT RADIO	280.90
EFT19406	15/07/2015	ENVIRONMENTAL HEALTH ASSOCIATION AUSTRALIA	I'M ALERT SUBSCRIPTION	550.00
EFT19407	15/07/2015	FIT 2 WORK.COM.AU	POLICE CHECKS HACC HANDOVER APPROX 16	405.90
EFT19408	15/07/2015	GT FABRICATION	NEW REFURBISHMENT OF STEEL TRAY & EQUIPMENT OF CP855 - TO BE TAKEN OFF CURRENT TRUCK, REFURBISHED AND REINSTALLED ON NEW TRUCK CP855	10868.00
EFT19409	15/07/2015	GRESLEY ABAS	EAST DALYELLUP SPORTS PAVILION CONCEPT DESIGN, DETAILED DESIGN & CONTRACT ADMINISTRATION	5985.93
EFT19410	15/07/2015	GIRL GUIDES WA INC	KIDSPORT REGISTRATION	200.00
EFT19411	15/07/2015	GRACE RECORDS MANAGEMENT	2014/15 RECORD FOR STORAGE & DESTRUCTION	302.87
EFT19412	15/07/2015	SOUTH WEST ISUZU	INVESTIGATE OIL LEAK AND BRAKES - CP9574	577.92
EFT19413	15/07/2015	STATE LIBRARY OF WESTERN AUSTRALIA	2014/15 RECOVERY OF LOST/DAMAGED BOOKS	26.40

EFT19414	15/07/2015	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	SOUTH WESTERN TIMES ADVERTISEMENT 1509 STRATEGIC PROJECTS OFFICER	300.47
EFT19415	15/07/2015	LD TOTAL	CONTRACT WORK - AS PER DALYELLUP PUBLIC OPEN SPACES (POS) MAINTENANCE	2962.30
EFT19416	15/07/2015	LESCHENAULT NETBALL ASSOCIATION	KIDSPORT REGISTRATION	155.00
EFT19417	15/07/2015	THE WORKWEAR GROUP (NEAT N TRIM UNIFORMS PTY LTD)	UNIFORM	415.80
EFT19418	15/07/2015	VODAFONE MESSAGING	EMERGENCY MESSAGING SERVICE	184.69
EFT19419	15/07/2015	SJ ROADWORKS	6 DAYS ROLLER HIRE	1595.00
EFT19420	15/07/2015	SOUTH WEST TREE SAFE	REMOVE DEAD REDGUM AT IRONSTONE FALLS	5830.00
EFT19421	15/07/2015	SW PRECISION PRINT	YOUTH ACTIVITIES/EVENT. PROMOTIONAL PRINTING FOR YACOUSTIC 2015	629.00
EFT19422	15/07/2015	MATT SLOCOMB		60.63
EFT19423	15/07/2015	TOTAL BUSINESS TECHNOLOGY-TOTALITY	PRE-PAID SUPPORT (20 HOURS)	2420.00
EFT19424	15/07/2015	TRADE HIRE	HIRE OF ISUZU 4.5 TONNE TIPPER	1346.40
EFT19425	15/07/2015	WA LIBRARY SUPPLIES	PROMOTIONAL MERCHANDISE REGIONAL MEETING	54.00
EFT19426	15/07/2015	WESTERN AG PTY LTD	BLADE SET INCLUDING BLADE, WASHER AND NYLOCK NUT	42.28
EFT19427	15/07/2015	WORKING ON FIRE	FIRE MANAGEMENT PLANS FOR: GELORUP RESERVES 36754, 36502, 37227, 35950	6435.00
EFT19428	15/07/2015	THE YOUTH DRIVER DEVELOPMENT PROGRAM	YOUTH DRIVER DEVELOPMENT PROGRAM - DRIVE SAFE WORKSHOP	2000.00
EFT19429	15/07/2015	YARD GAMES	GIANT GAMES: JENGA, CHESS, CONNECT 4	1286.80
EFT19430	15/07/2015	AUSTRALIA POST	POSTAGE FOR JUNE 2015	2496.92
EFT19431	15/07/2015	LGIS INSURANCE BROKING	1516 MANAGEMENT LIABILITY	36591.85
EFT19432	15/07/2015	SOS OFFICE EQUIPMENT	METERBILLING-DC5C5580E-SERIAL NO 785381& DC5C5580E, SEIAL NO 785373 2X ADMIN COPIER	2321.85
EFT19433	15/07/2015	LGIS INSURANCE BROKING	LGIS INSURANCE TRAVEL	825.00

EFT19434	22/07/2015	BELL FIRE EQUIPMENT COMPANY	REPAIR OR REPLACE 2 FIRE EXTINGUISHERS AND ANNUAL SERVICING OF FIRE INDICATOR PANEL AT CAPEL LIBRARY	297.35
EFT19435	22/07/2015	BOC LIMITED	12KG DRY ICE	25.34
EFT19436	22/07/2015	BUNNINGS BUILDING SUPPLIES PTY LTD	2X HARDHATS	19.76
EFT19437	22/07/2015	BUSSELTON CIVIL PTY LTD	EXCAVATOR HIRE - 24/6/15 - LAYMAN ROAD	660.00
EFT19438	22/07/2015	EMILY JADE BATES	REFUND ON DOG REGISTRATION	28.33
EFT19439	22/07/2015	EASIFLEET MANAGEMENT	NOVATED LEASE CEO	753.86
EFT19440	22/07/2015	GOLDEN WEST PLUMBING & DRAINAGE	REPAIR TAP IN DALYELLUP COMMUNITY CENTRE KITCHEN BASIN ON WEST WALL	664.40
EFT19441	22/07/2015	GEOGRAPHE COMMUNITY LANDCARE NURSERY	PLANTS FOR TREE PLANTING	298.75
EFT19442	22/07/2015	JDA CONSULTANT HYDROLOGISTS	SUPPLY, INSTALLATION & REPORTING OF TWELVE GROUNDWATER MONITORING BORES WITHIN BOYANUP TOWN SITE	27610.00
EFT19443	22/07/2015	LANDGATE	MINING TENEMENTS	43.80
EFT19444	22/07/2015	LOCAL GOVERNMENT MANAGERS AUSTRALIA LGMA	2015-16 FELLOW MEMBERSHIP SUBSCRIPTION X 4	855.00
EFT19445	22/07/2015	MCLEODS BARRISTERS & SOLICITORS	MODIFIED DEVELOPMENT GUIDE PLAN	1109.79
EFT19446	22/07/2015	AUSTRALIA TAXATION OFFICE	14/7/15 GROSS \$209156.11, TAX \$45,988, 16/7/15 GROSS \$263.23, TAX \$96	46084.00
EFT19447	22/07/2015	SQUIRE PATTON BOGGS AU	NATIVE TITLE UPDATES SOUTH WEST 'AREA 1' AND 'AREA 2'	106.41
EFT19448	22/07/2015	SMALL TREE FARM	1 PISTACHIO TREE AND 2 CHINESE TALLOW TREES FOR COURTYARD	203.50
EFT19449	22/07/2015	IT VISION	USER GROUP SUBSCRIPTION	10548.45
EFT19450	22/07/2015	IT VISION USER GROUP INC	SYNERGY PLANNING MODULE AND IMPLEMENTATION	715.00
EFT19451	21/07/2015	CALTEX AUSTRALIA	JUNE FUEL	5738.17
EFT19452	29/07/2015	AUSTRALIA DAY COUNCIL OF WA (INC)	MEMBERSHIP 2015-16	200.00

EFT19453	29/07/2015	ALL WEST BUILDING APPROVALS PTY LTD	INSPECTION OF NEW RECYCLING SHED AND PROVISION OF CERTIFICATE OF CONSTRUCTION COMPLIANCE	275.00
EFT19454	29/07/2015	SANDRO AGRIZZI FARM MACHINERY PTY LTD	REMOVE BRUSH AND FIT NEW ONE, SERVICE BROOM PLUS 1 SAFETY STICKER	225.80
EFT19455	29/07/2015	AMD CHARTERED ACCOUNTANTS	ACQUITTAL AUDIT 2012/13 ROUND 5 CLGF GRANT	572.00
EFT19456	29/07/2015	BELL FIRE EQUIPMENT COMPANY	ANNUAL SERVICING OF FIRE INDICATOR PANEL CAPEL LIBRARY (MONTHLY SERVICE)	137.50
EFT19457	29/07/2015	BUNBURY TOYOTA	10,000 KM SERVICE FOR CP5685 AND 20,000 SERVICE FOR CP5676	482.41
EFT19458	29/07/2015	BOYANUP FOUNDATION INC	MEMBERSHIP OF SOUTH WEST WORKING LIFE ASSOCIATION INC FOR SOUTH WEST RAIL AND HERITAGE CENTRE	200.00
EFT19459	29/07/2015	BUNBURY HOLDEN	60,000KM SERVICE - CP41	642.46
EFT19460	29/07/2015	BAY AUTOMOTIVE GROUP	REPAIRS TO VEHICLE 41CP	910.00
EFT19461	29/07/2015	COATES HIRE SERVICE	COMPLEX OFFICE 12X12 CONTINUATION OF HIRE TO 28 AUGUST 2015	1959.43
EFT19462	29/07/2015	CLEANAWAY	COLLECTION AND DISPOSAL OF WASTES FROM CAPEL WASTE TRANSFER STATION JANUARY TO JUNE 2015	15492.91
EFT19463	29/07/2015	DM & S CURTIN	SHIRE ADMINISTRATION QUARTERLY AIR CONDITIONING SERVICE	2739.00
EFT19464	29/07/2015	COVS PARTS	PARTS FOR VARIOUS EQUIPMENT	93.74
EFT19465	29/07/2015	CAPEL HARDWARE & FARM SUPPLIES	WORKSHOP CONSUMABLES	1213.76
EFT19466	29/07/2015	CBCA WA BRANCH	CBW 2015 MERCHANDISE	515.00
EFT19467	29/07/2015	DELRON CLEANING	CLEANING - DALYELLUP COMMUNITY CENTRE	9766.78
EFT19468	29/07/2015	EARTHMAC	TWO TRAFFIC CONTROLLERS FOR MONDAY 20/7/15 AND 21/7/15 BOYANUP WEST ROAD	3000.00
EFT19469	29/07/2015	GREG HAREWOOD	FAUNA INSPECTION AND REPORT AS PER REQUIREMENTS - MALLOKUP ROAD	300.00

		EFT 19470 CANCELLED AND RE-INVOICED 14/15 (NEW EFT 19506)		
EFT19471	29/07/2015	GOLDEN WEST PLUMBING & DRAINAGE	UN BLOCK SEWER AT DALYELLUP LAKES TOILETS	1810.60
EFT19472	29/07/2015	FENNESSY'S	45,000K SERVICE 80CP, 15,000KM SERVICE 44CP, 70,000KM SERVICE 60CP	821.34
EFT19473	29/07/2015	GEOVET BUSSELTON	CONTRACT POUND	665.00
EFT19474	29/07/2015	SOUTHERN HYDRAULIC SERVICES	REPLACE HYDRAULIC HOSE TO TREE GRAB ON LOADER CP4991	722.69
EFT19475	29/07/2015	INSIGHT CCS PTY LTD	AFTER HOURS CALL FEES FOR JUNE 2015	193.77
EFT19476	29/07/2015	JETLINE KERBING CONTRACTORS	SUPPLY AND INSTALL GREY FOOTPATH ON WEST ROAD.	24200.00
EFT19477	29/07/2015	PERTHWASTE GREEN RECYCLING	PROCESSING OF KERBSIDE RECYCLABLES	4230.93
EFT19478	29/07/2015	STATE LIBRARY OF WESTERN AUSTRALIA	2014/15 RECOVERY OF LOST/DAMAGED BOOKS	11.00
EFT19479	29/07/2015	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	ADVERTISE TOWN PLANNING SCHEME NO 7 AMENDMENT NO 63 IN SW TIMES ON 21 & 28 MAY 2015	1136.60
EFT19480	29/07/2015	LOCAL GOVERNMENT MANAGERS AUSTRALIA LGMA	CORPORATE COUNCIL MEMBERSHIP 2015-16	1960.00
EFT19481	29/07/2015	LGIS LIABILITY SCHEME	1516 LIABILITY	21991.75
EFT19482	29/07/2015	LGIS WORKCARE SCHEME	1516 WORKCARE	83776.00
EFT19483	29/07/2015	LGIS INSURANCE BROKING	15/16 PROPERTY INSURANCE	38583.94
EFT19484	29/07/2015	MAINSPRAY	SPRAY FIRE BREAKS	2628.03
EFT19485	29/07/2015	THE WORKWEAR GROUP (NEAT N TRIM UNIFORMS PTY LTD)	UNIFORM PURCHASE	480.00
EFT19486	29/07/2015	NIGHTGUARD SECURITY SERVICE PTY LTD	NIGHTGUARD SECURITY	763.69
EFT19487	29/07/2015	FULTON HOGAN INDUSTRIES PTY LTD	2 TONNE BULK BAG EZI STREET AMD 400 LTRS EMULSION	1966.80
EFT19488	29/07/2015	PERTH MANAGEMENT SERVICES	RENT AND OUTGOINGS - UNIT 5/135 NORTON PMD - AUGUST	1522.75
EFT19489	29/07/2015	THE PERTH MINT	50 X 2015 AUSTRALIAN CITIZENSHIP \$1 COINS	265.71
EFT19490	29/07/2015	PJ & EV PAGE	WAXING AND BUFFING BOYANUP HALL FLOOR MONTHLY 2014/15	70.00
EFT19491	29/07/2015	THE PLANT SUPPLY CO	PLANT DELIVERY FROM LULFITZ TO THE SHIRE OF CAPEL WORKS DEPOT, PROWSE ROAD CAPEL.	154.00

EFT19492	29/07/2015	SJ ROADWORKS	WEEKS HIRE OF ROLLER - COMMENCING 16/4/15 - MONDAY TO FRIDAY	6380.00
EFT19493	29/07/2015	RISK ID	WORK FORCE PLANNING APPROVED CONSULTANT ADVICE SUCCESSION PLANNING	3971.00
EFT19494	29/07/2015	ST. JOHNS AMBULANCE ASSOCIATION	WORKPLACE VEHICLE FIRST AID KIT X 2	140.00
EFT19495	29/07/2015	SOUTH WEST TREE SAFE	DAY WORKS TREE PRUNNING LINE OF SITE 21/7/15 AND 22/7/15 BOYANUP WEST ROAD	4000.00
EFT19496	29/07/2015	CAPEL FRESH IGA	VARIOUS ITEMS	92.71
EFT19497	29/07/2015	SOUTHERN LOCK & SECURITY	10 X L1 PADLOCKS AND WEEKLY ALARM MONITORING	1597.67
EFT19498	29/07/2015	SOURCE SEPARATION SYSTEMS PTY LTD	3906 X BIODEGRADABLE BAGS	19979.19
EFT19499	29/07/2015	D & K THOMAS ELECTRICAL	REPAIR LIGHTS AT BOYANUP COOMUNITY CENTRE/PLAYGROUP AREA.	197.01
EFT19500	29/07/2015	TINT CITY	NEIGHBOURHOOD WATCH SIGNAGE FOR 3 ENTRY POINTS INTO DALYELLUP	200.00
EFT19501	29/07/2015	IT VISION	SYNERGY ANNUAL LICENCE RENEWAL & UNIVERSE DB LICENCE.	44822.80
EFT19502	29/07/2015	WA LIBRARY SUPPLIES	VERSATILE NOTICEBOARDS - INK, BLAZING RED	440.00
EFT19503	29/07/2015	WOOD & GRIEVE ENGINEERS	PROVISION OF STRUCTURAL, MECHANICAL, ELECTRICAL AND HYDRAULIC SERVICES FOR EAST DALYELLUP SPORTS PAVILION	8737.58
EFT19504	29/07/2015	WESTERN AUSTRALIAN TREASURY CORPORATION	LOANS GOVERNMENT GUARANTEE FEE 2014/15	624.07
EFT19505	29/07/2015	CRISTAL MINING AUSTRALIA LIMITED	BOND REFUND	21052.00
EFT19506	29/07/2015	FORPARK AUSTRALIA	BUTTERFLY PRESS + PARKFIT SIGN	10756.90
EFT19507	29/07/2015	DIRT DESIGN	POS MANAGEMENT	29025.15
EFT19508	31/7/2015	FUJI XEROX	PHOTOCOPY SERVICE	1369.61
47676	06/07/2015	GRAND CINEMAS	JULY INZONE ACTIVITY	144.00
47668	01/07/2015	CITY OF BUNBURY	ATTENDANCE AT SWLGEMA CONFERENCE	150.00
47669	01/07/2015	COURIER AUSTRALIA INTERNATIONAL	COURIER FEES-HEALTH	82.18
47670	01/07/2015	SHIRE OF CAPEL	FINAL PETTY CASH RECOUP JUNE 2015	97.40
47671	01/07/2015	DALYELLUP COLLEGE	DONATION FOR YEAR 12 AWARD	100.00
47672	01/07/2015	JEFFREY HORVAT	CROSSOVER CONTRIBUTION	300.00

47673	01/07/2015	SYNERGY	ELECTRICITY	303.95
47674	01/07/2015	TELSTRA CORPORATION LTD	2014/15 MOBILE RENT & CALLS JUNE	1707.16
47675	01/07/2015	WATER CORPORATION	WATER USAGE	2566.75
47676	06/07/2015	GRAND CINEMAS	JULY INZONE ACTIVITY	144.00
47677	08/07/2015	CITY OF BUSSELTON	2015/2016 CONTRIBUTION TOWARDS ROAD WORKS FOR IRONMAN BIKE LEG, LUDLOW ROAD NORTH	71830.00
47678	08/07/2015	COURIER AUSTRALIA INTERNATIONAL	COURIER FEES-HEALTH	232.09
47679	08/07/2015	SHIRE OF CAPEL	JUNE PETTY CASH	116.00
47680	08/07/2015	FILTREX WASTEWATER SOLUTIONS	CANCELLED JOB	236.00
47681	08/07/2015	SYNERGY	ELECTRICITY	2179.90
47682	08/07/2015	TELSTRA CORPORATION LTD	JUNE LANDLINE TELEPHONE	1965.85
47683	08/07/2015	SHIRE OF CAPEL	OCCUPANCY PERMIT FOR RECYCLING SHED	95.00
47684	15/07/2015	ALINTA GAS	HACC GAS 1 MAY - 30 JUNE	633.45
47685	15/07/2015	CITY OF BUNBURY	MEMBERSHIP OF SWLGEMA	500.00
47686	15/07/2015	SHIRE OF CAPEL	PETTY CASH JUNE 30	106.75
47687	15/07/2015	TOR LABRIOLA	CANCELLATION OF DOG REGISTRATION	142.50
47688	15/07/2015	SYNERGY	ELECTRICITY	27684.60
47689	15/07/2015	JAMES TURBITT	BOND REFUND J TURBITT	1000.00
47690	22/07/2015	AQWEST	ANNUAL SERVICE CHARGE MURTI PARK	888.71
47691	22/07/2015	COURIER AUSTRALIA INTERNATIONAL	FREIGHT - SHIRE OF CAPEL LIBRARIES AND HEALTH	122.70
47692	22/07/2015	SHIRE OF CAPEL	VOLUNTEER REIMBURSEMENTS PETTY CASH	33.40
47693	22/07/2015	CAPEL PHARMACY	10 BOXES STERILE CONTAINERS TWO CARTONS NITRILE EXAMINATION GLOVES	184.90
47694	22/07/2015	MARTIN DOOLING	REFUND FOR HIRE CANCELLATION	313.00
47695	22/07/2015	LD TOTAL	REFUND BUILDING PERMIT DUE TO EXEMPTION	305.00
47696	22/07/2015	SYNERGY	ELECTRICITY	747.10
47697	22/07/2015	TELSTRA CORPORATION LTD	14/15 HACC RENT & CALL	1047.22
47698	22/07/2015	WATER CORPORATION	WATER USAGE	648.24
47699	29/07/2015	COURIER AUSTRALIA INTERNATIONAL	COURIER COSTS FOR PARTS	271.30
47700	29/07/2015	SHIRE OF CAPEL	PETTY CASH - STATIONERY	136.15
47701	29/07/2015	SHIRE OF DARDANUP	BWGC ANNUAL CONTRIBUTION 2015-16	550.00
47702	29/07/2015	LOCAL GOVERNMENT SUPERVISORS ASSOC OF WA	2015-2016 ANNUAL MEMBERSHIP FEE	154.00

47703	29/07/2015	H O'CONNOR & R BARRETT	RATES REFUND FOR ASSESSMENT A5923 14 PAGE RETREAT BOYANUP WA 6237	268.59
47704	29/07/2015	PICTON CIVIL PTY	REFUND OF DEMOLITION BOND	500.00
47705	29/07/2015	SYNERGY	ELECTRICITY	3502.30
47706	30/07/2015	SHIRE OF CAPEL	DEMOLITION PERMIT FOR T1 AND T2	156.55
535	08/07/2015	BUILDING & CONSTRUCTION IND TRAINING FUND	BCITF LEVY COLLECTED JUNE 2015	16137.07
536	08/07/2015	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	BSL LEVY COLLECTED JUNE 2015	9759.95
537	08/07/2015	SHIRE OF CAPEL	BSL COMMISSION COLLECTED JUNE 2015	746.90
538	08/07/2015	BIANCA LEA RANSOME	BOND REFUND	150.00
539	15/07/2015	MARTIN DOOLING	BOND REFUND	1000.00
540	16/07/2015	IRONBRIDGE HOLDINGS PTY LTD	12 MONTH DEFECT MAINTENANCE BOND - TUARTS STAGE 4AB	17864.00
541	16/07/2015	SATTERLEY PROPERTY GROUP PTY LTD	12 MONTH DEFECT MAINTENANCE BOND - DALYELLUP STAGE 15A	10447.00
542	22/07/2015	JOANNE BROWN	BOND REFUND	500.00
		Cheque #543 cancelled		
544	29/07/2015	JUDITH DAVIES	BOND REFUND	500.00
545	29/07/2015	LARA SIMMONS	BOND REFUND	150.00
				1382638.99

30.06.15	SHIRE OF CAPEL PAYROLL PAYMENTS	\$150,576.89
14.07.15	SHIRE OF CAPEL PAYROLL PAYMENTS	\$153,381.85
16.07.15	SHIRE OF CAPEL PAYROLL PAYMENTS	167.23
28.07.15	SHIRE OF CAPEL PAYROLL PAYMENTS	152,841.65

\$456,967.62

02.07.15	TRANSFER TO MUNICIPAL ACCOUNT	\$-660,000.00
16.07.15	TRANSFER FROM MUNICIPAL ACCOUNT	\$300,000.00

\$-360,000.00

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 26th August 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. Heedy.

CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple majority

OC0817 OFFICER'S RECOMMENDATIONS – 15.3/COUNCIL DECISION

Moved Cr J Scott, Seconded Cr Bell

That Council receives:

- 1 The Schedule of Accounts covering vouchers 535-544, EFT19265 to EFT19507, CHQ47676 to CHQ47706 totalling \$1,382,638.99 during the month of July 2015;**
- 2 Payroll payments for the month of July 2015, totalling \$456,967.62; and**
- 3 Transfers to and from investments as listed.**

Carried 8/0

Mr Gick returned to the Chambers at 6.51pm.

OC0818 (15.4) Financial Statements for 31st July 2015

Location: Capel
Applicant: Shire of Capel
File Reference:
Disclosure of Interest: Nil
Date: 20.08.15
Author: Manager Finance, A Mattaboni
Senior Officer: Executive Manager Corporate Services, S Stevenson
Attachments: Financial Statements for July 2015

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for July 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 asset/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.

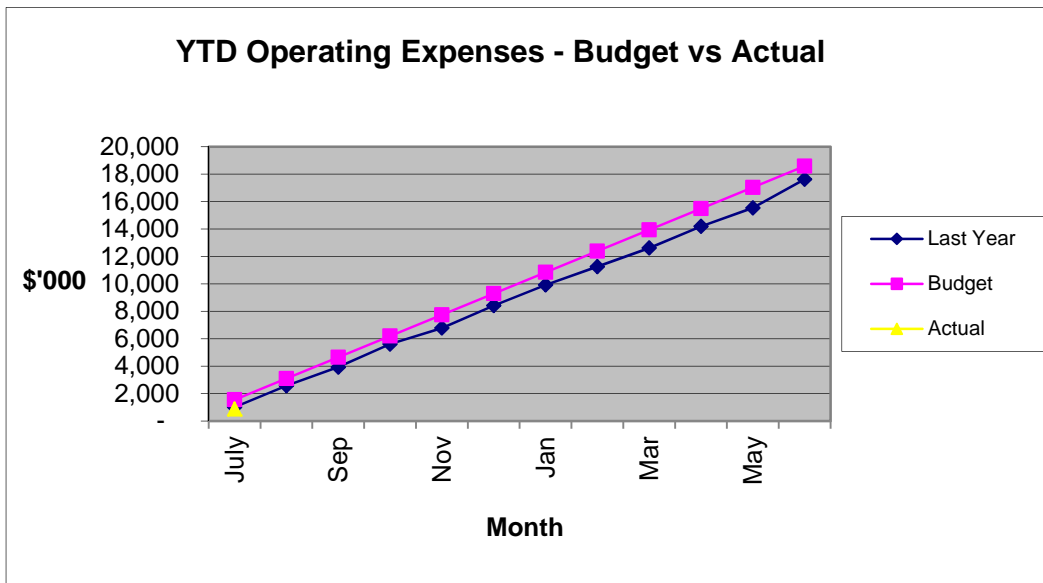
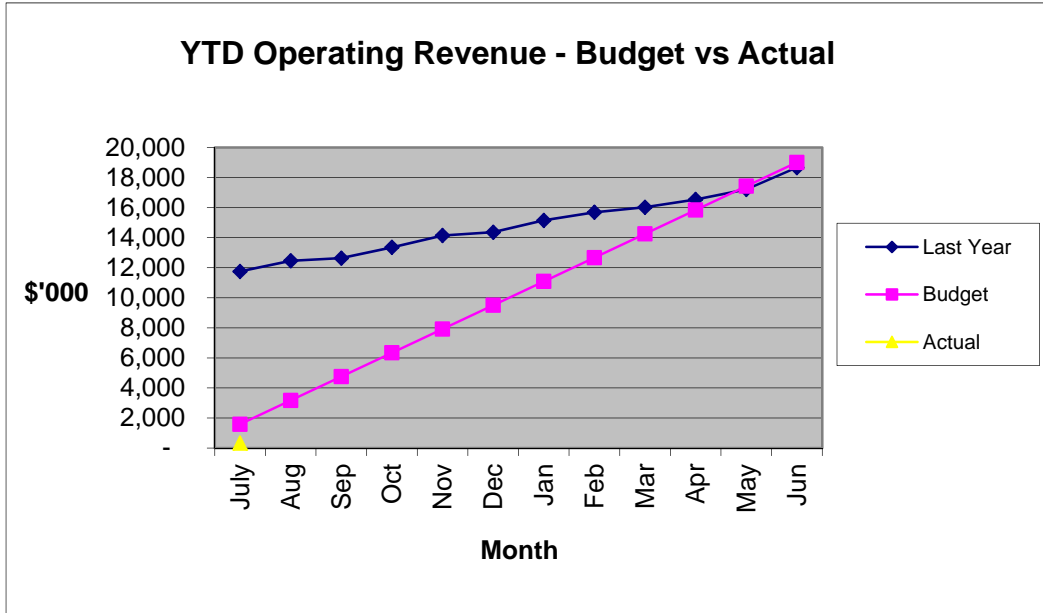
COMMENT

At 31st July 2015, Council's net current assets position was a deficit of \$309,199. The year to date deficit exists because rates have yet to be raised for 2015/16. The forecast year end net current asset position is a surplus of \$21,756. This is the current projected surplus and this amount may change as the accounts are still being updated for the 2014/15 and 2015/16 financial year. Depreciation and leave liability expense have not been calculated for 2015/16. Reserve transfers are still to be processed along with the inclusion of non-cash income and assets. The 2014/15 Financial Report will give the final year end result. Local Government

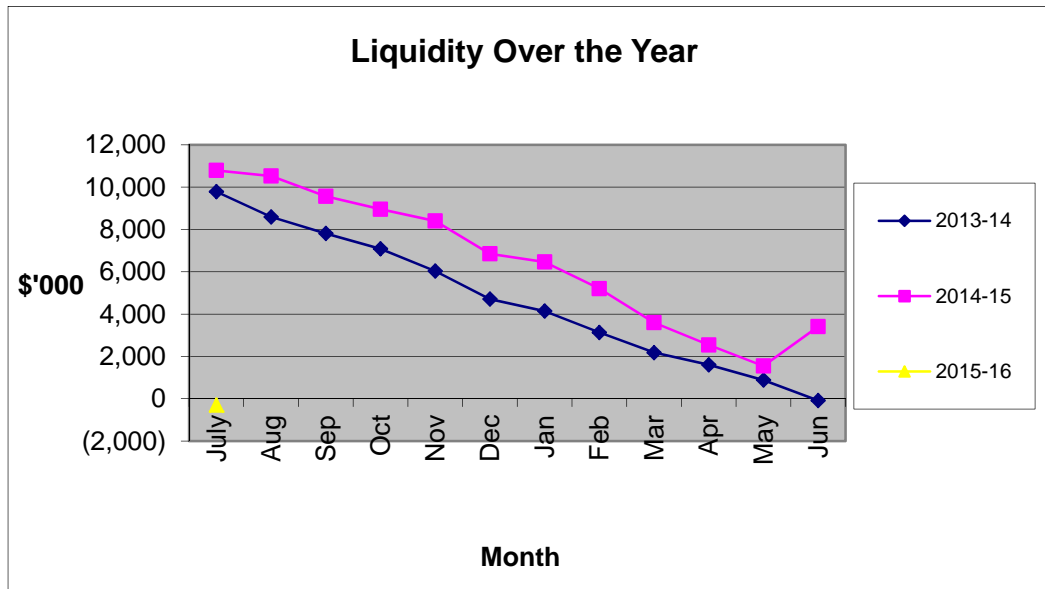
(Financial Management) Regulation 34(4)(a) requires a statement of financial activity reporting on the revenue and expenditure for the month to be presented at an ordinary meeting within two months of the period end date.

A comparison of employee costs shows that 7% of the annual budget has been spent. The employee costs year to date actual amount is \$495,508 or 12% below the budget amount.

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.

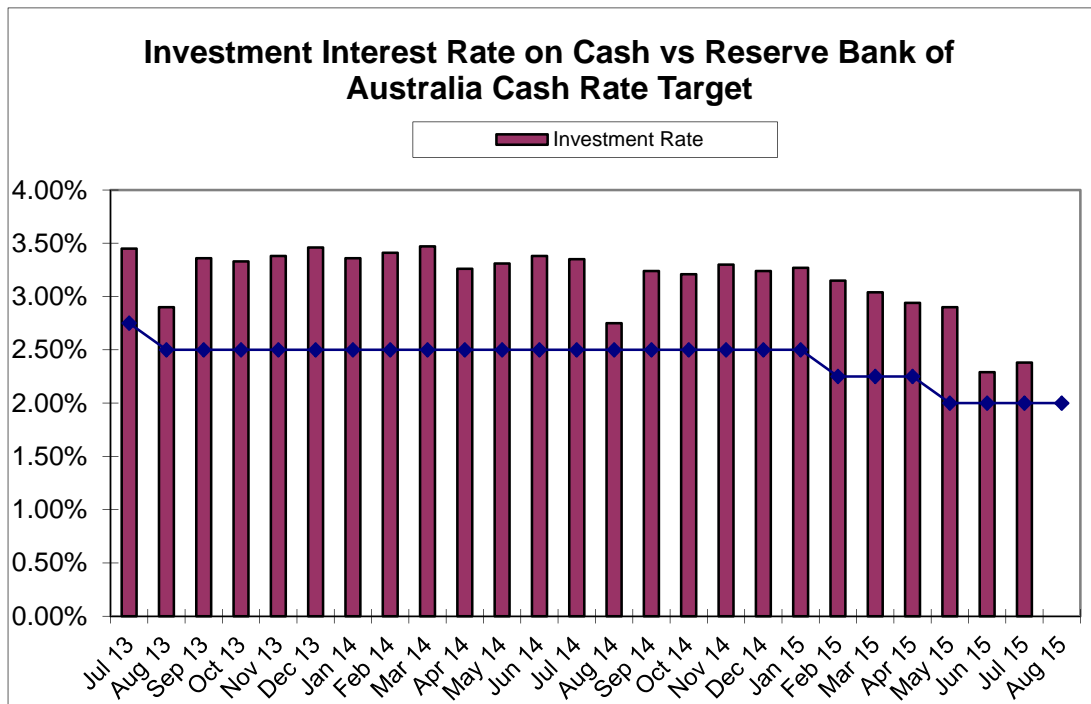


The liquidity graph compares the current year's net current assets position against that of the two previous years. This graph will change with the completion of 2014/15 entries and reserve transfers. 2015/16 Rates are still to be billed.



Council's municipal cash and investments position has decreased by \$945,663 compared to June 2015. The Municipal cash position is an amount of \$11,723,784 of which \$8,557,381 is restricted for specific purposes as shown at Note 3. The majority of transfers to and from restricted reserves for 2014/15 are yet to be completed and will impact the 2015/16 reserve balance.

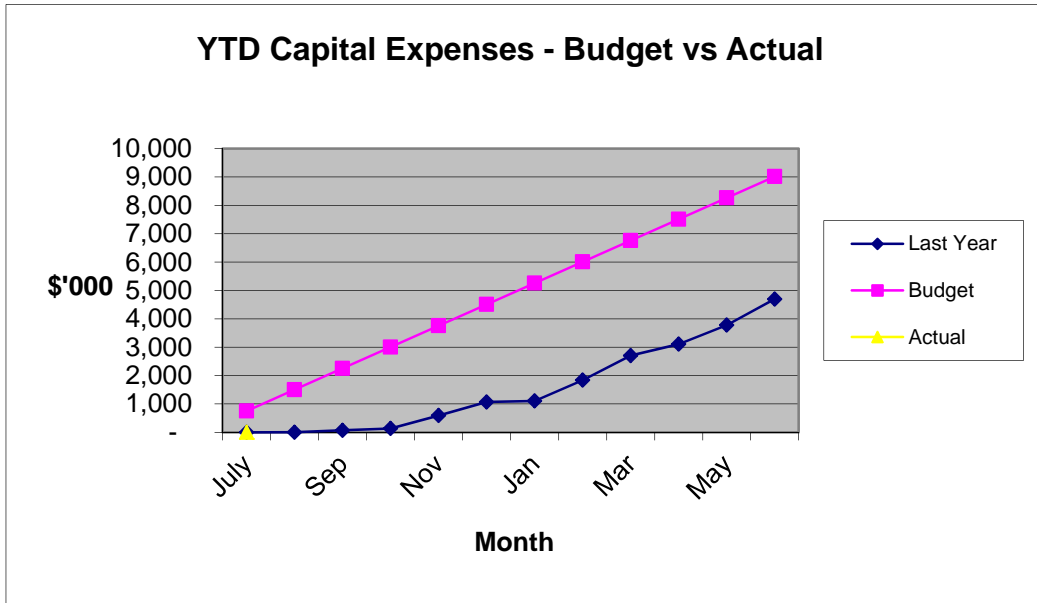
Total interest earned for the year is \$8,847. The average investment rate of return has increased from last month's amount of 2.29% to 2.38% which exceeds the Reserve Bank's cash reference rate of 2.00%. The Reserve Bank Board on 5th August 2015 kept their target cash rate at 2.00%. The Shire has term deposits maturing from August 2015 to December 2015, investment terms ranging from 91 days to 183 days and interest rates from 2.25% to 3.21%.



Capital works expenditure of \$907,094 was incurred during the month on:

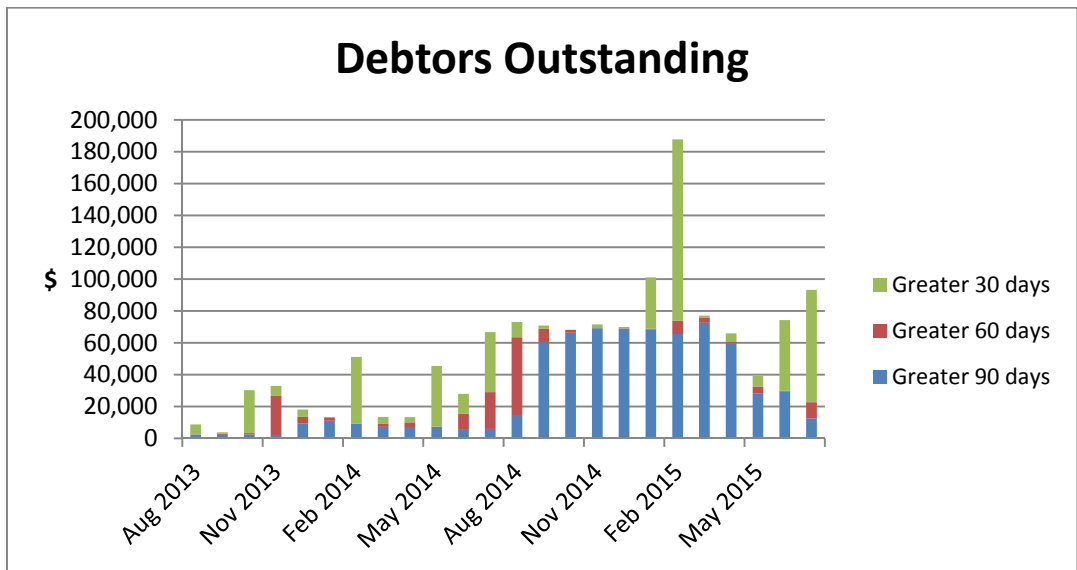
- \$923 Administration building refurbishment.

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

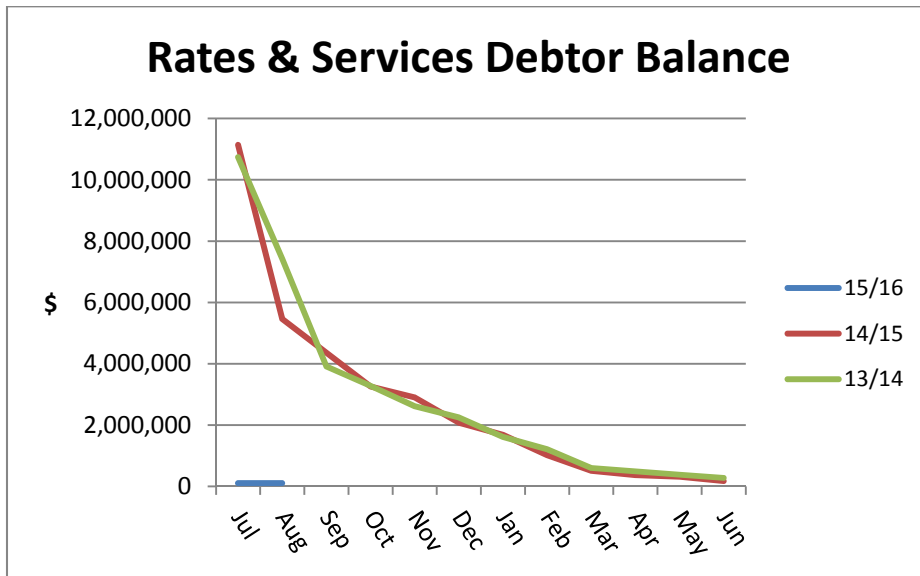


Council’s financial ratios are disclosed in Note 14.

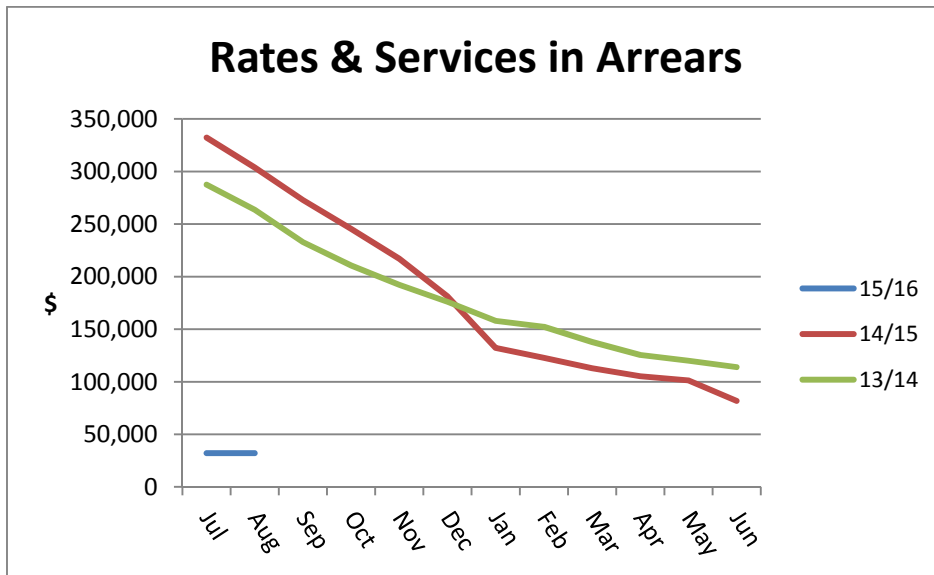
The following graph illustrates Council’s current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days. There has been a reduction in debts greater than 90 days.



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



The following graph shows the level of rates and services in arrears for the last three years. The arrears figure is calculated at the end of the financial year meaning the arrears figure for rates and services raised in 2014/15 will be calculated 1st July 2015. Rates have yet to be raised for 2015/16. Rates and Services in Arrears at the start of each financial year as a percentage of the Rates and Services Debtor Balance has been: 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 31st July 2015.

VOTING REQUIREMENTS

Simple majority

OC0818 OFFICER’S RECOMMENDATION – 15.4/COUNCIL DECISION

Moved Cr Hearne, Seconded Cr McCleery

That Council adopts the financial statements for the period ending 31st July 2015 as attached.

Carried 8/0

COMMUNITY SERVICES REPORTS

OC0819 (16.1) 2015/16 Bush Fire Prevention Order

Location:	All areas within the Shire of Capel
Applicant:	Shire of Capel
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	03.08.15
Author:	Emergency Management Coordinator, D Collins
Senior Officer:	Acting Executive Manager Community Services, G Miller
Attachments:	1 Bush Fire Prevention Order 2015/2016 2 Bush Fire Advisory Committee Meeting Minutes 28.07.15

MATTER FOR CONSIDERATION

To accept the minutes of the special meeting of the Bush Fire Advisory Committee held on Tuesday, 28th July 2015; and

To endorse the Bush Fire Prevention Order 2015/2016 in its new format.

BACKGROUND / PROPOSAL

Background

Historically there have been varying levels of confusion amongst residents across the Shire when it comes to understanding the requirements they need to meet for their property to be adequately prepared for fire season each year. A regular theme amongst feedback received from residents each year is that they do not understand the Shire's Bush Fire Order.

Proposal

To try and combat this confusion, we are proposing changes to the Bush Fire Order to simplify some of the language included in it, and to change the layout to make it easier to read and to locate the information that is relevant to each resident based on their property type. We are also proposing renaming the document 'Bush Fire Prevention Order'.

STATUTORY ENVIRONMENT

Bush Fires Act 1954, Section 33

33. Local government may require occupier of land to plough or clear fire-break

Subsection 1 and 2, states that:

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
 - (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby

empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;

- (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire, and the notice may require the owner or occupier to do so —
 - (c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
 - (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices.

Subsection 5(a) states that:

- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 —
 - (a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;
 - (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.

POLICY IMPLICATIONS

Council Policy 4.1 Bush Fire Advisory Committee Meetings, states that the Bush Fire Advisory Committee shall consider the Bush Fire Order for the ensuing fire season at its April or May meeting each year. However, as the review was not completed in time for the May 2015 meeting, this proposal was considered as a one off item at the Special Meeting held on Tuesday 28th July 2015.

FINANCIAL IMPLICATIONS

Budget

Funding for the publication of the annual Bush Fire Order is taken from the Emergency Services Levy funds as approved by Council in the annual budget each year.

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

- (1) All Brigade secretaries were emailed a draft copy of the proposed new Bush Fire Order and asked to forward on to their Fire Control Officers and Bush Fire Advisory Committee

members for comment. They were given a timeframe of one week to review the document and provide feedback.

- (2) All members of the Bush Fire Advisory Committee were provided an electronic copy of the document to review, and were also requested to attend a special meeting of the Bush Fire Advisory Committee held on Tuesday, 28 July 2015, to consider the proposed changes and provide any feedback.

COMMENT

Within the above time frame for the first consultation, only two responses were received outlining the following concerns which were addressed as per below:

The exclusion of a separate listing for the Peppermint Grove Beach townsite – *the instructions for work within this area were exactly the same as those listed under the Urban area, and as such were removed to avoid unnecessary repetition and confusion.*

The availability of the Fire Management Plans for the Strategic Fire Management Areas was questioned, as it is believed some of the Fire Control Officers are unaware of them and have, in some cases, never seen them - *David provided copies of these plans to the relevant Fire Control Officers last year, and will provide copies again now. Residents should be able to talk to their local Fire Control Officer about the Fire Management Plan for their area and view it upon request.*

Following the special meeting of the Bush Fire Advisory Committee the following changes to the document were requested and have been made:

The inclusion of the following sections from the 2014/15 notice:

- Obtaining Permits;
- Keeping Your Home Safe From Fire;
- Need Advice; and
- Reporting Fires;

and, also to make the following changes to the document:

- Include the word 'vertical' in the Urban Land >2024m2 section in the 3rd dot point after 'minimum';
- In the Strategic Fire Management areas section, change so that copies are obtained from the Shire of Capel and not Bush Fire Control Officer;
- Inclusion of permission to use existing gas facilities in camping and picnic areas during Prohibited Burning Periods;
- The reference to 'Campfires' in the notice to be removed; and
- The 'Regulated Burning Times' to be made more prominent.

VOTING REQUIREMENTS

Simple majority

OC0819 OFFICER'S RECOMMENDATIONS – 16.1/COUNCIL DECISION

Moved Cr Manley, Seconded Cr Hearne

That Council:

- 1. Accepts the minutes from the Special Meeting of the Bush Fire Advisory Committee meeting held on Tuesday, 28th July 2015; and**
- 2. Endorses the Bush Fire Prevention Order 2015/2016 in its new format as attached.**

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	

Before closing the meeting, the President congratulated staff on the successful completion of the new Administration Building.

The meeting closed at 6.55pm.

These minutes were confirmed at an Ordinary Council meeting on 23rd September 2015.

Signed

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

Date