

# Shire *of* Capel

## MINUTES

ORDINARY COUNCIL MEETING  
Wednesday, 26 October 2016



*Experience the*  
Shire of Capel



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## SHIRE OF CAPEL

### ORDINARY COUNCIL MEETING – 26.10.16

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## SHIRE OF CAPEL

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, FORREST ROAD, CAPEL ON WEDNESDAY, 26 OCTOBER 2016 COMMENCING AT 4.38PM.

PRESENT:	President	MT Scott
	Councillors	SH Baxi
		BW Bell
		BW Hearne
		GJ Norton
		SV Schiano
		JA Scott
		BH Smith
	Chief Executive Officer	PF Sheedy
	Executive Manager Corporate Services	S Stevenson
	Executive Manager Engineering & Development Services	JM Gick
	Executive Manager Community Services	MI Plume
	Manager Operations	S Faber
	Coordinator Engineering Development	A Coulson
	Engineering Technical Officer – Design	C Campbell
	Minute Secretary	A Evans
LEAVE OF ABSENCE:	Councillor	P McCleery (OC0901)
APOLOGIES:		Nil
VISITOR:	Journalist, South Western Times	C Eadie
MEMBERS OF PUBLIC:		7

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

Nil

### **PUBLIC QUESTION TIME**

Nil

### **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

### **DECLARATIONS OF INTEREST**

Executive Manager Engineering & Development Services, Mr J Gick declared an Impartiality interest in Item 14.6 Extractive Industry – Lot 1 Ducane Road, North Boyanup, Item 14.7 Tender 16/05 Reconstruction and Widening of portion of Elgin Road, Elgin and Boundary Road, The Plains, and Item 14/8 Tender 16/06 Reconstruction of Stirling Street, Capel. The nature and extent of his interest in Item 14.6 is that the prospective purchaser of the land, Mr John Sydney-Smith, has a child in the same class at school as his eldest child. The nature and extent of his interest in Items 14.7 and 14.8 is that the Director of the recommended Contractor (tenderer), Mr John Sydney-Smith, has a child in the same class at school as his eldest child.

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

Nil

**OC1001 CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Council meeting held on 28 September 2016 be confirmed.**

Carried 8/0

**VOTING REQUIREMENTS**

Simple majority

**ANNOUNCEMENTS BY PERSON PRESIDING  
WITHOUT DISCUSSION** Nil

**PETITIONS/DEPUTATIONS/PRESENTATIONS**

Mr Robert Spice, Designer, Ventura Home Group South West Division gave a presentation on Item 14.5 Free Standing Corporate Sign – Lot 4704 Bluff Road, Dalyellup.

The President thanked Mr Spice for his presentation.

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

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

## CHIEF EXECUTIVE OFFICER REPORTS

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### OC1002 (13.1) Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy – Regional Marketing Manager

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Location:	South West
Applicant:	Shire of Capel
File Reference:	ED.SP.2
Disclosure of Interest:	Nil
Date:	30.08.16
Author:	Chief Executive Officer, PF Sheedy
Senior Officer:	Chief Executive Officer, PF Sheedy
Attachments:	1. Memorandum of Understanding – City of Bunbury and BWGC 2. Three Year Indicative Budget - Regional Tourism Strategy Implementation

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### **MATTER FOR CONSIDERATION**

1. The endorsement of the Memorandum of Understanding (MOU) between City of Bunbury and the Bunbury Wellington Group of Councils (BWGC), South West Development Commission and Australia South West for the Implementation of the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy.
2. Endorsement of Council's previously agreed three year allocation (2016/17 to 2018/19) annual allocation of \$10,000 being utilised to employ a Regional Marketing Manager hosted by the City of Bunbury.

### **BACKGROUND / PROPOSAL**

#### **Background**

##### April 2012

Following the Regional Priorities Workshop that was held at the Sanctuary Golf Club Resort on 30 April 2012, a Tourism Working Group comprising of representatives from the seven regional Local Governments was formed in late 2012 to discuss ways of working together to gain a tourism momentum for the greater Bunbury and Wellington regions. The Group reports to the Bunbury Wellington Group of Councils (BWGC).

The BWGC supported the initiative of developing a regional tourism strategy and each Council contributed \$5,000 towards the cost. The South West Development Commission, Regional Development Australia and Tourism WA also made a financial contribution. The BWGC also agreed that the South West Development Commission would be the most appropriate organisation to facilitate the development of the strategy.

##### December 2014

The BWGC appointed Evolve Strategic Solutions as per the brief and the Consultant's submission, to develop the Strategy.

##### December 2015

The BWGC received the final Strategy (in full) as well as a Summary Report and the Regional Action Plan/Regional Marketing Plan on 2 December 2015 and recommended that the councils:

1. *Receive the following three draft reports*

- a. *Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy 2015;*
  - b. *Bunbury Wellington and Boyup Brook Regional Tourism Development Summary Report; and*
  - c. *Regional Action Plan and Regional Marketing Plan;*
2. *Refer the three draft documents (as amended) to each of the member Councils;*
  3. *Refer the Draft Regional Action Plan and Regional Marketing Plan to the respective tourism stakeholders and request provision of feedback by 29 February 2016;*
  4. *Request that member Councils refer the stakeholder feedback to the Steering Committee for review and report back to the Bunbury Wellington Group of Councils by 31 March 2016.*

Council at its meeting on 16 December 2015 resolved (OC1217):

*That Council:*

1. *Receives the following three draft reports:*
  - a. *Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy 2015;*
  - b. *Bunbury Wellington and Boyup Brook Regional Tourism Development Summary Report; and*
  - c. *Regional Action Plan and Regional Marketing Plan;*
2. *Refers the Draft Regional Action Plan and Regional Marketing Plan to the respective tourism stakeholders and request provision of feedback by 29 February 2016; and*
3. *Requests that member Councils refer the stakeholder feedback to the Steering Committee for review and report back to the Bunbury Wellington Group of Councils by 31 March 2016.*

#### April 2016

The Tourism Steering Group met on 5 April 2016 in Donnybrook to consider all the submissions received from the tourism industry stakeholders, noting that seven (7) submissions were received and outcomes of the meeting was suggested changes to the Strategy and Action Plan (see details under comment) and to recommend to the BWGC to consider a budget and identify accommodation for the proposed appointment of a Regional Marketing Manager to commence the project in the 2016/17 financial year with a commitment for 3 years based on a budget of \$130,000. Attached at Appendix 3 and 3a is a draft position description and Indicative budget for the Marketing Manager.

The BWGC met on 18 April 2016 where the following recommendation was made:

*That the Bunbury Wellington Group of Councils:-*

1. *Note that seven (7) submissions were received.*
2. *Agree to the proposed amendments to the Strategy and Action Plan as outlined in the report from the South West Development Commission from the submissions received be adopted and the Strategy documents be amended to reflect these changes.*
3. *Upon receipt of the updated report, that each member local government present the report to their respective Councils for consideration and endorsement, noting the group agrees to:*
  - a) *Approach the South West Development Commission requesting the Commission accept coordination and the lead role for implementation of the Bunbury Wellington*

*and Boyup Brook Regional Tourism Development Strategy, as this is features highly in the SW Blueprint and Regional Growth Plan.*

- b) Recommend each Local government request their Council consider an allocation in the 2016/17 budget for implementation of regional tourism initiatives.*
  - c) Support any submissions and joint applications for funding through Royalties for Regions and other programs to fund workshops, marketing and implement projects contained within the report.*
  - d) That each Council participate in each initiative as they determine.*
- 4. Agree that upon adoption by each respective Council that the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy Steering Committee cease.*

#### May 2016

Council at its meeting on 25 May 2016 endorsed the following recommendations (OC0505):

*That Council:*

- 1. Receives and endorses the updated Bunbury–Wellington and Boyup Brook Regional Tourism Development Strategy (incorporating the changes indicated in the 'Comment' section of this report);*
- 2. Supports the South West Development Commission being requested to accept coordination and the lead role for implementation of the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy, as this is features highly in the SW Blueprint and Regional Growth Plan.*
- 3. Includes an allocation of \$10,000 in its 2016/17 to 2018/19 budgets for implementation of regional tourism initiatives.*
- 4. Supports any submissions and joint applications for funding through Royalties for Regions and other programs to fund workshops, marketing and implement projects contained within the report.*
- 5. Agrees to participate in each initiative as determined beneficial to the Shire of Capel and/or the region.*

#### August 2016

Due to the reluctance of the SWDC to take on the coordination and the lead role for implementation of the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy the BWGCs meet with the SWDC representatives at their meeting on 8 August 2016 to discuss alternatives. Following discussion with the SWDC representatives the BWGC CEOs endorsed the City of Bunbury providing a proposal back to each local government on the employment of a Regional Marketing Manager hosted at the City of Bunbury.

#### September 2016

The BWGCs at their meeting on 21 September 2016 resolved:

*"That the Bunbury Wellington Group of Councils: -*

- 1. Endorse the MOU and draft Budget as the key mechanism to implement the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy.*



2. Within three months a reference group be established as part of the governance and reporting arrangements comprising local government or industry representatives nominated by each of the local governments."

### **Proposal**

The City of Bunbury has agreed to undertake the implementation of the Bunbury Wellington and Boyup Brook Regional Tourism Strategy on behalf of the Bunbury Wellington Group of Councils comprising the Shires of Harvey, Capel, Collie, Dardanup, Donnybrook-Balingup and Boyup Brook and the City of Bunbury for a period of three (3) years, in accordance with the terms and conditions contained in the Memorandum of Understanding.

The purpose of the Strategy is to create a unified approach to the management of tourism development, marketing and infrastructure. The strategy was developed by a Steering Committee comprising the BWGC, South West Development Commission ("SWDC"), Australia's South West ("ASW"), Tourism Western Australia, and Regional Development Australia.

The Strategy includes a Regional Action Plan and Regional Marketing Plan outlining key areas of focus and their priority over a five-year period and focus on the following areas:

- Identifying tourism opportunities, priorities and gaps
- Developing a unified tourism brand for the region
- Marketing, governance and product development
- Identifying infrastructure and product priorities.

After the initial agreed period of three (3) years, the responsibilities and management of regional tourism will be transitioned to an independent body or corporation to be determined in the course of the term of the Memorandum.

### **STATUTORY ENVIRONMENT**

There are no statutory implications in regards to this matter.

A memorandum of understanding (MOU) between the Local Governments will provide an overarching framework to help "regionalise" tourism, and outcomes of the implementation of the Plan may require further MOUs and legal agreements in the future if regional partnerships are to be established which involve financial sharing of costs.

### **POLICY IMPLICATIONS**

There are no policy implications in regards to this matter.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The proposed three (3) year budget (see attachment) to implement the Regional Tourism Strategy is \$181,041, \$247,256 and \$250,154 respectively with funding from the seven BWGC local governments (\$151,041 to \$220,154) SWDC (\$20,000) and Australia's South West (\$10,000 – still to be ratified).

The Shire of Capel is requested to contribute \$10,000 each year and the 2016/17 budget includes an allocation of \$10,000 as a "Contribution to Regional Tourism Strategy".

#### **Long Term**

Council has provided an annual allocation of \$10,000 in its Long Term Financial Plan commencing in the 2016/17 financial year to allow it to contribute to regional initiatives that it considers beneficial to the Shire and/or the region.

Given that the current \$10,000 is proposed to be used for the first three (3) years to employ the Marketing Manager there may be future requests for additional funding for such things as regional website, Drive Trails brochures and signage etc.

### **Whole of Life**

There are no whole of life implications identified at this time but items such as regional signage at the Shire boundary would have an ongoing cost for maintenance and replacement.

### **SUSTAINABILITY IMPLICATIONS**

Implementation of this Plan will result in improved tourism facilities for all regional communities, and increased visitor numbers which will have economic benefit.

It is possible that the development of jointly funded facilities may result in facilities being developed more timely and efficiently resulting in employment benefits.

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2013 to 2031

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

Strategic Outcome:

1.5 – Ensure the effective management of Council's resources.

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."

Strategic Outcome:

2.2 Encourage community engagement and participation.

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

Strategic Outcomes:

4.1 - Provide opportunities to take advantage of the Shire's location

4.2 – Pursue diversity and vitality in the local economy

4.3 – Enhance the local economy by promoting local produce

4.7 – Promote tourist interests and provision of tourist accommodation.

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

Strategic Outcome:

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

### **CONSULTATION**

Consultation has previously been undertaken with representatives and key stakeholders from each of the local governments in the Bunbury Wellington and Boyup Brook, including an analysis of tourism facility requirements, current industry trends, demographic projections, strategic planning processes, and other nominated stakeholders such as South West Development Commission, Regional Development Australia, Tourism WA and Australia's South West.

The draft Regional Tourism Strategy has been provided to all tourism stakeholders for comment and some changes were made to the document as a result of that consultation.

No further consultation by the Shire of Capel is required at this time.

### **COMMENT**

Given the reluctance of the SWDC to take on the lead role in the implementation of the Regional Tourism Strategy Regional Action Plan and Regional Marketing Plan, the only remaining options for local government are to push the responsibility back onto the tourism industry in the region to implement the Plans (past experience would indicate that that will fail) or take on the responsibility for implementation of the Plans. Reluctantly the BWGC CEOs have considered that the best opportunity to achieve any success from the process would be for local government to take on the implementation role.

It should be noted that the Tourism Steering Committee at its meeting on 5 April 2016 also recommended that the BWGC considers a budget allocation and identifies accommodation for the appointment of a Regional Marketing Manager to commence the project in the 2016/17 financial year with a commitment for 3 years based on a budget of \$130,000 with an additional \$50,000 for cooperative marketing provided by the private section businesses. The proposed cost sharing arrangements were calculated on the basis of population.

As indicated in the attached MOU the key roles of the Regional Marketing Manager in the three (3) year period will be to:

1. To develop and action an annual implementation plan to address the high priority areas in the Regional Action Plan and Regional Marketing Plan.
2. To provide a quarterly report on progress against the implementation plan to the BWGC, SWDC, and ASW.
3. To adopt and apply the brand developed as part of the Greater Bunbury Regional Growth Plan to regional tourism initiatives.
4. To identify potential sources of funding and, where appropriate, assist with the development of business planning and feasibility studies for Local Government infrastructure projects specifically relating to tourism and in accordance with the Regional Action Plan.
5. To develop relationships and open dialogue with relevant Government agencies, associations, operators and stakeholders to progress collaborative high priority actions in the Regional Action Plan and Regional Marketing Plan.
6. Within the agreed period establish a governance model that will see regional tourism transitioned to an independent body or corporation at the conclusion of the Memorandum.
7. To engage with tourism industry stakeholders to build support and buy-in, to guide the implementation of the Strategy, and to inform the development and implementation of a governance model.
8. To notify the BWGC of any identified or perceived issues such that would impact the implementation of the Strategy.

The City of Bunbury would be responsible for the day to day administration, payroll etc. whilst the reporting against specific deliverables and direction/oversight of the Regional Marketing Manager would be through a Steering Committee (BWGC).

It should also be noted that the proposed funding from the SWDC and Australia's South West will be allocated to specific projects such as:

- design or development of infrastructure related activities and products in accordance with the Regional Action Plan; and
- to support a marketing campaign to promote tourism in and to the Geographe sub-region,

Whilst the Council at its meeting in May 2016, in part, endorsed the decision to "include an allocation of \$10,000 in its 2016/17 to 2018/19 budgets for implementation of regional tourism initiatives", it resolved to "agree to participate in each initiative as determined beneficial to the Shire of Capel and/or the region" and therefore given this new proposal it is appropriate that Council consider and endorse this new proposal.

After the initial agreed period of three (3) years, the responsibilities and management of regional tourism will be transitioned to an independent body or corporation to be determined in the course of the term of the Memorandum.

### **VOTING REQUIREMENTS**

Simple majority

<b>OC1002 OFFICER'S RECOMMENDATIONS – 13.1/COUNCIL DECISION</b>
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**Moved Cr J Scott, Seconded Cr Smith**

**That Council:**

- 1. Endorses the Memorandum of Understanding (MOU) between City of Bunbury and the Bunbury Wellington Group of Councils (BWGC), South West Development Commission and Australia's South West for the Implementation of the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy.**
- 2. Endorses Council's previously agreed three year allocation (2016/17 to 2018/19) annual allocation of \$10,000 being utilised to employ a Regional Marketing Manager hosted by the City of Bunbury.**

Carried 8/0

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**OC1003 (13.2) Ward and Representation Review**

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Location: Whole of Shire  
Applicant: Shire of Capel  
File Reference: N/A  
Disclosure of Interest: Nil  
Date: 01.09.16  
Author: Chief Executive Officer, PF Sheedy  
Senior Officer: Chief Executive Officer, PF Sheedy  
Attachments: Nil

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**MATTER FOR CONSIDERATION**

Determine whether a review of the existing 'no ward' system, the number of elected members, and the method of election of the President should be carried out.

**BACKGROUND / PROPOSAL****Background**September 1996

Council resolved (Minute SC0904/96) *'That Council not implement a no ward system of representation.'*

Council resolved (Minute SC0909/96) *'That any referendum relative to the matter be held after the May 1997 election.'*

*(This amendment was relative to the original motion to seek ratepayers' opinion on the issues of:*

- 1. Number of Councillors*
- 2. Ward boundary revision*
- 3. Method of election of President; and*
- 4. Whether there should be wards.)*

May 1997

Council resolved (Minute OC0511) *'That Council defer further consideration of the wards and representation issue until November 1997.'*

*Note: As was the situation around the time of May 1997 meeting, there was still no determination by November 1997 on the Structural Reform question. In fact, it was not until June 1998 that the Minister for Local Government made his announcement of no proposal on the Bunbury Doughnut. Consequently, there had been no further debate at Council level since May 1997.*

July 1998

Council resolved (Minute SR0703) *'That Council determine there be no change to representation numbers at this stage because:*

- 1. The present imbalance is not beyond reasonable proportions; and*
- 2. Future growth will impact on representation proportions and this will be reviewed at a more appropriate time.'*

Council resolved (Minute SR0704) *'That Council not initiate any change to the ward boundaries at this stage.'*

Council resolved (Minute SR0705) *'That Council not initiate any change to the mode of election of President at this stage.'*

#### November 1999

Council resolved (Minute OC1111) *'That the Chief Executive Officer prepare a report on representation and ward review issues for consideration by Council.'*

#### July 2000

Council resolved (Minute OC0757) *'That the Shire of Capel dispenses with wards and remains with 11 councillors.'*

Council resolved (Minute OC0758) *'That consequential to its decision not to initiate any change to the method of election of President (MinutesSC0207/00), Council now determine that it will not be changing the method of electing a President pursuant to Section 2.11 of the Local Government Act 1995.'*

#### September 2000

Council resolved (Minute OC0952) *'That Council remain with 11 councillors with no Wards.'*

#### February 2009

Council resolved (Minute OC0218) *'That Council resolves pursuant to Schedule 2.2 6(2) of the Local Government Act 1995, to undertake a review of the ward boundary, the number of elected members and the method of electing the President with a view to introducing any changes at the 2009 elections in October. Should this not be achievable then Council reconsider how it will implement any endorsed changes at the 2011 local government elections.'*

Council resolved (Minute OC0219) *'That Council endorse the Feedback Survey document detailed in the attachment to be used to seek community comment on the Wards and Representation Review.'*

#### May 2009

Council resolved (minute OC0516) *'That having completed the consultative process on the review of the ward boundary and elected member representation in the Shire of Capel it be recommended to the Local Government Advisory Board that:*

1. *Council retains the existing 'No Ward' boundary system;*
2. *An order be made under s 2.18(3) of the Local Government Act 1995 to reduce the number of offices of councillor on the Council from eleven (11) to nine (9) given that:*
  - *The Minister for Local Government has indicated that as part of his Structural Reform proposal he supports the reduction of councillor numbers to between 6 and 9; and*
  - *The Local Government Advisory Report of 2006 indicated that 97 (70%) of local governments within WA fall within the Minister's preferred number.*
3. *That Council now determines that it will not be changing the method of electing a President pursuant to section 2.11 of the Local Government Act 1995.'*

**Proposal**

The current format in regards to the 'no ward' system (sometimes referred to as a single ward), having nine (9) elected members and the President being elected by the Councillors every two years following an ordinary election is working satisfactory.

There does not appear to be any benefits in changing the current way of operating and in fact the changing of a single ward to multi wards may in fact have a negative impact on the Council, those wanting to nominate for Council and the community and therefore it is suggested that no change take place to the current 'no ward' system, reducing the number of elected members or changing the method of electing the President.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Schedule 2.2

**Schedule 2.2 - Provisions about names, wards and representation****6. Local government with wards to review periodically**

- (2) A local government the district of which is not divided into wards may carry out reviews as to -
- (a) whether or not the district should be divided into wards; and
  - (b) if so —
    - (i) what the ward boundaries should be; and
    - (ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.

**7. Reviews**

- (1) Before carrying out a review a local government has to give local public notice advising —
- (a) that the review is to be carried out; and
  - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
- (2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

Local Government Act 1995 section 2.11 and 2.13

**2.11. Alternative methods of filling office of mayor or president**

- (2) A local government may change\* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.
- \* Special majority required.

**2.13. When new method takes effect**

(1) A decision under section 2.11(2) to change to the election by electors method has effect in relation to the filling of the office of mayor or president at the next ordinary elections of the local government held after the decision is made and from then on until a change under section 2.11(4) to the election by the council method takes effect (poll of electors).

**POLICY IMPLICATIONS**

Policy 1.9 Councillor Retirement Gifts would be applicable if Council resolved to reduce the current number of elected members at the 2017 ordinary election.

## **FINANCIAL IMPLICATIONS**

### **Budget**

There are no implications on the current 2016/17 budget as any decision that the Council made in regards to ward boundaries, the number of elected members or method of electing the President would not have effect until the 2017/18 financial year.

### **Long Term**

A change to the current no ward system would require additional costs to advertise the proposed change in the 2017/18 financial year and would also incur ongoing additional cost for the ordinary elections every two years as there would be a requirement to produce election ballot papers for each ward.

Reductions in cost would be achieved if the number of elected members were reduced (approximately \$11,500 annually) and the introduction of wards could see a reduction in election costs where no election in one or more wards was required.

### **Whole of Life**

As no assets are being created there is no whole of life costs applicable to this matter.

## **SUSTAINABILITY IMPLICATIONS**

Financial sustainability could be maintained, reduced or increased depending on the decision that Council makes in regards to the three matters for consideration in this report.

Social interaction with the community could be reduced if the number of elected members were reduced, whilst the introduction of a ward system may lead to an increase in social interaction as elected members focus on the ward in which they were elected, rather than the whole Shire.

## **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-2031

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

Strategic Outcome:

1.1 Ensure continuous improvement of the organisation.

Corporate Business Plan 2016-2020

Strategy 1.1A Attract and retain a diverse and skilled body of elected members.

## **CONSULTATION**

Were Council to decide to carry out a review, public advertising for a period of 42 days to allow for submissions would be required.

## **COMMENT**

As indicated in the 'Statutory Environment' section of this report, there are no wards in the Shire of Capel, and the Local Government Act 1995 only requires Council to give consideration as to whether it wants to carry out a review of its existing 'no wards' system and the number



of offices of Councillor there should be, rather than it being a statutory requirement where a Council has to undertake a review where the local government is divided into wards.

The Department of Local Government and Communities has previously advised that in order to comply with the intent of the wording 'may carry out a review', as a minimum a report should be provided to the Council for it to determine what action, if any, it wants to take.

### **The existing 'no ward' system**

Prior to 2001 the Shire of Capel had five wards with eleven elected members, Boyanup (3), Capel (2), Gelorup (2), North (2) and South (2) based on a population of 4,364.

When considering whether to return to a multiple wards system or not, Council would need to be aware of the Local Government Act 1995 requirement for a Council to have regard to the ratio of councillors to electors in the various wards [schedule 2.2 (8) (g)], often referred to as the 'criteria on ward tolerances', which is to ensure that the ratio of electors to councillors across wards ensures balanced representation (one vote one value). The Local Government Advisory Board has previously had a policy, and believe it still does, that these tolerances should not be more than plus or minus 10%, to achieve the one vote one value principle (similar to state electoral boundaries).

It would be fair to say that the one main consideration for the Council in 2001 in resolving to move to a 'no ward' system was this principle of 'criteria on ward tolerances', where the retention of wards system would have resulted, over time, in a significant proportion of the elected members having to come from the northern ward of the Shire and the only way to achieve this would have been to reduce the numbers elsewhere, assuming that a similar number of elected members was retained.

Since the 'no ward' system was introduced it would be fair to say that the distribution of representation throughout the Shire has been fairly well balanced and in some instances some areas have done better under the 'no ward' system than they would have under the multiple ward system, with Capel (townsite) now being the area that does not have any representation. Does that result in the area not being adequately considered? One would argue that the answer is no, but it will always be a matter for debate.

The existing 'no ward' system has worked well since 2001 with a strong number of candidates nominating for each election, resulting in no candidates being elected unopposed (except in 2013) and for this reason I cannot see any reason to change back to a multiple ward system. If a change was contemplated then a 3 or 4 ward system would be the preferred options, with the suggested format being:

- Three Wards - Capel (Capel townsite, Peppermint Grove Beach and rural), Boyanup (Boyanup and Gwindinup townsites, Roseclif Park and rural) and North or Gelorup/Dalyellup (Stratham, Gelorup and Dalyellup and rural) wards; or
- Four Wards – West (Capel townsite and Peppermint Grove Beach), East (Boyanup townsite to Gwindinup townsite and north to Roseclif Park), North (Stratham, Gelorup and Dalyellup) and Rural. This would result in a large rural area through the middle of the Shire.

As a comparison the current situation with local governments in Western Australia is: Wards (56) and no wards (84). Therefore given that the current 'no ward' system is operating satisfactorily, that generally the distribution of elected members across the whole of the Shire is reasonable and that the 'no ward' system appears to encourage an increased number of candidates at each ordinary election that it is recommended that no action be taken to review the current 'no ward' system to consider a multiple ward system.

**Number of elected members**

As indicated in the Background section of this report, Council moved to reduce its elected member numbers from eleven (11) to nine (9) in 2009. If Council was considering a review of this number it would be to further reduce the number, not increase it, and also based on the current state government's thinking, the Advisory Board would more than likely support a reduction but not an increase.

As a comparison of the 140 local governments in Western Australia, the number of elected members and local governments are:

- 5 (2);
- 6 (1);
- 7 (36);
- 8 (26);
- 9 (39);
- 10 (3); and
- >10 (23).

Most of those with ten (10) or more are either metropolitan or regional cities.

Therefore given that the current number of elected members is working satisfactorily and that it is more than likely that the Advisory Board would only support a further reduction and not an increase, it is recommended that no action be taken to review the current number of elected members, being nine (9).

**Method of electing the President**

Council has previously indicated that its preferred position on this matter was for the Councillors to elect the President. Given that as a general rule only those local governments that have Town or City status (Mayor) have an election of that person by the community, it would seem that to retain the status quo on this matter would be the preferred option.

**VOTING REQUIREMENTS**

Simple majority

**OC1003 OFFICER'S RECOMMENDATIONS – 13.2/COUNCIL DECISION****Moved Cr Smith, Seconded Cr Hearne**

**That Council resolves not to undertake a review of its current 'no ward' system, the number of offices of Councillor or the method of electing the President, as it considers that the current format is working satisfactorily and is not causing any detriment or disadvantage to any sections of the Shire and/or community.**

Carried 8/0

## **ENGINEERING AND DEVELOPMENT SERVICES REPORTS**

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### **OC1004 (14.1) Proposed Road and Bridge Closure – Forrest Beach Road**

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Location:	Forrest Beach
Applicant:	Shire of Capel
File Reference:	RO.BR.3
Disclosure of Interest:	Nil
Date:	07.10.16
Author:	Manager Operations, S Faber
Senior Officer:	Executive Manager Engineering & Development, J Gick
Attachments:	<ol style="list-style-type: none"> <li>1. Map showing proposed closure</li> <li>2. List of Submissions</li> <li>3. Map showing McCourts Road</li> </ol>

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### **MATTER FOR CONSIDERATION**

The closure of a portion of Forrest Beach Road, Forrest Beach for a period of 6 months, to allow the Water Corporation to replace a bridge (0650) over the south drain.

### **BACKGROUND / PROPOSAL**

#### **Background**

In December 2014 Main Roads Western Australia (MRWA) imposed a load limit on a Water Corporation Bridge (0650) on Forrest Beach Road. The load limit was determined after MRWA carried out a routine inspection of the bridge where it was found the bridge was in poor structural condition. A load capacity was carried out by MRWA and vehicle accessibility was restricted to vehicles of 12 tonne or less.

Discussion has been ongoing between the Water Corporation, MRWA and the Shire since the load restriction was applied to the bridge. Replacement will allow vehicle access to be restored to a greater capacity.

The Water Corporation has recently advised the Shire that it has secured funding for the replacement of the bridge. In August 2016 the Shire was contacted seeking Council approval to close a portion of Forrest Beach Road for a period of approximately 6 months.

The works have been scheduled during the dryer months, when it is anticipated water levels will be lower. It is anticipated works will commence in December 2016/January 2017 with intended completion of construction by July 2017. Attachment 1 shows the location of the proposed road closure.

#### **Proposal**

That Council considers the request for the closure of Forrest Beach Road from the intersection with Ludlow Road North to approximately 100m west of Bridge 0650, for a period of six (6) months, for the purpose of bridge replacement.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995, section 3.50

#### **3.50 Closing certain thoroughfares to vehicles**

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare the local government is to –
- (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare, where, when and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
  - (b) give written notice to each person who-
    - (i) is a prescribed person for the purposes of this section; or
    - (ii) owns land that is prescribed for the purposes of this section; and
  - (c) allow a reasonable time for submissions to be made and consider any submissions made.

Shire of Capel Delegation 111 gives the Chief Executive Officer the authority to initiate a consultation process prior to submitting details to Council for formal consideration. This authority has in turn been delegated to the Executive Manager Engineering & Development Services and Manager Operations.

### **POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

There are no financial implications other than the cost of advertising the proposed closure. The budget makes allowance for statutory advertising.

#### **Long Term**

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

#### **Whole of Life**

As no Council asset is being created there are no whole of life implications relevant to this item.

### **SUSTAINABILITY IMPLICATIONS**

The condition of the existing bridge is poor, it is no longer considered safe enough for heavy vehicle passage. This has broad ranging impact for the community. Repairs to the bridge are not feasible, and full replacement will ensure long term public access and sustainability of the road network in the region. A replacement bridge life is estimated at 100 years.

### **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-31.

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

Strategic Outcomes:

- 5.1 Provide and maintain a safe and efficient transport, cycle and pedestrian network throughout the Shire.
- 5.3 Improve connectivity throughout our communities and to the region.

**CONSULTATION**

In accordance with s3.50 of the *Local Government Act 1995*, consultation was undertaken via advertisements in the Busselton-Dunsborough Mail on Wednesday 7 September 2016 and in the South Western Times on Thursday 8 September 2016. Utility providers, service providers and affected landowners were also notified.

The Shire also advertised for public comment on the Shire's Website and Facebook page.

Responses were received from Western Power, Telstra and four residents. Copies are provided in Attachment 2.

There were no objections from Western Power or Telstra. There were no other submissions from other utility or service agencies.

Two public submissions supported the works. One submission asked that the works commence after Christmas, and to construct the replacement bridge to a two lane standard.

Two public submissions were received from equine industry users of Forrest Beach. While understanding that the works are required, concern was raised with the extra time it would take to access the beach via a detour, extra expense due to extended travel time and the inconvenience. It was also requested that the Shire consider using McCourts Road as a temporary access while the bridge construction is occurring, and there was a query as to why a bypass could not be built at the bridge site. It was also stated the route was a school bus route.

The Water Corporation had direct contact from one resident who also made a formal submission to the Shire. The use of McCourts Road was raised for consideration as an alternative detour route to reduce travel time for transporting horses to the beach.

The Water Corporation has drafted letters to local residents directly affected by the proposed closure of Forrest Beach Road detailing the project, impacts and their customer service contact. These will be delivered following the determination of this item.

The Shire also requires that the Water Corporation to install variable message boards on Forrest Beach Road, adjacent to the bridge area, prior to works commencing, to inform the public of the upcoming bridge works.

**COMMENT**

The Shire has, in consultation with the Water Corporation assessed implementing a bypass road adjacent to the bridge works during the construction period. The Water Corporation stated that only where there is no alternative access, would it implement a fully constructed bypass. It would be anticipated the cost of a bypass at Forrest Beach Road would be in the order of \$350,000, based on a similar exercise being undertaken at Peppermint Grove Beach.

The Water Corporation gave consideration to reusing parts from the Peppermint Grove Beach bypass at Forrest Beach, however, as the works are programmed concurrently this was not considered viable.

Shire officers and the Water Corporation have independently visited McCourts Road to assess the viability of this road being utilised as an alternative route during the bridge construction period. McCourts Road is currently an unmade road, incorporating sections of natural soil and sections of substantial vegetation, limestone base track and areas of inundated water. An aerial survey was also carried out due to access limitations. The aerial view showed that some of the existing limestone track sections are not within the road reserve and appeared to be within private property. There would also be a requirement for the removal of trees and

vegetation to facilitate road construction, which would in turn require a tree clearing permit from the Department of Environmental Regulation.

The Shire and Water Corporation consider the McCourts Road detour option is not viable, due the project being cost prohibitive and the amount of works required to upgrade the unmade road reserve to a service level suitable for use during the bridge replacement. Attachment 3 shows the location of McCourts Road.

There is no funding allocation within Council's 2016/17 financial year budget to facilitate construction of a road at McCourts Road, and the Water Corporation has indicated that it does not have funding provisions for the upgrade of McCourts Road.

Forrest Beach Road bridge replacement is one of 16 bridge replacements the Water Corporation has programmed this summer in the South West Region. The Water Corporation has had to take into account the scale of works required within the region, while trying to minimise inconvenience to the public and applying a best value for money approach.

The Water Corporation has advised that with regard to timing, it can defer works until after Christmas and New Year to minimise the impact, if required. It has suggested that it would still need to mobilise during December, but can defer starting works until the first week of January 2017.

Forrest Beach Road is not a current bus route. The school bus was diverted to a new route when the load restrictions were enforced in December 2014. The school bus does use Ludlow Road North, but would not be affected by the closure of Forrest Beach Road.

The Manager Operations drove the proposed detour (Ludlow Road North, Tuart Drive, Layman Road and Forrest Beach Road) to measure the time the detour would impose to access Forrest Beach. The journey took 15 minutes one way utilising the Shire's 4WD vehicle. It would be estimated that a passenger vehicle would be a similar time and that vehicles towing or carrying horses would take approximately 5-10 minutes longer one way.

The Water Corporation has also been in contact with the City of Busselton to inform it of the impacts of a road closure, as Layman Road and a portion of Tuart Drive and Forrest Beach Road are under the care and control of the City of Busselton. The City of Busselton has not expressed any objections to the project.

### **VOTING REQUIREMENTS**

Simple majority

<b>OC1004 OFFICER'S RECOMMENDATIONS – 14.1/COUNCIL DECISION</b>
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**Moved Cr J Scott, Seconded Cr Hearne**

**That Council approves the closure of Forrest Beach Road, Forrest Beach from the intersection with Ludlow North Road to 100m west of Bridge (0560) for a period of approximately 6 months from 2 January, 2017 to 31 July, 2017 to allow for the replacement of the Water Corporation Bridge.**

Carried 8/0

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**OC1005 (14.2) Tender 16/03 Supply and Lay of Asphaltic Concrete**

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Location:	Various locations within the Shire of Capel
Applicant:	Shire of Capel
File Reference:	CM.TE.7
Disclosure of Interest:	Nil
Date:	10.10.16
Author:	Manager Operations, S Faber
Senior Officer:	Executive Manager Planning and Engineering, J Gick
Attachments:	1. Confidential: Pricing Schedules Submitted by the Tenderers 2. Asphalt & Bitumen Estimated Usage

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**MATTER FOR CONSIDERATION**

Consideration of the tender submissions for the Supply and Laying of Asphaltic Products (16/03).

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

The previous contract for the supply and lay of asphaltic products expired on 30 September 2016. A tender for provision of these products and services was advertised with a response from 3 applicants. The contract will be for an initial period of 1 year from 1 November 2016 to 31 October 2017, with an option to extend for a further two, 1 year periods.

The Shire uses asphaltic products in the provision of its Capital Works and Maintenance Programs.

**Proposal**

Consideration of tender submissions, for the supply and delivery of asphaltic products in the delivery of Council's Capital Works and Maintenance Programs.

**STATUTORY ENVIRONMENT**

The Local Government Act 1995 s3.57 and regulation 11(1) of the Local Government (Functions and General) Regulations 1996 requires all goods and services with a value in excess of \$150,000 to be subject to a public tender process.

Local Government (Functions and General) Regulations 1996 - **Part 4, Division 2 Tenders for the providing of goods and services (s3.57 of the Act)** 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. This consideration should include the whole of life costs and benefits, the technical merits of the service being offered to comply with contractual specifications, contractual terms and conditions and a contractor's viability and capacity to supply.

In order 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 up to \$50,000 where the purchase consideration exceeds \$1,000. None of the tenderers qualified for consideration under this provision of this policy.

Policy 3.14 Occupational Safety, Health and Wellbeing.

**FINANCIAL IMPLICATIONS****Budget**

The tenders received are within anticipated price ranges. The 2016/17 Council Budget includes financial provision for this service in Schedule 12 – Transport, Maintenance of Streets, Roads, Bridges, and Depots – Expenditure and the Capital Works Program.

**Long Term**

Ongoing Council budget considerations will be required to facilitate the provision of this service for the initial 1 year contact period and two further one year options. This consideration will provide the funding mechanism to assist with the ongoing Capital Works and Maintenance requirements. The draft 4 year financial forecasts include provision for these costs through the 4 year Program of Works – Roads.

The Contract provides for consideration where the price for the supply and delivery may be increased annually in accordance with the Annual Perth Consumer Price Index at 31 March each year.

The tender provides for the provision of asphaltic products for a period of up to 3 years. After this time, a further tender may be called for a similar period.

**Whole of Life**

The whole of life financial implications have not been calculated. The assets that will be serviced by the provision of this service will require future ongoing funding to facilitate the capital and maintenance requirements and to ensure the assets are preserved to suitable service levels.

**SUSTAINABILITY IMPLICATIONS**

The provision of Asphaltic products and services is a key service to delivering a sustainable road infrastructure for the community. Provision of an improved road network provides safe, more efficient driving surfaces, and protects the asset for the future.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-2031

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

Strategic Outcome:

1.5 Ensure the effective management of Council's resources.

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

Strategic Outcomes:

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

Strategic Outcome:

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



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

Strategic Outcome:

4.4 Improve the attraction of the towns as retirement destinations.

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

Strategic Outcome:

5.6 Effectively manage the Shire's assets and resources.

### **CONSULTATION**

The Request for Tender was advertised in accordance with the requirements of the Local Government Act 1995. Advertisements appeared in *The West Australian* on Wednesday 20 July 2016 and in the *South Western Times* on Thursday 21 July 2016.

Consultation took place between appropriate officers in the areas of Technical Services, Operations and Corporate Services.

### **COMMENT**

Tender submissions were received from three tenderers. All tenderers were assessed against compliance and qualitative criteria by the assessment panel. All tenderers met the compliance criteria, and the following table summarises the qualitative and quantitative criteria.

Criterion	Malatesta	Busselton Bitumen	Fulton Hogan
Relevant Experience (15%)	36	27	36
Tenderer's Resources (15%)	36	21	30
<b>Total</b>	<b>72</b>	<b>48</b>	<b>66</b>
Price (70%)	150	150	160
<b>Total</b>	<b>222</b>	<b>198</b>	<b>226</b>

During the assessment process, officers identified service delivery as a key concern with the previous contract. Over the term of the previous 3 year contract, Fulton Hogan has been inconsistent with delivery of both product and works. There has been inconsistency in the supply of asphaltic product for the Shire's maintenance program. Supply has been inconsistent when the contractor is carrying out night works. During these periods the batching plant is not able to reliably supply asphaltic product during the day. This creates work scheduling issues and staff resources to manage. There have been no supply issues with the delivery of asphaltic products for construction projects.

Busselton Bitumen Service & Civil indicated that it would supply amounts of asphalt product under 20 tonnes through a contract agreement it has with Fulton Hogan. Amounts above 20 tonnes would generally be provided through a plant brought down from Perth. The assessment panel indicated that there may be similar supply issues if the supply from Busselton Bitumen Service & Civil was reliant on supply from Fulton Hogan.

Busselton Bitumen Service and Civil has indicated that its capacity is to deliver small to medium complex works. The Tender assessment team believe this may not meet the Shire's needs over the life of the contract.

It has been officer experience through previous contracts with Malatesta Road Paving and Hot Mix that there have not been supply and service issues with provision of asphaltic products. The assessment scores reflect the tenderers' experience and capacity in this area.

**VOTING REQUIREMENTS**

Simple majority

<b>OC1005 OFFICER'S RECOMMENDATIONS – 14.2/COUNCIL DECISION</b>
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**Moved Cr Baxi, Seconded Cr J Scott**

**That Council accepts the tender from Malatesta Road Paving and Hot Mix for the provision of asphaltic products as detailed in Tender 16/03, for an initial period of 1 year from 1 November 2016 to 31 October 2017 with an option to extend for a further two 1 year periods.**

Carried 8/0

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## **OC1006 (14.3) Tender 16/04 - Supply and Lay of Bituminous Products**

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Location:	Various locations within the Shire of Capel
Applicant:	Shire of Capel
File Reference:	CM.TE.7
Disclosure of Interest:	Nil
Date:	10.10.16
Author:	Manager Operations, S Faber
Senior Officer:	Executive Manager Planning and Engineering, J Gick
Attachments:	1. Confidential: Pricing Schedules Submitted by the Tenderers 2. Asphalt & Bitumen Estimated Usage – Tenders 16/03 & 16/04

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### **MATTER FOR CONSIDERATION**

Consideration of tender submissions for the Supply and Lay of Bituminous Products (16/04).

### **BACKGROUND / PROPOSAL**

#### **Background**

The previous contract for the supply and lay of bituminous products expired on 30 September 2016. A tender for provision of these products and services was advertised with a response from 2 applicants. The contract will be for an initial period of 1 year from 1 November 2016 to 31 October 2017, with an option to extend for a further two, 1 year periods.

The Shire uses bituminous products in the provision of its Capital Works and Maintenance Programs.

#### **Proposal**

Consideration of tender submissions, for the supply and delivery of bituminous products in the delivery of Council's Capital Works and Maintenance Programs.

### **STATUTORY ENVIRONMENT**

The Local Government Act 1995 s3.57 and regulation 11(1) of the Local Government (Functions and General) Regulations 1996 requires all goods and services with a value in excess of \$150,000 to be subject to a public tender process.

Local Government (Functions and General) Regulations 1996 - **Part 4, Division 2 Tenders for the providing of goods and services (s3.57 of the Act)** 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. This consideration should include the whole of life costs and benefits, the technical merits of the service being offered to comply with contractual specifications, contractual terms and conditions and a contractor's viability and capacity to supply.

In order 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 up to \$50,000 where the purchase consideration exceeds \$1,000. None of the tenderers qualified for consideration under this provision of this policy.

Policy 3.14 Occupational Safety, Health and Wellbeing.

**FINANCIAL IMPLICATIONS****Budget**

The tenders received are within anticipated price ranges. The 2016/17 Council Budget includes financial provision for this service in Schedule 12 – Transport, Maintenance of Streets, Roads, Bridges, and Depots – Expenditure and the Capital Works Program.

**Long Term**

Ongoing Council budget considerations will be required to facilitate the provision of this service for the initial 1 year contact period and two further one year options. This consideration will provide the funding mechanism to assist with the ongoing Capital Works and Maintenance requirements. The draft 4 year financial forecasts include provision for these costs through the 4 Year Program of Works – Roads.

The Contract provides for consideration where the price for the supply and delivery may be increased annually in accordance with the Annual Perth Consumer Price Index at 31 March each year.

The tender provides for the provision of asphaltic products for a period of up to 3 years. After this time, a further tender may be called for a similar period.

**Whole of Life**

The whole of life financial implications have not been calculated. The assets that will be serviced by the provision of this service will require future ongoing funding to facilitate the capital and maintenance requirements and to ensure the assets are preserved to suitable service levels.

**SUSTAINABILITY IMPLICATIONS**

The provision of Asphaltic products and services is a key service to delivering a sustainable road infrastructure for the community. Provision of an improved road network provides safe, more efficient driving surfaces and protects the asset for the future.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-2031

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

Strategic Outcome:

1.5 Ensure the effective management of Council's resources.

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

Strategic Outcomes:

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

Strategic Outcome:

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

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

Strategic Outcome:

4.4 Improve the attraction of the towns as retirement destinations.

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

Strategic Outcome:

5.6 Effectively manage the Shire's assets and resources.

### **CONSULTATION**

The Request for Tender was advertised in accordance with the requirements of the Local Government Act 1995. Advertisements appeared in *The West Australian* on Wednesday 20 July 2016 and in the *South Western Times* on Thursday 21 July 2016.

Consultation took place between appropriate officers in the areas of Technical Services, Operations and Corporate Services.

### **COMMENT**

Tender submissions were received from two contractors. Both were assessed against qualitative and financial criteria. All tenderers met the compliance criteria, and the following table summarised the qualitative and quantitative criteria.

Criterion	Malatesta	Fulton Hogan
Relevant Experience (15%)	36	36
Tenderer's Resources (15%)	36	33
<b>Total</b>	<b>72</b>	<b>69</b>
Price (70%)	165	180
<b>Total points</b>	<b>237</b>	<b>249</b>

During the assessment process officers identified service delivery as a key concern with the previous contract. Over the term of the previous 3 year contract, Fulton Hogan has been inconsistent with delivery of both product and works.

Each year, Shire officers have organised the reseal program early in the season with Fulton Hogan. It has been officers' experience that the booking is regularly pushed out by Fulton Hogan, sometimes for months. Last financial year Fulton Hogan was several months late completing the booked reseal works, and it is officer's view that this is due to the contractor prioritising works for MRWA and other clients. This creates scheduling issues for the works team and requires additional staff resources to manage this issue. It also provides for a bad customer experience when we provide notice of works to residents, then to have the dates changed.

It is also noted that there was inconsistency of supply of water based emulsion for maintenance when Fulton Hogan are carrying out night works. During these periods the plant is not always able to supply the Shire's needs, and this again creates work scheduling issues and staff resources to manage.

It has been officer's experience through previous contracts with Malatesta Road Paving and Hot Mix that there has not been the same negative impact in the supply and service of bituminous products. The assessment scores reflect the tenderers' experience and capacity in this area.

**VOTING REQUIREMENTS**

Simple majority

<b>OC1006 OFFICER'S RECOMMENDATIONS – 14.3/COUNCIL DECISION</b>
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**Moved Cr J Scott, Seconded Cr Hearne**

**That Council accepts the tender from Malatesta Road Paving and Hot Mix for the provision of bituminous products as detailed in Tender 16/04, for an initial period of 1 year from 1 November 2016 to 31 October 2017 with an option to extend for a further two 1 year periods.**

Carried 8/0

Mr Faber left the meeting at 4.58pm and did not return.

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## **OC1007 (14.4) Transportable Building – R5036 (Lot 5602) Capel Tutunup Road, Capel**

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Location:	Capel
Applicant:	Riding for the Disabled (RDA) Capel Inc
File Reference:	PA133/2016
Disclosure of Interest:	Nil
Date:	23.09.16
Author:	Planning Officer, L Sandon
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1 Location Plan 2 Development Plans

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### **MATTER FOR CONSIDERATION**

Council is requested to consider an application for Development Approval for development of a transportable building for the use of storage and administration at Reserve 5036 (Lot 5602) Capel Tutunup Road, Capel.

Council is also requested to consider waiving the planning application fee of \$147.

### **BACKGROUND / PROPOSAL**

#### **Background**

During 2002 Council was granted a management order for Reserve R5036 for the purpose of recreation, with power to on lease for 21 years. In 2003 Council leased the Capel Equestrian Centre Grounds at Reserve R5036 to the Capel Equestrian Centre Inc.

In 2012 the Capel Equestrian Centre Inc changed its name to Capel Regional Equestrian Park Inc (CREP). The reserve is managed by the CREP of which the Riding for the Disabled (RDA) Capel is a member and utilises the reserve.

The lease encourages the use of the facility by the community and residents.

#### **Proposal**

A request has been received from Riding for the Disabled (RDA) Capel Inc for the temporary (5 years) placement of a transportable building for storage and administration purposes at Reserve 5036. The transportable is 3m wide, 5m long with a height of 2.4m, which is to be situated 77m from Capel Tutunup Road and 107m from the west side boundary. The proposed use is to store specialised equipment and provide an area to 'meet and greet' patrons. The transportable building will not be connected to services. The applicant provided a CREP *Memorandum of Understanding* and CREP management committee meeting minutes, which detail CREP permitting the proposed development on the lot which it manages.

It is to be noted that the lease agreement CREP has with Shire of Capel requires the following:

Clause 3.1.3 at the Club's cost to keep the grounds properly cleaned, repaired and maintained according to the requirement of Schedule One of the reasonable satisfaction of Council.

Clause 3.1.6 (a) Insure and keep insured the Club's fixtures and fittings to their full replacement value against fire, explosion, impact, storm, tempest, earth quake, theft, accident and all other risks that Council requires.

Clause 3.2.6 Requires Council's consent for alterations: make any alternation or additions to the grounds or install any fixtures or fittings in the grounds without Council's written consent.

The RDA has also requested Council to consider waiving the application fee.

## **STATUTORY ENVIRONMENT**

### *Town Planning Scheme No. 7 (TPS7)*

Lot 5602 is a Reserve for recreation zoned Rural pursuant to the Shire of Capel Town Planning Scheme No. 7 (TPS7).

The existing use of an Equestrian Centre is considered a non-conforming use pursuant to Clause 4.1 of the TPS7, as it relates to the continued use of the land for the purpose for which it was being lawfully used at the time of coming into force of the Scheme.

Therefore, the proposed development is considered an extension of a non-conforming use. An extension of a non-conforming use requires the proposed development to obtain the planning consent of the Council under the Scheme and unless in conformity with any other provision and requirements contained in the Scheme.

### *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 references to the Notice of Resolution (RES2014/03) made under Clause 27, Schedule 1, Clauses 3, 6, 7 and 10 and the Instrument of Delegation (DEL2014/01) under Section 16 of the Planning and Development Act 2005, Schedule 2 Clauses 9 and 10 and the comment will be discussed in the "Consultation" section of this report.

## **POLICY IMPLICATIONS**

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

The lot is within a designated bush fire prone area. Clause 78B (1)(b) requires a Bushfire Attack Level (BAL) assessment for the construction or use, or construction and use of a habitable building other than a single house or ancillary dwelling or a specified building.

Habitable building means a *permanent or temporary structure on land that is fully or partially closed; and has at least one wall of solid material and a roof of solid material; and is used for the propose that involves the use of the interior of the structure by people for living, working, studying or being entertained.*

The proposed use for the development is for the storage of specialised equipment and an area to meet and greet patrons of the RDA Capel. The RDA Capel recreational activity does not occur within the interior of the development, therefore the use of the transportable is not considered a habitable building requiring a BAL Assessment.

## **FINANCIAL IMPLICATIONS**

### **Budget**

The applicant has not yet paid the development application fee of \$147 and has requested that Council waive the planning fees. The RDA has indicated that it is a not-for-profit organisation and it is fundraising for the equipment.

### **Long Term**

The Reserve is non-rateable therefore there is no impact on rates.



**Whole of Life**

There are no whole of life costs to consider.

**SUSTAINABILITY IMPLICATIONS**

There are low environmental impacts associated with the development of a transportable building as no vegetation needs to be removed. Development of the structure will assist the Riding for Disabled (RDA) Capel Inc to operate from the premises and will benefit the community by having access to this facility in close proximity to the Capel townsite.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-2031

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

Strategic Outcomes:

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

Strategic Outcome:

- 3.1 Promote the diverse lifestyle opportunities in the Shire.

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

Strategic Outcomes:

- 4.1 Provide opportunities to take advantage of the Shire's location.
- 4.2 Pursue diversity and vitality in the local economy.
- 4.9 Encourage business development.

**CONSULTATION**

The proposal was referred to the Department of Planning to be assessed in accordance with the provisions of the Greater Bunbury Region Scheme (GBRS) and the Department provided the following comments:

- *Lot 5602 is zoned Rural under the GBRS and abuts land reserved for Primary Regional Roads. The subject lot is also within the Strategic Agricultural Policy Area and the Titanium–Zircon referral area of the Strategic Minerals and Basic Raw Material Policy.*
- *The proposed development is considered ancillary and incidental to the existing development at the site, and as such does not require planning approval under Clause 3 (land abutting a Regional Road Reservation).*
- *The proposed development is also considered to be compatible with the Rural zone, and as such does not require planning approval under Clause 10 (Development in the Rural zone).*
- *Whilst the Department of Planning (DOP) does not object to the proposal, it does have the potential to conflict with the purposes of both the strategic agricultural and strategic minerals and basic raw materials policies and as such requires planning approval under the provisions of the GBRS. Advice and recommendation should be sought from the*

*Department of Agriculture and Food (DAFWA), the Department of Mines and Petroleum (DMP).*

- *The subject lot is identified as being Bush Fire Prone, therefore additional planning and building requirements may apply to the development in accordance with SPP 3.7 Planning in Bushfire Prone areas.*
- *The proposal should also be referred to State Lands for advice and recommendations.*

The Department of Agriculture and Food Western Australia (DAFWA) submitted 'No Objections' to the proposal.

The Department of Mines and Petroleum (DMP) submitted 'No Objections' to the proposal and requested an advice notice to details that it is an area where future mining may occur.

Main Roads WA (MRWA) submitted 'No Objections' to the proposal.

### **COMMENT**

The proposed development is consistent with the management order and purpose of the reserve and rural requirements of the TPS7. The proposal in the context of the GBRS is not considered a conflicting use, with no objections to the proposal from the relevant agencies.

Fees for development applications are based on a sliding scale. A maximum fee of \$147 applies to development applications where the estimated cost of development is up to \$50,000.

As per Planning Bulletin 93/2013 the system of fees is based on the following guiding principles:

- A maximum fee structure that enables local governments to charge less or not at all.
- The capacity for local governments to charge a higher fee than the specified maximum or charge when and where there are exceptional circumstances beyond what is normally undertaken by most local governments; that is, for applications which require:
  - o specific assessment (e.g. environmental assessment studies);
  - o extensive consultation procedures (e.g. for exceptionally large, unusual or complicated proposals);
  - o technical resources and equipment (e.g. computer modelling); and/or
  - o specialist skills (e.g. heritage conservation).

The President advised the meeting that voting for this matter required an Absolute majority, not a Simple majority as shown in the Agenda.

### **VOTING REQUIREMENTS**

Absolute majority

**OC1007 OFFICER'S RECOMMENDATIONS – 14.4/COUNCIL DECISION**

Moved Cr Smith, Seconded Cr Hearne

That Council:

A. Grants Development Approval pursuant to Clause 68 (2) (b) of the Deemed Provisions for Local Planning Scheme of the Planning and Development (Local Planning Schemes) Regulations 2015 and Clause 41 of the Greater Bunbury Region Scheme to the development of a transportable building to be used for storage and administration on Reserve 5036 (Lot 5602) Capel Tutunup Road, Capel subject to compliance with the following conditions:

1. All development being in accordance with the Approved Development Plans dated 26 October 2016.
2. The approval is valid for a period of 5 years after which time the structure is to be removed from the lot at the expense of the applicant and to the satisfaction of the Shire of Capel unless a new application for planning approval has been submitted and approved.
3. Prior to Occupation, the existing building must be renovated, painted and subsequently maintained to the satisfaction of the Shire of Capel.

B. Waives the development application fee of \$147.

C. **ADVICE NOTES**

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

- i) Compliance with the Building Act 2011, Building Regulations 2012 and the Building Code of Australia. Advice should be sought from a registered building surveying contractor in order to obtain the appropriate certificates for building permit and occupancy permit applications.
- ii) Before the removal of the structure, a Demolition Permit must be obtained from the Shire of Capel unless exempted under the Building Regulations 2012.
- iii) Reserve 5036 is leased to Capel Regional Equestrian Park Inc. The lease has conditions (as agreed by the Minister of Lands and the Shire of Capel) and it is the responsibility of the lessee to ensure compliance in accordance with the signed agreement.
- iv) Titanium-Zircon mineralisation is located within 1,000m west of the proposal site and mining may occur in the future.

Carried with an Absolute majority 8/0

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**OC1008 (14.5) Free Standing Corporate Sign – Lot 4704 Bluff Road, Dalyellup**

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Location:	Dalyellup
Applicant:	Dale Alcock Homes SW
File Reference:	BLU4704
Disclosure of Interest:	Nil
Date:	19.09.16
Author:	Planning Officer, C Bonnie
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachments:	1. Location Plan 2. Development Plans 3. Photos (2)

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**MATTER FOR CONSIDERATION**

Development Approval is sought under the Shire of Capel Town Planning Scheme (the Scheme) for the retrospective approval of a Free Standing Corporate Sign for Dale Alcock Homes SW located on Lot 4704 Bluff Road, Dalyellup.

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

November 2013 – The Detailed Area Plan for the Dalyellup District Centre Outline Development Plan (DDCOPD) was approved. Precinct E (North) was adopted pursuant to Delegation 210.

October 2014 – A modified Detailed Area Plan (DAP) for the DDCOPD Precinct E and Part D (North) was adopted pursuant to Delegation 208. The modified DAP was to facilitate a modified subdivision design and introduce a temporary additional use for the Display Home Village, Sales Office and Car park.

February 2015 – Planning Consent was issued under Delegated Authority for the development of a Temporary Sales Office and the land uses of Display Home Village and Carpark area over proposed lots 4701 – 4708.

May 2015 – Planning Consent granted under Delegated Authority for a Display Home on Lot 4704 Bluff Road, Dalyellup.

**Proposal**

A Development Approval has been sought for a Free Standing Corporate Sign which has already been constructed at Lot 4704. The applicant has submitted a site plan and development plans.

**STATUTORY ENVIRONMENT****Planning and Development (Local Planning Schemes) Regulations 2015**

Clause 68 Determination of applications.

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

Town Planning Scheme No. 7

The site is zoned Urban Development, with a residential density code R40 and is 369m<sup>2</sup> in area.

1.6 Scheme Objectives

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

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

Clause 7.12 – Advertisements

Clause 7.12.1 - Power to Control Advertisements

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the planning consent of Council. Such planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Local Laws.

Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Clause 8.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 10 giving details of the advertisement(s) to be erected, placed or displayed on the land.

Greater Bunbury Region Scheme (GBRS)

The site is zoned 'Urban' and no application is required under the GBRS.

**POLICY IMPLICATIONS**

State Planning Policy 3.1 Residential Design Codes

Part 5 – 5.2.5 Sight lines

P5 – Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, right-of way, communal streets, crossovers and footpaths.

**FINANCIAL IMPLICATIONS**

**Budget**

The applicant has paid the development application fee of \$201.

**Long Term**

There are no long term costs to consider.

**Whole of Life**

At the conclusion of the use of the site as a Display Home, the applicant will need to remove the sign and make good the verge.

**SUSTAINABILITY IMPLICATIONS**

The display home sign will not have a detrimental impact on the users of Bluff Road, as Bluff Road has been designated as a display home village until 1 March 2018. No trees have been removed prior to construction of the sign and therefore no environmental impacts created as a result of the development. The sign is an effective means to display the building companies in the area, which facilitate the development of the new homes in the locality and create employment for the local building industry and associated services.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcome:

2.3 Preserve and protect the character of the communities.

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

Strategic Outcomes:

3.1 Promote the diverse lifestyle opportunities in the Shire.

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

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

Strategic Outcomes:

4.1 Provide opportunities to take advantage of the Shire's location.

4.2 Pursue diversity and vitality in the local economy.

4.5 Facilitate the development of district activity precinct for retail, commercial and professional service delivery.

**CONSULTATION**

The proposed setback variation was referred to the affected adjoining landowner (Ventura Homes) as per Clause 64(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The adjoining landowner lodged the following submission:

- Dale Alcock sign was installed without prior approval with zero side and 1,100mm front setbacks.
- The majority of the Ventura sign is obscured.
- Dale Alcock made no attempt to contact Ventura Homes.
- Request that the relocation of the sign be enforced to a more suitable location to enable adequate visibility.

**COMMENT**

In regards to this development application, the key issue is what impact the sign has on the function, amenity and visual character of the street.

This is a proposal for one freestanding sign with an overall height of 3.38m. The purpose of the sign is to promote Dale Alcock Homes as a house builder for new customers and identify the display home. The sign forms one of eight existing display homes signs along Bluff Road that are all of different sizes and colours. The sign would not appear to be out of character with this display home street, where a high level of signage would commonly be expected.

The issue concerns the complaint by Ventura Homes, with regards to the location of the Dale Alcock sign immediately abutting each other. Out of the eight existing signs on Bluff Road, five of the signs have been placed on the North side of the Lots with the remaining three on the South side of the Lots. The complainant positioned the sign on the South side of the lot with the Dale Alcock sign placed on the North side of Lot 4704.

In practical terms, both the housing companies are clearly visible to potential house purchasers in regards to the display homes. It would be impossible to walk along Bluff Road and not identify which home belongs to which house builder. Anyone visiting the display homes will need to access from the carpark provided on Elvire Lane and once they walk onto Bluff Road, their first sighting of a display home sign, will be the Ventura Home which displays its name not only on the front, but on the side.

When the sign is viewed from the North, the Dale Alcock sign does not block the view of the Ventura sign, although when looking at the display homes from the South, the Ventura sign is not highly visible.

It would have been preferable that the signs along Bluff Road were positioned on the same side of the Lots, (either North or South) as this would have avoided this conflict. Mitigating circumstances have resulted in the display signs being erected on site without individual house builders giving due consideration of their neighbouring lots. This current signage application for Dale Alcock is considered on balance, acceptable on the basis that it forms part of a display home street with numerous signs.

Plans have been amended to reflect the correct setback of 1.1m as constructed instead of the original plan that reflected 1.5m.

The signs are only temporary and will be removed once the display village is no longer required, which will be in approximately two years' time.

Mrs Stevenson left the Chambers at 5.16pm and returned at 5.18pm.

Four visitors left the meeting at 5.20pm and did not return.

### **VOTING REQUIREMENTS**

Simple majority

**OC1008 OFFICER'S RECOMMENDATIONS – 14.5/COUNCIL DECISION**

**Moved Cr J Scott, Seconded Cr Baxi**

**That Council:**

- A. Pursuant to Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, grants a Development Approval for the development of a Free Standing Corporate Sign on Lot 4704 Bluff Road, Dalyellup subject to compliance with the following conditions:**
- 1. All development being in accordance with the Approved Development Plans dated 26 October 2016.**
  - 2. The dimensions, wording and colour scheme of the sign shall be in accordance with the Approved Development Plans.**
  - 3. The sign shall be maintained in accordance with the Approved Development Plans to the satisfaction of the Shire of Capel.**
  - 4. The sign approval expires commensurate with the expiry date of the Display Home (being 1 March 2018) and the sign must be removed by this date unless otherwise approved by Council.**
- B. Advises the applicant of the need to comply with the following requirements of other legislation:**
- (1) The lodgement of a Building Approval Certificate demonstrating compliance with the Building Code of Australia or details of exemption from a Building Permit.**

Carried 8/0

The three remaining visitors left the meeting at 5.23pm and did not return.



Executive Manager Engineering & Development Services, Mr J Gick declared an Impartiality interest in Item 14.6 Extractive Industry – Lot 1 Ducane Road, North Boyanup. The nature and extent of his interest in Item 14.6 is that the prospective purchaser of the land, Mr John Sydney-Smith, has a child in the same class at school as his eldest child.

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### **OC1009 (14.6) Extractive Industry – Lot 1 Ducane Road, North Boyanup**

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Location: Lot 1 Ducane Road, North Boyanup  
 Applicant: A & K Dean  
 File Reference: ED.IN.14  
 Disclosure of Interest: Nil  
 Date: 04.10.16  
 Author: Engineering Technical Officer - Design, C Campbell  
 Senior Officer: Executive Manager Engineering & Development Services, J Gick  
 Attachments:
 

1. Location Plan – Figure 1
2. Stage 2 Site Contour Plan – Figure 2
3. Proposed Finished Surface Ground Levels Plan – Figure 3
4. Proposed Works and Staging Plan – Figure 4
5. Draft Licence and Conditions

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### **MATTER FOR CONSIDERATION**

Application for Planning Consent and Extractive Industry Licence for the extraction of sand from Lot 1 Ducane Road, North Boyanup.

### **BACKGROUND / PROPOSAL**

#### **Background**

October 1999 (OC1022) – Council resolved to refuse to issue Planning Consent and an Extractive Industry Licence (EIL) to Ceedham Pty Ltd due to a lack of adequate and safe transportation routes, in support of the environmental concerns raised by residents in the locality and that approval may jeopardise future planning objectives.

November 1999 – The Department of Environment advised that Lot 1 contains multiple use wetlands and due to the protected EPP wetlands on the adjacent Lot 261 it will require referral to the Environmental Protection Authority. A hydrological assessment should qualify potential impacts the extraction may have on the adjacent wetlands.

December 1999 – Ceedham Pty Ltd lodged an appeal with the Minister for Planning in response to Council's refusal.

February 2000 – Council responded to the appeal.

March 2000 – The Minister for Planning upheld the appeal on the grounds that:

- Basalt mining would continue in the area for some time and it is probable that the land will be in a buffer zone for the life of the sand extraction.
- The gradient embankments should be changed to 1:10 to allow a final land form suitable for urban development in the long term.
- The concerns of the Queelup Road residents probably relate to existing truck activities and this proposal would not alter this situation although it is noted that an offer has been made to negotiate contributions towards upgrading roads to assist in managing some of the issues.

- The Minister’s approval was for a term of five years from 20 March 2000.

April 2000 (OC0425) – A conditional Extractive Industry Licence for sand extraction was issued. The approval lapsed on 20 March 2005. Council resolved in part to require a contribution of \$6,000 from Ceedham Pty Ltd towards the upgrading of Ducane and Queelup Roads. This money has been utilised on the upgrading of sections of Queelup and Ducane Roads.

January 2001 – Licence transferred to A & K Dean.

March 2005 – EIL expired.

May 2006 (OC0519, OC0521) - Planning Consent and an Extractive Industry Licence issued for Stage 1 of sand extraction.

September 2006 – Site inspection revealed that significant over excavation had occurred on Eastern boundary. Survey indicated just sufficient sand left to rehabilitate. All carting stopped.

February 2007 – Letter sent to licensees requesting timeframe for completion of reinstatement and advising that no further sand is to be removed from the site.

21 September 2007 – Formal advice to A & K Dean to cease extraction immediately.

October 2008 (OC1004) - Planning Consent and an Extractive Industry Licence issued for a 9 month period in order to complete the reinstatement and rehabilitation of stage 1 of the sand extraction licence.

26 November 2009 – A new application for Development Consent and an Extractive Industry Licence was received by the Shire

23 July 2010 – Final floor levels in disturbed areas of Stage 1 confirmed to be correct. Pasture seeding and tree planting commenced.

11 August 2010 (OC0803) – A new Extractive Industry Licence issued for 5 years for stage 1 and 2.

11 August 2015 – Expiry of Extractive Industry Licence.

16 June 2016 – Application for Development Consent and an Extractive Industry Licence for remainder of stage 2 was received by the Shire.

## **Proposal**

The Shire of Capel has received an application from A & K Dean for an Extractive Industry Licence to recommence extraction of sand at Lot 1 Ducane Road, North Boyanup. A summary of the proposal is as follows:

- The sand operation has been conducted on the site since 2000.
- The proposal is to recommence extracting sand from 10.22 hectares of land, identified as Stage 2, which contains 13 cells around the southern hill on the property over a five year period with the same conditions applicable to that previously approved for the site in September 2010.
- To date the proponent has cleared an area of 4 ha within the approved extraction area, which had reasonable sand yield and left areas of low sand yield uncleared. The remaining cleared area to be extracted is approximately 1.2 ha in cells 10 and 11 with an expected sand yield of 20,000m<sup>3</sup>.

- Clearing permit No. 3300/1 obtained for this site permitted clearing up to 16 October 2015 only. Any additional clearing required to access the low sand yield uncleared areas will need a renewal application to the Department of Environment Regulation to be approved.
- The total remaining volume of sand that is available within the proposed extraction boundary including the low yield sand area is approximately 91,000m<sup>3</sup>.
- An area of approximately 2.4ha within cells 1, 2, 3, 4, 6 and 13 has been reinstated with topsoil and pasture.
- 3 monitoring wells have been established in the southern end of the property to establish the ground water gradient. The proposed finished floor levels remain 2.1 metres above the highest winter water table level as indicated on the Finished Surface Ground Levels Plan – Attachment 4.
- The land contains two Multiple Use wetlands and the land adjoins an EPP wetland on the adjacent Lot 261. Advice has previously been obtained from the DEC in respect to buffer distance requirements. The proposal complies with these requirements.
- The extracted areas will be revegetated with pasture grasses and tree replacement on maximum batter slopes of 1:10.
- Noise generated from previous operations on the site have not proven to be a problem to adjacent properties, so no significant noise issues are anticipated.
- Dust generated from the extraction activities will be addressed with water spraying where necessary.
- Truck movements to and from the site will be restricted to Ducane Road, Queelup Road, Lillydale Road and Hastie Road.
- The expected amount of sand to be removed will average 10 truck cycle movements per day.
- The hours of operation are to be between 7.00am to 6.00pm Monday to Friday and 7.00am to 12.00pm on Saturday only.

## **STATUTORY ENVIRONMENT**

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

Lot 1 is zoned Rural and has an area of 40.4205 hectares.

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

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

#### 1.6 Scheme Objectives

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

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

## 5.7 Rural Zone

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

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

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

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

Clause 68, Determination of applications

- (2) The local government may determine an application for development approval by —
  - (b) granting development approval with conditions; or
  - (c) refusing to grant development approval.

### Greater Bunbury Region Scheme (GBRS)

Under the GBRS the subject lot is zoned Rural and falls within the Basalt extraction referral area and within an identified sand resource area as shown on the Strategic Minerals and Basic Raw Materials Resource Policy Map. For this reason Pursuant to clause 7, schedule 1, an application under the GBRS is not required as the development would not prejudice current or future basalt extraction.

### Shire of Capel Extractive Industries Local Law

Part 2 - Licensing Requirements for an Extractive Industry (Clause 2.1)

#### **Extractive Industries Prohibited Without Licence**

- 2.1 A person must not carry on an extractive industry:
- (a) unless the person is the holder of a valid and current licence; and
  - (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

### **POLICY IMPLICATIONS**

There are no current Policies relevant to this item.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The application has resulted in fees being paid of \$739 for planning application and \$2,943 for extractive industry licence application.

#### **Long Term**

#### Road Deterioration

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

concentration of heavy vehicles causes road damage to the local roads and the cost of the deterioration must be passed on to the Extractive Industry as it is the source of the heavy traffic.

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

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

An agreement signed between the Applicant and the Shire based on these calculations will result in a road damage contribution of approximately \$17,500 for the 91,000m<sup>3</sup> of material trucked along Ducane, Lillydale and Queelup Roads over the 5 year period.

### Rehabilitation

Extraction industries are required to lodge a rehabilitation bond. The intent of the retention bond is to provide an incentive for rehabilitation performance. Should the licensee fail to rehabilitate, the bond may be used by the Shire to undertake the required works. The Shire's *Schedule of Fees and Charges 2016/17* lists the minimum bond per hectare for sand extraction sites as \$16,326.

A rehabilitation bond is currently held for this site for the value of \$70,715 which is adequate for the bonding of 4.3ha. The current extraction area and rehabilitation area requiring bonding is 4.045ha. It is expected that portions of the rehabilitated area of 2.4ha will be accepted as complete this year which will release bonds for use in further extraction.

Rehabilitation bonds will be reviewed annually.

### **Whole of Life**

The whole of life financial implications for this proposal relate primarily to the impacts on the adjoining road network. The negotiated road deterioration contribution goes some way towards maintaining the road over its life.

### **SUSTAINABILITY IMPLICATIONS**

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

The extractive industry will have an environmental impact if the remaining native vegetation in Stage 2 is to be removed. The current clearing permit No. 3300/1 contains a condition that prevents clearing of any native vegetation after 16 October 2015.

A new clearing permit will need to be granted by the Department of Environment Regulation for any additional clearing of vegetation.

Truck traffic impacts have previously been raised as a concern by one resident when consultation was completed for the previous licence (approved in September 2010) and therefore truck cartage routes have been restricted to avoid impacts in the locality.

Sand is an essential material in the construction of residential housing. Having a good supply of sites from which sand may be obtained assists in reducing the cost of the material principally by reducing transport distances and associated costs.

### **STRATEGIC IMPLICATIONS**

#### State Planning Strategy 2050

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

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

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

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

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

#### Greater Bunbury Strategy 2013

The Greater Bunbury Strategy is the primary strategic document prepared by the Department of Planning to guide the urban, industrial and regional land use within the City of Bunbury and Shires of Capel, Dardanup and Harvey. The strategy sets the guiding principles which underpin the Greater Bunbury Region Scheme and guide any subsequent amendments. The strategy also broadly identifies future urban and industrial areas as well as residual Rural areas generally not subjected to any change in land use.

The subject site is located within this residual area, and no changes from the existing rural zoning are anticipated as a part of this Strategy.

In regard to Rural land, the strategy states that rural land is to be “retained for primary production, natural resource management and its landscape characteristics that define the rural character of the Greater Bunbury sub-region”.

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

Given, the environmental works proposed, the limited extent of works and measures to ensure no adverse impacts on landscape values and adjoining landowners, the proposal is consistent with the intent of the plan.

State Planning Policy No. 2 Environment and Natural Resources Policy

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

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

Shire of Capel Land Use Strategy (1999)

The subject land is contained within Planning Units P1 (northern half) and BU8 (southern half) of the Shire of Capel Land Use Strategy. The objective for the P1 Planning Unit is to provide for long term urban development envisaged by the State Planning Strategy and to protect good quality agricultural land for grazing and horticulture for use by economically active farmers.

Shire of Capel Strategic Community Plan 2013 - 2031

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

Strategic Outcomes:

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

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

Strategic Outcome:

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

**CONSULTATION**

This application was advertised for comment for a period of 30 days, ending on 5 August 2016. Advertising consisted of:

- An advisory letter to 20 surrounding property owners, mailed on 6 July 2016;
- A notice erected at Lot 1 Ducane Road crossover on 6 July 2016;
- A notice in the 'South West Times' newspaper, Thursday 7 July 2016; and
- Shire of Capel website from 7 July 2016.

The proposal is identical to the previous proposal considered in 2010, which was referred to appropriate government agencies for comment. Further referral was only considered necessary for the Department of Planning, the Department of Water and the Department of Mines and Petroleum for this application.

The only submissions received were as follows:

Department of Mines and Petroleum – no objections.

Department of Water – no objections and recommended previous licence conditions be carried over.

**COMMENT**

Impacts of Truck Traffic on Ducane and Queelup Roads

When the previous Extractive Industry Licence application was advertised in 2010, one (1) submission was received from a resident of Jules Road, Gelorup. The resident had concerns

about the proposed application to extract sand from Lot 1 Ducane Road, North Boyanup. Their main concerns were:

- Increased noise from trucks using Jules Road to access pit;
- Increased dust from trucks without tarped loads;
- Trucks in the past starting much earlier than the proposed 7.00am start;
- Cyclists, pedestrians and horse riders will have to share the road with trucks.

In respect of these concerns raised, the following comments were made:

- The applicant agreed to only access the pit from Ducane Road (east), Queelup Road, Lillydale Road and Hasties Road. Therefore no increase in truck movements or noise is anticipated for Jules Road.
- All trucks leaving the site should be covered and this will be a condition of any approved licence.
- Operating hours will be enforced.

There have been no complaints received from residents or other road users since the previous licence was granted in September 2010 regarding the issues raised.

#### Giacci Extractive Industry Licence – Lot 265 Ducane Rd

An Extractive industry licence was issued for the above site in October 2014. The approved number of trucks for this site accessing Ducane and Queelup Roads was 210 per week which required Queelup Road to be upgraded with verge pruning to 5m back from centreline and shoulder reinstatement along the road to ensure the road was fit for purpose with the additional truck movements.

The total cost of the upgrade works was \$32,851, with Giacci contributing \$25,000 and the works were completed in September 2015.

Giacci is yet to commence extraction operations and it is not expected that the continuation of the sand pit at Lot 1 Ducane Road with its expected maximum output of 50 trucks per week will have significant additional impact to the road or its users.

#### Land Sale

The Shire is aware of the possibility of the landowner on-selling the property to a third party. The Shire received enquiries from the landowner and a prospective purchaser early in 2016 regarding the status of the EIL and the process required to renew/re-apply for approval. In this regard the Shire has received a request from the Member for Bunbury, Mr John Castrilli MLA, to support the application.

#### Conclusion

Extractive industries on this land prior to 2010 resulted in a variety of compliance problems when the applicant had not directly operated the sand pit in the past. Since 2010 the pit has been operated in an efficient manner.

The applicant is aware that the ultimate responsibility for abiding by the conditions of the licence rests with them as the landowners. The applicant appears to have a renewed focus on achieving a standard of management at this sand pit which has satisfied the Shire's expectations.

The applicant has also shown a genuine interest in retaining as much native vegetation as possible. The applicant has indicated areas within the clearing permit area which it considers



to be of more value to retain than to extract sand from. With this in mind, the proposed extraction will continue to be well screened from the roadway and adjoining properties and proposed re-vegetation will have an increased success rate due to the shelter afforded by the retained vegetation.

It appears that the remaining material in this proposal can be removed and the property reinstated as per the licence conditions applicable in an efficient manner during the 5 year term of this proposed licence.

**VOTING REQUIREMENTS**

Simple majority

<b>OC1009 OFFICER’S RECOMMENDATIONS – 14.6/COUNCIL DECISION</b>
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Moved Cr Hearne, Seconded Cr J Scott

That Council:

- 1 Pursuant to Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions for local planning schemes, Planning and Development (Local Planning Schemes) Regulations 2015, grants approval for development at Lot 1 Ducane Road, North Boyanup for an Extractive Industry for the extraction of sand subject to compliance with the following conditions:
  - (a) Development being restricted to that detailed on the approved Development Plan (as detailed in the Extractive Industry Licence conditions); and
  - (b) The approval being limited to 5 years from the date of issue of this Development Approval;
- 2 Agrees to issue an Extractive Industry Licence pursuant to the Shire of Capel Extractive Industries Local Law – February 2001 subject to, but not necessarily limited to, the conditions of the licence as detailed in the pages 1 to 5 of the attachments to this item;
- 3 Advises the applicant this planning consent is confined to the authority of the Shire of Capel Town Planning Scheme No. 7 under the Planning and Development Act 2005. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements and encumbrances are adhered to, nor does it infer that other necessary approvals are forthcoming as an outcome of this planning consent; and
- 4 Advises the applicant that the clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environmental Regulation on (08) 9725 4300 for further advice in this regard.

It should also be noted that the clearing of native vegetation within the Shire of Capel may result in impacts upon threatened species that are protected under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999. Proponents are advised to contact the Department of Sustainability, Environment, Water, Population and Communities on (02) 6274 1111 for further advice regarding their obligations under the Act.

Carried 8/0

Executive Manager Engineering & Development Services, Mr J Gick declared an Impartiality interest in Item 14.7 Tender 16/05 Reconstruction and Widening of portion of Elgin Road, Elgin and Boundary Road, The Plains. The nature and extent of his interest in Item 14.7 is that the Director of the recommended Contractor (tenderer), Mr John Sydney-Smith, has a child in the same class at school as his eldest child.

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**OC1010 (14.7) Tender 16/05 Reconstruction and Widening of portion of Elgin Road, Elgin and Boundary Road, The Plains**

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Location:	Elgin Road, Elgin and Boundary Road, The Plains
Applicant:	Shire of Capel
File Reference:	RO.DC.4
Disclosure of Interest:	Nil
Date:	05.10.16
Author:	Coordinator Engineering Development, A Coulson
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachment:	Table – Tender Criteria Weighting (Confidential)

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**MATTER FOR CONSIDERATION**

Consideration of tender submissions for the reconstruction and widening of Elgin Road, Elgin from SLK 0.75 to SLK 1.97, and Boundary Road, The Plains from SLK 3.53 to SLK 4.74 (Tender 16/05). Staff consider the tender submission from Geographe Civil Pty Ltd represents the best value for money.

**BACKGROUND / PROPOSAL**

**Background**

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

Portions of both Elgin Road and Boundary Road have been identified in need of repair and improvement and have been included in the Program of Works – Roads (2016/17) as adopted by Council at its 27 April 2016 meeting (OC0408, OC0409 & OC0410), and were approved to receive funding through the Roads to Recovery Program. Boundary Road also received a Regional Road Group grant.

Funding has been secured to repair and widen a 1,220m section of Elgin Road and a 1,210m section of Boundary Road this year.

**Proposal**

To consider the tender submissions for the reconstruction and widening of a 1,220m section of Elgin Road to 6.2m width seal including culvert replacement, and the reconstruction and widening of a 1,210m section of Boundary Road to 6.2m width seal including culvert replacement.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 s3.57(11)(1) of the Local Government Regulations requires all goods and services with a value in excess of \$150,000 to be subject to a public tender process.

**POLICY IMPLICATIONS**

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

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

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

## **FINANCIAL IMPLICATIONS**

### **Budget**

The 2016/17 Council Budget includes:

XQ14 Boundary Road reconstruction \$318,000 (ex GST); and  
XQ15 Elgin Road reconstruction \$332,010 (ex GST).

The total budget for both roads is \$650,010 ex GST. The survey and design costs for both roads amounted to \$26,679 with some minor drainage works related to the previous year's reconstruction amounting to \$4,700. The remaining budget available for the reconstruction works is \$618,631 ex GST.

The recommended tender price of \$505,112.64 (ex GST) for the reconstruction works allows an adequate buffer of \$113,519 within the budget. This ensures adequate contingency is available.

### **Long Term**

Long term, the preservation of these assets will arrest their deterioration and prevent total failure of the asset.

### **Whole of Life**

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

## **SUSTAINABILITY IMPLICATIONS**

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

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

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

## **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 - 2031

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

Strategic Outcome:

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

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

Strategic outcomes:

5.1 Provide and maintain a safe and efficient transport, cycle, and pedestrian network throughout the Shire.

5.2 Maintain and enhance the quality of our built environment.

5.3 Improve connectivity throughout our communities and to the region.

5.6 Effectively manage the Shire's assets and resources.

## **CONSULTATION**

Tender 16/05 Reconstruction and Widening of portion of Elgin Road and Boundary Road, Elgin was advertised in the "West Australian" on 14 September 2016 and the "South Western Times" on 15 September 2016, and submissions closed on 6 October 2016.

Staff from Technical Services, Operations, and Corporate Services have been consulted during the tender development and assessment phases.

## **COMMENT**

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

The tender made provision to have each road section as a separable portion, but this did not yield significant opportunities for savings.

All tenderers scored between 23.3 and 32.0 (out of a possible 40). The variation is due to the fact that some tenderers provided very little of the requested information while some provided very detailed and comprehensive documents. This information gives Shire staff a better indication as to whether the Contractors are capable of performing the Works and what success they have had in the past.

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

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

<b>Tenderer</b>	<b>Demonstrated Experience, Resources and Personnel (40% weighting)</b>	<b>Price (60% weighting)</b>	<b>SCORE TOTAL</b>
Geographe Civil Pty Ltd	28.0	57.9	<b>85.9</b>
Carbone Bros	29.3	52.7	<b>82.0</b>
JAK Civil Pty Ltd	32.0	41.5	<b>73.5</b>
BCP Group	24.0	60.0	<b>84.0</b>
Dowsing	23.3	33.3	<b>56.7</b>

The recommended tender price of \$555,623.90 inc GST for the reconstruction works allows an adequate buffer within budget to ensure an adequate contingency is available.

Geographe Civil Pty Ltd submitted a comprehensive tender document, which addressed all of the areas of plant, personnel and experience required to successfully complete the works. Its tendered price also represented good value for money, which resulted in a score of 85.9 out of 100.

After considering the points allocated and the information provided by the tenderers and relevant referees, staff supports the awarding of the tender to Geographe Civil Pty Ltd who scored the highest with 85.9, and have the experience and resources to complete the works on time, to the required standard and within the accepted price.

**VOTING REQUIREMENTS**

Simple majority

<b>OC1010 OFFICER'S RECOMMENDATIONS – 14.7/COUNCIL DECISION</b>
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**Moved Cr Baxi, Seconded Cr J Scott**

**That Council accepts the tender from Geographe Civil Pty Ltd for \$555,623.90 including GST as detailed in Tender No. 16/05 for the Reconstruction and Widening of portion of Elgin Road, Elgin and Boundary Road, The Plains.**

Carried 8/0

Executive Manager Engineering & Development Services, Mr J Gick declared an Impartiality interest in Item 14/8 Tender 16/06 Reconstruction of Stirling Street, Capel. The nature and extent of his interest in Item 14.8 is that the Director of the recommended Contractor (tenderer), Mr John Sydney-Smith, has a child in the same class at school as his eldest child.

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### **OC1011 (14.8) Tender 16/06 Reconstruction of Stirling Street, Capel**

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Location:	Stirling Street, Capel
Applicant:	Shire of Capel
File Reference:	RO.DC.4
Disclosure of Interest:	Nil
Date:	05.10.16
Author:	Coordinator Engineering Development, A Coulson
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachment:	Table – Tender Criteria Weighting (Confidential)

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### **MATTER FOR CONSIDERATION**

Consideration of tender submissions for the reconstruction and installation of drainage on Stirling Street, Capel (Tender 16/06). Staff consider the tender submission from Geographe Civil Pty Ltd represents the best value for money.

### **BACKGROUND / PROPOSAL**

#### **Background**

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

Stirling Street has been identified in need of repair and improvement and has been included in the Program of Works – Roads (2016/17) as adopted by Council at its 27 April 2016 meeting, and was approved to receive funding through the Roads to Recovery Program.

Funding has been secured to repair and drain the 150m length of Stirling Street this year. The project was carried over from 2015/16 to ensure adequate funding is available to complete the project in 2016/17.

#### **Proposal**

To consider the tender submissions for the reconstruction and installation of drainage on 150m length of Stirling Street.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 s3.57(11)(1) of the Local Government Regulations requires all goods and services with a value in excess of \$150,000 to be subject to a public tender process.

### **POLICY IMPLICATIONS**

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

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

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

## **FINANCIAL IMPLICATIONS**

### **Budget**

The 2016/17 Council Budget includes:

XQ10 Stirling Street reconstruction \$249,612

The recommended tender price of \$178,643.17 (ex GST) for the reconstruction works allows for an adequate buffer of \$70,969 within the budget to ensure an adequate contingency is available. This is particularly important due to the clay soils and high water table in the area, which can cause constructability issues and are difficult to plan and price. This may lead to further works once the subgrade is exposed and ground conditions are better known.

### **Long Term**

Long term, the preservation of these assets will arrest their deterioration and prevent total failure of the asset.

### **Whole of Life**

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

## **SUSTAINABILITY IMPLICATIONS**

The condition of Stirling Street is very poor with large patches of seal missing and the surface and kerbs affected by very high surface groundwater levels. The reconstruction and draining of Stirling Street will increase the safety for road users by creating a smoother surface with no large ponding areas.

The installation of sub-soil drainage will manage the groundwater to a suitable level below the road and verge surface which will prevent the premature failure of the pavement and the kerbs which has been experienced in the past.

This area has clay soils and high groundwater levels giving poor infiltration into the verges which has attributed to the road deterioration in the past. The installation of lot stormwater drainage connections to each property along Stirling Street will allow for controlled stormwater flow from the houses to the street stormwater system and avoid excessive ponding in the verges.

The installation of a stormwater drainage system along Stirling Street will ease the burden on future developers proposing to develop the larger lots at the end of Stirling Street. These lots are subject to high groundwater levels and the lack of drainage infrastructure in Stirling Street has been an impediment to development of these lots in the past.

## **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 - 2031

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

Strategic Outcome:

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

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

Strategic outcomes:

- 5.1 Provide and maintain a safe and efficient transport, cycle, and pedestrian network throughout the Shire.
- 5.2 Maintain and enhance the quality of our built environment.
- 5.3 Improve connectivity throughout our communities and to the region.
- 5.6 Effectively manage the Shire’s assets and resources.

### **CONSULTATION**

Tender 16/06 Reconstruction of Stirling Street, Capel was advertised in the “West Australian” on 14 September 2016 and the “South Western Times” on 15 September 2016, and submissions closed on 6 October 2016.

Staff from Technical Services, Operations and Corporate Services have been consulted during the tender development and assessment phases.

### **COMMENT**

In considering which tenderer to award the Contract, there are several important considerations. As part of the tender assessment, 40% of the total score is based on:

- Relevant Experience 10%
- Key Personnel Skills and Experience 10%
- Tenderers’ Resources 10%
- Ability to minimise Disruption 10%

All tenderers scored between 23.3 and 27.3 (out of a possible 40). The variation is due to the fact that some tenderers provided very little of the requested information while some provided very detailed and comprehensive documents. This information gives Shire staff a better indication as to whether the Contractors are capable of performing the Works and what success they have had in the past.

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

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

<b>Tenderer</b>	<b>Demonstrated Experience, Resources, Personnel and level of disruption (40% weighting)</b>	<b>Price (60% weighting)</b>	<b>SCORE TOTAL</b>
Geographe Civil Pty Ltd	26.7	60.0	<b>86.7</b>
Carbone Bros	26.7	57.1	<b>83.8</b>
JAK Civil Pty Ltd	27.3	46.4	<b>73.8</b>
BCP Group	23.3	54.0	<b>77.3</b>
WCP Civil Pty Ltd	24.7	52.9	<b>77.5</b>



The recommended tender price of \$196,507 inc GST for the construction works allows for a buffer within budget to ensure adequate contingency is available.

Geographe Civil Pty Ltd submitted a comprehensive tender document, which addressed all of the areas of plant, personnel and experience required to successfully complete the works. Its tendered price also represents best value for money, which resulted in a score of 86.7 out of 100.

After considering the points allocated and the information provided by the tenderers and relevant referees, staff supports the awarding of the tender to Geographe Civil Pty Ltd who scored the highest with 86.7, and have the experience and resources to complete the works on time, to the required standard and within the accepted price.

**VOTING REQUIREMENTS**

Simple majority

**OC1011 OFFICER'S RECOMMENDATIONS – 14.8/COUNCIL DECISION**

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

**That Council accepts the tender from Geographe Civil Pty Ltd for \$196,507.49 including GST as detailed in Tender No. 16/06 for the Reconstruction of Stirling Street, Capel.**

Carried 8/0

Mr Coulson and Mr Campbell left the meeting at 5.37pm and did not return.

## CORPORATE SERVICES REPORTS

### OC1012 (15.1) Delegation – Graffiti Vandalism Act 2016

Location:	Capel
Applicant:	Shire of Capel
File Reference:	IDOC587
Disclosure of Interest:	Nil
Date:	08.10.16
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Forms

### **MATTER FOR CONSIDERATION**

The delegation to the Chief Executive Officer (CEO) of powers and duties under the *Graffiti Vandalism Act 2016* and the approval of forms for lodging objections or executing warrants under that Act.

### **BACKGROUND / PROPOSAL**

#### **Background**

The *Graffiti Vandalism Act 2016* (the Act) came into effect on 7 October 2016, having passed both Houses of Parliament on 30 June 2016. It is a consolidated Act enabling police, public transit officers and local government to deal with graffiti offences. The relevant powers of these agencies have been transferred from a variety of Acts into the *Graffiti Vandalism Act 2016*.

The Act:

- creates a new offence of damaging property by graffiti and allows for the costs of cleaning graffiti to be awarded against the offender;
- allows local governments to issue notices requiring the removal of graffiti and to enter properties under warrant to remove graffiti themselves; and
- provides those persons issued with a notice (“affected persons”) the right to seek review of that decision with the State Administrative Tribunal or to object to the notice.

The existing powers of local governments to remove graffiti within their districts have been deleted from Schedules 3.1 and 3.2 of the *Local Government Act 1995* and incorporated into the *Graffiti Vandalism Act 2016*.

Section 16 of the Act allows for delegation of all powers and duties under the Act to the Chief Executive Officer. Sections 22(2) and 29(3)(a) refer to the forms necessary for submitting objections and the granting of warrants respectively, and both forms must be approved by the local government. Attachment 1 has copies of the forms requiring approval.

#### **Proposal**

That Council delegates to the Chief Executive Officer (CEO) the exercise of powers and duties under the *Graffiti Vandalism Act 2016* and approves the forms required for lodging objections or executing warrants under that Act.

## **STATUTORY ENVIRONMENT**

Graffiti Vandalism Act 2016

### **16. Delegation by local government**

- (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) A decision to delegate under this section is to be made by absolute majority.

### **17. Delegation by CEO of local government**

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under any other provision of this part other than this power of delegation.

## **POLICY IMPLICATIONS**

There are no policy implications for this item.

## **FINANCIAL IMPLICATIONS**

### **Budget**

There are no budget implications for this item.

### **Long Term**

There are no long term financial implications for this item.

### **Whole of Life**

No assets are being created and therefore no whole of life costs are being incurred.

## **SUSTAINABILITY IMPLICATIONS**

Graffiti vandalism has a damaging and negative public safety and amenity impact. It occurs on a range of public and private property, and affects the whole community. A continuing commitment to a clean safe Shire with a strong sense of community will enhance community sustainability and the long term financial impact of asset management.

## **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcome

1.1 Ensure the effective management of Council's resources.

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

Strategic Outcome

2.3 Preserve and protect the character of the communities.

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

## Strategic Outcomes

5.2 Maintain and enhance the quality of our built environment.

5.6 Effectively manage the Shire's assets and resources.

**CONSULTATION**

Various Circulars were received from the Department of Local Government & Communities concerning this issue, and the implementation of the Act was discussed by the Executive Management Team. No public consultation is required on this matter.

**COMMENT**

The *Graffiti Vandalism Act 2016* (the Act) is a consolidated Act enabling police, public transit officers and the local government sector to deal with graffiti offences. The relevant powers of these agencies have been transferred out of a variety of Acts into the *Graffiti Vandalism Act 2016*.

The existing power of local governments to remove graffiti within their district has been deleted from Schedules 3.1 and 3.2 of the *Local Government Act 1995* and transferred into the *Graffiti Vandalism Act 2016*. The apprehension, management and prosecution of offenders are still police matters. Local government powers in this area continue to be focussed on the removal of existing graffiti.

The *Graffiti Vandalism Act 2016* requires that objections to notices issued under it be treated as though they are objections under Part 9 of the *Local Government Act 1995*. The existing Form 4 of the *Local Government (Functions and General) Regulations 1996* is to be used, amended to show the new Act as the head of power. The form must be approved by Council resolution. Warrants executed under the new Act must be managed in the same manner, based on Form 6 of the *Local Government (Functions and General) Regulations 1996*.

**VOTING REQUIREMENTS**

Absolute majority

**OC1012 OFFICER'S RECOMMENDATIONS – 15.1/COUNCIL DECISION**

Moved Cr J Scott, Seconded Cr Hearne

**That Council:**

1. **Delegates to the Chief Executive Officer the exercise of powers and duties under the *Graffiti Vandalism Act 2016*; and**
2. **Approves the forms required for the lodging of objections and execution of warrants under the Act as shown in the Attachment.**

Carried with an Absolute majority 8/0

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**OC1013 (15.2) Dog Prohibited Areas**

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Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	ICR11073
Disclosure of Interest:	Nil
Date:	03.10.16
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	1. Maps 2. Submissions

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**MATTER FOR CONSIDERATION**

Council to consider the declaration of dog prohibited areas in public buildings and on some areas of beach.

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

In 2013, the *Dog Act (1976)* (the Act) was amended and new Regulations gazetted. One of the many changes introduced meant that local governments can now declare areas to be 'dog prohibited' or 'off lead exercise' zones by Council resolution rather than via a local law.

As a result, the clauses in the *Shire of Capel Local Laws Relating to Dogs* that identified such areas became inoperable on 31 July 2014. The areas must now be re-established via Council resolution and absolute majority.

The Act requires a place to be under the care, control or management of a local government for Council to declare it an area where dogs are prohibited or allowed off lead, and a previous item dealt with the declaration of a number of dog exercise areas on Council land. This item deals with prohibiting dogs in public buildings and on certain stretches of beach. It is a simple matter to declare all buildings under Council care, control or management as prohibited to dogs at all times (unless the dog is classified as an 'Assistance Animal' as defined by the *Disability Discrimination Act 1992* [Cth]).

There has been some debate however as to whether beaches, (as Crown land) fall into the category of being under the care, control or management of local government. This question has now been resolved in the affirmative by the Minister for Local Government, and Attachment 1 indicates the beach areas proposed to be dog prohibited at certain times of the year. They are unchanged from the stretches of beach previously identified in the Shire of Capel Dogs Local Law.

**Proposal**

Council is requested to declare by Absolute majority the following locations as 'Dog Prohibited Areas' (with the exception of *bona fide* 'Assistance Dogs' as defined by the *Disability Discrimination Act 1992* [Cth]).

***At all times***

Any building under the care, control or management of the Shire of Capel that is open to or used by the public.

***01 November to 30 April each year***

Beach foreshore areas as specified below:

- (a) Dalyellup Beach – Southwest from the prolongation of Norton Promenade to the prolongation of Dalyellup Boulevard;
- (b) Minninup Beach, Stratham - Northeast from the prolongation of Rich Road for a distance of 300 metres;
- (c) Peppermint Grove Beach – Southwest from the prolongation of Wave Walk to the prolongation of Peppermint Grove Road; and
- (d) Forrest Beach – Southwest from the prolongation of the northern edge of the gravel car park at Forrest Beach Road for a distance of 300 metres (adjacent to R 25427).

### **STATUTORY ENVIRONMENT**

Dog Act 2013, section 31.

#### **31. Control of dogs in certain places**

- (3A) A local government may, by absolute majority as defined in the *Local Government Act 1995* s1.4, specify a public place, or class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited.

Shire of Capel Local Laws Relating to Dogs

#### **Clause 10 - Prohibited Places (*now inoperable*)**

10 Except in the case of a bona fide guide dog, or hearing dog a person liable for the control of a dog shall prevent that dog from entering or being in any of the following places:

- (a) any building open to or used by the public;
- (b) any public transport;
- (c) any shop, not being a pet shop or premise used for the purpose of the practice of a registered veterinary surgeon;
- (d) any of the beach foreshore areas from 1 November to 30 April each year, specified hereunder-
  - (i) northeast of the prolongation of Peppermint Grove Road, Peppermint beach to the prolongation of Wave Walk, Peppermint Grove Beach between 7am and 7pm;
  - (ii) northeast of the prolongation of Dalyellup Beach Road, Dalyellup to the prolongation of Norton Promenade Dalyellup between 7am and 7pm;
  - (iii) beach foreshore west of and adjacent to Reserve 25427, Forrest Beach; and
  - (iv) northeast from the prolongation of Rich Road Stratham for a distance of 300 metres.

### **POLICY IMPLICATIONS**

There are no policies relating to this matter.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

There will be a minor cost associated with this item. Although signage is already in place at beaches, an audit has identified the need for some amendment to the existing information. There is a budget allocation for signage.

#### **Long Term**

There will be no long term costs associated with this item.

**Whole of Life**

As no assets or infrastructure are being created there will be no whole of life costs related to this item.

**SUSTAINABILITY IMPLICATIONS**

Many people enjoy the opportunity for exercise with their dog and beaches have long been used for this activity. It provides opportunities for dogs to socialise, improves the health of the animal, and helps reduce behavioural problems like barking that are caused by boredom and stress.

People also have the right however, to enjoy public open space in peace without having to share it with dogs. The short stretches of beach previously declared as 'Dog prohibited' over the summer months by the *Shire of Capel Local Laws Relating to Dogs* are heavily used by families during this time. Families with young children in particular appreciate the opportunity to have an area where their children may play without having to worry about overly boisterous or potentially aggressive dogs.

The changes to the *Dog Act 1976* that allow local governments to declare such areas without having to go through the process of amending a local law will allow Council to be much more proactive in its management of such areas and will contribute to both environmental and community sustainability.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan (2013 – 2031)

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

Strategic Outcome:

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

**CONSULTATION**

There has been regular correspondence with the Minister for Local Government, the Department of Local Government & Communities and the Department of Lands since 2014 investigating whether the Shire could declare sections of beach as 'dog prohibited' areas, given that a large amount of beach foreshore in the Shire of Capel is unallocated Crown land and not formally under the care, control or management of local government.

The Minister has now notified Council (ICR11073) that the Department of Lands has determined that a pragmatic approach be taken, and although a beach may be unallocated Crown land, in both practicality and reality, a local government does have care and/or control over the area.

Discussion has also occurred internally amongst various officers, particularly the Governance Officer, Executive Manager Corporate Services, Executive Manager Community Services and the Senior Community Ranger.

The intention to declare public buildings (at all times) and short stretches of beach (over the warmer months) as dog prohibited areas was advertised locally for a period of 4 weeks and public submissions requested. Six submissions were received.

Although the advertisement was worded carefully and stated clearly that dog prohibited areas on beaches were unchanged from previous years there was a perception amongst some members of the public that Council intended to prohibit all dogs on all beaches. Copies of the submissions may be found in Attachment 2. All correspondents were informed that it was only

the mechanism for declaring such areas that had changed, not the actual areas. The areas have in fact been reduced, as it is no longer possible to include public transport or shops.

### **COMMENT**

There are currently over 3,000 dogs registered with the Shire of Capel and an unknown number that are unregistered or visiting. Poorly managed dogs are one of the most common problems faced by Community Rangers, and the advantages of Council declaring certain areas as dog exercise areas and others as dog prohibited areas are many.

The changes to the *Dog Act 1976* that allow local governments to declare such areas without having to go through the process of amending a local law allows Council to be much more proactive in its management of such areas.

It was previously possible to declare some areas of beach as prohibited to dogs under the *Shire of Capel Dogs Local Law*, and there was no requirement in the Act at that stage for such areas to be under the management of the local government.

The declaration of the same areas of beach as acceptable areas for dogs at certain times of the year and prohibited at others by Council resolution rather than local law became problematic for Council as the amended Act requires such areas to be under the *care, control or management* of local governments. Although there is no issue with public buildings that are on Council land, beaches in the Shire of Capel are either Crown land or privately owned.

In short, the matter of contention was based upon whether beaches (Crown land) could legally be considered to be under the care, control or management of local governments. The Department of Local Government and Communities (DLGC) advised Shire officers to approach the Department of Lands and request Management Orders for those stretches of beach intended to be declared 'Dog prohibited' during warmer months of the year.

Over time, it became increasingly clear that obtaining a Management Order of this nature was not the simple process that the DLGC believed. The eventual communication from the Minister describing the 'pragmatic' approach now being taken by both the DLGC and the Department of Lands, and acknowledging that local governments do in fact have practical care and/or control of Crown beaches was a timely resolution.

As the Act requires that a local government has 'care, control *or* management' of an area in order to declare dogs be prohibited, lack of a Management Order over a beach does not inhibit the ability of a local government to declare some areas 'dog prohibited'.

### **VOTING REQUIREMENTS**

Absolute majority



**OC1013 OFFICER'S RECOMMENDATIONS – 15.2/COUNCIL DECISION**

**Moved Cr Baxi, Seconded Cr J Scott**

**That Council declares the following locations as 'Dog Prohibited Areas' (with the exception of *bona fide* 'Assistance Dogs' as defined by the *Disability Discrimination Act 1992* [Cth]):**

***At all times***

**Any building under the care, control or management of the Shire of Capel that is open to or used by the public.**

***01 November to 30 April each year***

**Beach foreshore areas as specified below:**

- (a) Dalyellup Beach – Southwest from the prolongation of Norton Promenade to the prolongation of Dalyellup Boulevard;**
- (b) Minninup Beach, Stratham - Northeast from the prolongation of Rich Road for a distance of 300 metres;**
- (c) Peppermint Grove Beach – Southwest from the prolongation of Wave Walk to the prolongation of Peppermint Grove Road; and**
- (d) Forrest Beach – Southwest from the prolongation of the northern edge of the gravel car park at Forrest Beach Road for a distance of 300 metres (adjacent to R 25427).**

Carried with an Absolute majority 7/1

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**OC1014 (15.3) Delegations – Changes Resulting from Local Laws**

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Location: Whole of Shire  
Applicant: Shire of Capel  
File Reference: Nil  
Disclosure of Interest: Nil  
Date: 06.10.16  
Author: Governance Officer, A Handley  
Senior Officer: Executive Manager Corporate Services, S Stevenson  
Attachments: Delegations Register – **altered pages only**

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**MATTER FOR CONSIDERATION**

The endorsement and minor amendment of delegations to the Chief Executive Officer that concern local laws.

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

In June 2016 Council (OC0607) made a number of changes to its local laws, and the subsequent alterations to titles and content make it necessary to amend and update related delegations to the Chief Executive Officer. The changes are minor and there are no alterations to the intent of the individual delegations. The attachment shows the marked up, amended pages of the Delegations Register.

**Proposal**

That Council reaffirm and amend delegations made to the Chief Executive Officer where alterations are required as a result of new and amended local laws.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**s5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

**s5.45 Other matters relevant to delegations under this Division**

- (1b) Any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

**POLICY IMPLICATIONS**

There are no Policy implications for this matter.

**FINANCIAL IMPLICATIONS****Budget**

There are no budget implications for this item.

**Long Term**

There are no long term financial implications for this item.

**Whole of Life**

No assets are being created and therefore no whole of life costs are being incurred.

**SUSTAINABILITY IMPLICATIONS**

Delegations from Council to the Chief Executive Officer increase the efficiency and effectiveness of administration processes in the organisation, as general operational matters may be managed by the administrative arm of local government rather than Council.

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-2031

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

Strategic Outcome:

1.1 Ensure continuous improvement of the organisation.

**CONSULTATION**

No public consultation is required on this matter. Appropriate officers have been consulted as to the relevance and/or necessary updates of the existing delegations.

**COMMENT**

Seven new local laws were made by the Shire of Capel in June 2016, and as a result, minor changes must be made in the Delegations Register. These may be summarised as follows.

<b>Delegation</b>	<b>Action Required</b>
100 Approval of Signs requiring a Licence under the Shire of Capel Signs Local Law 2001	Delete. The Signs Local Law has been repealed.
119 Local Laws Relating to the Capel and Boyanup Public Cemeteries	Update the title of the local law as referred to in the Register to 'Cemeteries Local Law 2016'.
120 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law	Update the title of the local law as referred to in the Register to 'Activities in Thoroughfares and Public Places and Trading Local Law 2016'. Change the wording in the Delegation paragraph to reflect the amended title.
122 Parking and Parking Facilities Local Law	Update the title of the local law as referred to in the Register to 'Parking and Parking Facilities Local Law 2016'. Change the wording in the Delegation paragraph to reflect the amended title.
141 Withdrawal of Infringements – Local Government Act and Local Laws	Change the wording in the Delegation paragraph to reflect the correct local law titles.

**VOTING REQUIREMENTS**

Absolute majority

**OC1014 OFFICER'S RECOMMENDATIONS – 15.3/COUNCIL DECISION**

Moved Cr J Scott, Seconded Cr Hearne

**That Council:**

- 1. Repeals Delegation 100 to the CEO relating to the Signs Local Law;**
- 2. Endorses the addition of the year '2016' at the end of the subject line in Delegation 119;**
- 3 Endorses the correction of the name of the local law in Delegation 120 from 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law' to 'Activities in Thoroughfares and Public Places and Trading Local Law 2016';**
- 4. Endorses the addition of the year '2016' at the end of the local law title in Delegation 122; and**
- 5. Endorses the correction of the local law titles in Delegation 141 to reflect current names.**

Carried with an Absolute majority 8/0

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**OC1015 (15.4) Accounts Due and Submitted for Authorisation**

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	26.10.16
Author:	Finance & Accounts Payable Officer, S Searle
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

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**MATTER FOR CONSIDERATION**

Adoption of accounts to be paid.

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

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

**Proposal**

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

**STATUTORY ENVIRONMENT**

Local Government Act 1995, section 6.10

**6.10. Financial management regulations**

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

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

**13. List of accounts**

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

**POLICY IMPLICATIONS**

There are no current policies relevant to this matter.

**FINANCIAL IMPLICATIONS****Budget**

Payment from Council's Municipal Fund.

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

**Long Term**

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

**Whole of Life**

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

**SUSTAINABILITY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcome:

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

**CONSULTATION**

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

**COMMENT**

Accounts due and submitted for authorisation are as follows:

EFT22744	12/10/2016	AMPAC DEBT RECOVERY	RATES LEGAL COLLECTION	222.20
EFT22745	12/10/2016	BUNBURY MACHINERY	FOOTPATH GRINDER HIRE	151.35
EFT22746	12/10/2016	BUNBURY PLUMBING SERVICES BPS	PUMP OUT GREASE TRAP	255.10
EFT22747	12/10/2016	B & B STREET SWEEPING	GENERAL KERBED ROAD SWEEPING 30/6 - 21/9/16, STREET SWEEPER HIRE 15 & 16 SEPT AND HIRE OF SUMP SUCKER 9/9/16	20757.00
EFT22748	12/10/2016	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE	312.54

EFT22749	12/10/2016	BAILEYS FERTILISERS	SUPPLY 1 TONNE OF BAILEYS BRILLIANCE FOR CAPEL PUBLIC PARKS GARDENS AND RESERVES	1562.00
EFT22750	12/10/2016	BLUE'S TOWING	TOW CAR TO SHIRE DEPOT	88.00
EFT22751	12/10/2016	STAPLES AUSTRALIA PTY LTD	VARIOUS STATIONERY	2014.76
EFT22752	12/10/2016	COATES HIRE SERVICE	ROLLER HIRE - WINTER FORM UP GRADING AND SW EQUESTRIAN CENTRE	5471.99
EFT22753	12/10/2016	CLEANAWAY	COLLECTION & DISPOSAL OF MOST WASTES FROM CAPEL WASTE TRANSFER STATION	13001.06
EFT22754	12/10/2016	CAPEL NEWSAGENCY	SHIRE NEWSPAPERS	10.20
EFT22755	12/10/2016	TJ DEPIAZZI & SONS	15 CUBIC METRES - WOODLAND BROWN MULCH	1026.63
EFT22756	12/10/2016	DIRT DESIGN	REMOVE DEAD VEGETATION AND RE PLANT AND MULCH MAIDMENT PARADE AND DALYELLUP BLVD.	15939.00
EFT22757	12/10/2016	GLOBE AUSTRALIA PTY LTD	PURCHASE OF LARVICIDE	17124.80
EFT22758	12/10/2016	GRACE RECORDS MANAGEMENT	RECORDS STORAGE AND DESTRUCTION FOR 2016/17	361.09
EFT22759	12/10/2016	HANSON CONSTRUCTION MATERIALS PTY LTD	12 TONNE CRACKER DUST	212.72
EFT22760	12/10/2016	SOUTHERN HYDRAULIC SERVICES	REPLACE HYDRAULIC HOSE ON TRACTOR P4912	204.73
EFT22761	12/10/2016	LD TOTAL	CAPEL CIVIC PRECINCT STAGE 1 AND DALYELLUP MAINTENANCE	60677.90
EFT22762	12/10/2016	LANDGATE	GRV VALUATIONS	1541.45
EFT22763	12/10/2016	MARKETFORCE	VARIOUS LOCAL GOVT TENDER ADVERTISING AND NOTICES	1769.26
EFT22764	12/10/2016	PRESTIGE PRODUCTS-BUSSELTON	VARIOUS CLEANING PRODUCTS	802.56
EFT22765	12/10/2016	PICTON TYRE CENTRE PTY LTD	CHANGE FRONT TYRES OVER ON GRADER CP1025	383.00
EFT22766	12/10/2016	PUBLIC LIBRARIES WESTERN AUSTRALIA INC	PLWA MEMBERSHIP RENEWAL 2016-17	165.00
EFT22767	12/10/2016	PROTECTOR FIRE SERVICES	FIRE INDICATOR PANEL - MONTHLY SERVICES - CAPEL AND BOYANUP LIBRARIES	754.05
EFT22768	12/10/2016	RTW STEEL FABRICATION	REPAIR TO CABINET DOOR ON ISUZU TOOL BOX AND REPAIR TAILGATE ON CP4821	547.25
EFT22769	12/10/2016	SIGNAL ONE	RANGER PPE	608.53
EFT22770	12/10/2016	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL SWDC FUNDED ADMIN OFFICER	418.00

EFT22771	12/10/2016	D & K THOMAS ELECTRICAL	TEST AND TAG ELECTRICAL EQUIPMENT, TEST RCDS, TEST AND REPAIR AND LOG EMERGENCY AND EXIT LIGHTS THROUGHOUT ALL SHIRE BUILDINGS	23919.53
EFT22772	12/10/2016	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCE	297.00
EFT22773	12/10/2016	TRAFFIC FORCE	TRAFFIC MANAGEMENT PLANS FOR REPAIR WORKS FETTLERS PARK	638.00
EFT22774	12/10/2016	TOTAL GREEN RECYCLING PTY LTD	PROCESSING AND TRANSPORT OF E-WASTE FROM CAPEL WASTE TRANSFER STATION	895.14
EFT22775	12/10/2016	WORK CLOBBER BUNBURY	VARIOUS PPE	466.82
EFT22776	12/10/2016	WESTRAC EQUIPMENT	REPAIR OF KICK OUT SWITCH ON EXCAVATOR	151.25
EFT22777	12/10/2016	WARREN BLACKWOOD WASTE	16/17 STREET BIN-PARKS WASTE COLLECTION	63756.91
				236506.82

OUTSTANDING CREDITORS AS AT 30 September 2016: \$87,579.68

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for 26 October 2016 have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

*P.F. Sheedy.*

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

**VOTING REQUIREMENTS**

Simple majority

**OC1015 OFFICER'S RECOMMENDATIONS – 15.4/COUNCIL DECISION**

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

**That Council authorises the Schedule of Accounts covering vouchers EFT22744 to EFT22777, a total of \$236,506.82 for payment.**

Carried 8/0



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**OC1016 (15.5) Accounts Paid During the Month of September 2016**

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Location: Capel  
Applicant: Shire of Capel  
File Reference: N/A  
Disclosure of Interest: Nil  
Date: 26.10.16  
Author: Finance & Accounts Payable Officer, S Searle  
Senior Officer: Executive Manager Corporate Services, S Stevenson  
Attachments: Nil

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**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month.

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

Accounts paid are required to be submitted each month.

**Proposal**

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

**STATUTORY ENVIRONMENT**

Local Government Act 1995, section 6.10

**6.10. Financial management regulations**

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

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

**13. List of accounts**

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

**POLICY IMPLICATIONS**

There are no current policies relevant to this matter.

**FINANCIAL IMPLICATIONS****Budget**

Payment from Council's Municipal Fund.

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

**Long Term**

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

**Whole of Life**

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

**SUSTAINABILITY IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcome:

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

**CONSULTATION**

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

**COMMENT**

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

EFT22449	01/09/2016	WESTNET PTY LTD	SHIRE OF CAPEL ADMINISTRATION INTERNET - SEP 16	430.28
EFT22450	05/09/2016	J BRUCCIANI	RATES REFUND	16000.00
EFT22451	07/09/2016	AMITY SIGNS	VARIOUS ROAD SIGNS	6243.60
EFT22452	07/09/2016	AUSLEC	123 X T5 FLUORO TUBES FOR CAPEL COMMUNITY CENTRE HALL	879.45

EFT22453	07/09/2016	CLAIRE ANDERSON	REIMBURSEMENT WALGA CONFERENCE	1543.70
EFT22454	07/09/2016	SOUTHWEST TYRE SERVICE	REPLACEMENT TYRE FOR CP747	400.00
EFT22455	07/09/2016	BUNBURY MOWER SERVICE	BACK PACK BLOWER, BAR AND LUBE AND INSURANCE REPLACEMENT BLOWERS VACUUM AND CHAINSAWS	9082.00
EFT22456	07/09/2016	CR BARRY BELL	16/17 COUNCIL MEMBER'S ALLOWANCE-SEP 16	2863.50
EFT22457	07/09/2016	BUNNINGS BUILDING SUPPLIES PTY LTD	BFB STORAGE TUBS AND BATTERY CHARGER AND TOOL REPLACEMENT FOR BREAK IN AT THE DEPOT ON 15/08/2016 VARIOUS ITEMS: SCREWDRIVER BITS, STORAGE, SOCKETS	1127.77
EFT22458	07/09/2016	HEATLEYS SAFETY & INDUSTRIAL	REPLACEMENT 3/4 IMPACT WRENCHES AND SOCKET SETS FOR DEPOT WORKSHOP INSURANCE	1707.18
EFT22459	07/09/2016	BULLIVANTS PTY LTD	TOOL REPLACEMENT FOR BREAK IN AT THE DEPOT 2 X RATCHET HOOKS, 3 X TRANS CHAIN9M + GRAB HOOKS	245.30
EFT22460	07/09/2016	BUNBURY TRUCKS	REPLACEMENT 3 WAYS LENS COVER FOR RIGHT HAND TAIL LIGHT FOR FUSO CANTER TRUCK	105.38
EFT22461	07/09/2016	SIDDHARTHA BAXI	16/17 COUNCIL MEMBER'S ALLOWANCE-SEP 16	2863.50
EFT22462	07/09/2016	STAPLES AUSTRALIA PTY LTD	2016/17 STATIONERY	127.39
EFT22463	07/09/2016	COATES HIRE SERVICE	HIRE - CHAIN SAW - FROM 15/8/16 DUE TO BURGLARY AT DEPOT	177.76
EFT22464	07/09/2016	CR MURRAY SCOTT	16/17 PRESIDENT ALLOWANCE-SEP 16	10229.00
EFT22465	07/09/2016	CAPEL RSL	ANNUAL DONATION TO CAPEL RSL & PEPPERMINT GROVE BEACH ANZAC COMMEMORATIONS	4500.00
EFT22466	07/09/2016	COFFEY ENVIRONMENTS	PHASE I RADIATION SURVEY	4193.20
EFT22467	07/09/2016	CARDNO GEOTECH PTY LTD	GEOTECHNICAL ENGINEER - MEETING 03-AUGUST-2016- MILLENNIUM WASTE FACILITY, DALYELLUP	264.00
EFT22468	07/09/2016	CIVILCON (WA) PTY LTD	CONTRACT TO BUILD EAST DALYELLUP SPORTS PAVILION	88276.28
EFT22469	07/09/2016	COVS PARTS	TOOL REPLACEMENT FOR BREAK IN AT DEPOT: 9 PIECE KEY SET EXTRA LONG AND 9 PIECE KEY SET TAMPER PROOF	96.50

EFT22470	07/09/2016	CARBONE BROS PTY LTD	ALTERATIONS TO VERGE DRAIN ON ELGIN RD INCLUDING DEEPENING TO ALLOW RELIEF OF TRAPPED WATER AS PER EMAIL OF 8 JULY 16 (EXCLUDING ROCK PITCHING).	5170.00
EFT22471	07/09/2016	CBCA WA BRANCH	CHILDREN'S BOOK WEEK POSTERS	52.00
EFT22472	07/09/2016	DISCOUNT AUTO PARTS	MISC GLOBES & DIGITAL CIRCUIT TESTER, WORKLIGHT FOR DEPOT BREAK-IN INSURANCE	643.06
EFT22473	07/09/2016	DYMOCKS BUSSELTON	BOOK PURCHASES	93.46
EFT22474	07/09/2016	DATA #3	MICROSOFT ANNUAL LICENSING AGREEMENT 1/9/2016 - 31/8/2017	24948.40
EFT22475	07/09/2016	GOLDEN WEST PLUMBING & DRAINAGE	REPAIR AND REPLACE OF CISTERN IN FEMALE TOILET FIRST CUBICAL AT BOYANUP COMM CENTRE, REPAIR URINAL FLUSH CISTERN AT WAVE WALK TOILETS AND UNBLOCK TOILETS AT DALYELLUP LAKES AND DALYELLUP SURF LIFE SAVING CLUB	1441.00
EFT22476	07/09/2016	FENNESSY'S	10,000 KM SERVICE 41CP	191.62
EFT22477	07/09/2016	FLEXI STAFF	LABOUR HIRE	1218.80
EFT22478	07/09/2016	GHD PTY LTD	GROUNDWATER MONITORING TRANSFER STATION AND BOYANUP LANDFILL SITE	4347.20
EFT22479	07/09/2016	HANSON CONSTRUCTION MATERIALS PTY LTD	36.22 TONNES OF AGGREGATE	657.39
EFT22480	07/09/2016	CR BRIAN HEARNE	16/17 DEPUTY PRESIDENT ALLOWANCE-SEP 16	4032.75
EFT22481	07/09/2016	ISA TECHNOLOGIES	JUNIPER CARE NEXT DAY IT SUPPORT	2405.49
EFT22482	07/09/2016	INTERFIRE AGENCIES PTY LTD	LIGHT BAR FOR CP9503	2170.91
EFT22483	07/09/2016	IVC COMPUTER SERVICES IVC	3 X DVI TO DISPLAY PORT CABLES - DUAL MONITOR SETUPS	126.00
EFT22484	07/09/2016	JUMOR WASTEWATER SERVICE & REPAIRS	ANAEROBIC TREATMENT UNIT MAINTENANCE AT GELORUP COMM CENTRE, DALYELLUP BEACH TOILETS AND PEPPI GROVE BEACH COMMUNITY CENTRE	587.60
EFT22485	07/09/2016	LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE	ANALYTICAL EXPENSES	4259.24

EFT22486	07/09/2016	LOCAL GOVERNMENT MANAGERS AUSTRALIA LGMA	EXECUTIVE MANAGEMENT COURSE 19TH TO 21ST SEPTEMBER 2016	2300.00
EFT22487	07/09/2016	METAL ARTWORK CREATIONS	7 X NAME BADGES WITH MAGNETIC BACK AND POSTAGE	83.00
EFT22488	07/09/2016	JUST YOUNGER CATERING	CATERING FOR MONTHLY COUNCIL MEETINGS AUG 16 AND LUNCH CEO ANNUAL PERFORMANCE REVIEW	434.00
EFT22489	07/09/2016	CR P McCLEERY	16/17 COUNCIL MEMBER'S ALLOWANCE-SEP 16	2863.50
EFT22490	07/09/2016	MARAS CONSTRUCTIONS	BOBCAT HIRE FOR WELD ROAD 24/8/16 WEDNESDAY SPREAD LIMESTONE OVER SOFT SPOTS IN ROAD	880.00
EFT22491	07/09/2016	CR GREG NORTON	16/17 COUNCIL MEMBER'S ALLOWANCE-SEP 16	2863.50
EFT22492	07/09/2016	PIACENTINI & SON PTY LTD	24.050 TONNE LIMESTONE	351.85
EFT22493	07/09/2016	FULTON HOGAN INDUSTRIES PTY LTD	1 TONNE OF EZSTREET BULK BAG AND 400LRS EMULSION	1262.80
EFT22494	07/09/2016	PRESTIGE PRODUCTS-BUSSELTON	VARIOUS CLEANING AND TOILET SUPPLIES	354.20
EFT22495	07/09/2016	PICTON TYRE CENTRE PTY LTD	3 X TUBES FOR BROOM	36.00
EFT22496	07/09/2016	THE PERTH MINT	25 X 2016 AUSTRALIAN CITIZENSHIP \$1 COIN	141.96
EFT22497	07/09/2016	PRIME INDUSTRIAL PRODUCTS PTY LTD	REPLACEMENT TOOLS FOR BREAK-IN AT DEPOT - INSURANCE CLAIM	4110.76
EFT22498	07/09/2016	RTW STEEL FABRICATION	REPAIR BIKE RACK JAMIESON ROAD	411.40
EFT22499	07/09/2016	SOUTH WEST TREE SAFE	REMOVAL OF VEGETATION IN CAPEL AND PEPPI GROVE BEACH	2640.00
EFT22500	07/09/2016	SOS OFFICE EQUIPMENT	PHOTOCOPIER METERBILLING FOR ADMIN AND LIBRARIES	1968.20
EFT22501	07/09/2016	CR JENNIFER SCOTT	16/17 COUNCIL MEMBER'S ALLOWANCE-SEP 16	2863.50
EFT22502	07/09/2016	CR BRIAN SMITH	16/17 COUNCIL MEMBER'S ALLOWANCE-SEP 16	2863.50
EFT22503	07/09/2016	SONIC HEALTHPLUS PTY LTD	PRE EMPLOYMENT MEDICAL	291.50
EFT22504	07/09/2016	SKYLINE LANDSCAPE SERVICES PTY LTD	IRRIGATION REPAIRS AT MURTYN POS AND PARADE ROAD	242.00
EFT22505	07/09/2016	CR SEBASTIAN SCHIANO	16/17 COUNCIL MEMBER'S ALLOWANCE-SEP 16	2863.50
EFT22506	07/09/2016	TRAFFIC FORCE	HIRE OF TRAFFIC SIGNS	66.00

EFT22507	07/09/2016	TOTAL GREEN RECYCLING PTY LTD	COLLECTION & PROCESSING OF LOAD OF E-WASTE FROM CAPEL WASTE TRANSFER STATION JULY 16	1589.98
EFT22508		-EFT22536	PAYMENT ALREADY APPROVED BY COUNCIL PLEASE REFER TO AGENDA ON 28.09.2016	0.00
EFT22537	09/09/2016	FUJI XEROX AUSTRALIA PTY LTD	LEASE OF PHOTOCOPIER CAPEL LIBRARY	132.00
EFT22538	14/09/2016	AUSTRALIA POST	POSTAGE AND FREIGHT	7192.20
EFT22539	14/09/2016	BUSSELTON MELAMINE	2 X LAMINATED TOPS FOR ACACIA & HAKEA INTERVIEW ROOMS AND SHELVING UNIT	1810.00
EFT22540	14/09/2016	BUNBURY MACHINERY	SERVICE AND REPAIR OF HIGH PRESSURE CLEANER	180.00
EFT22541	14/09/2016	BUNNINGS BUILDING SUPPLIES PTY LTD	8 X 35L STORAGE TUBS	53.04
EFT22542	14/09/2016	BUSSELTON NETBALL ASSOCIATION	KIDSPORT REGISTRATIONS	1323.00
EFT22543	14/09/2016	BENDIGO BANK BUSINESS CREDIT CARD	AUGUST CREDIT CARD TRANSACTIONS: 5.8.16 - \$275.00 - THE TERRACE HOTEL - LOCAL GOVT CONFERENCE 6.8.16 - \$202.50 - PRENDI QUELLA COSA - LOCAL GOV CONFERENCE 6.8.16 - \$520.34 - GUS SPOT MESSENGER - ANNUAL FEES FOR ENGINEERING, HEALTH AND RANGER MESSENGER SERVICE 6.8.16 - \$15.61 - INTERNATIONAL TRANSACTION FEE - FEE FOR GUS SPOT MESSENGER PAYMENT 6.8.16 - \$186.00 - THE REVELEY BAR - LOCAL GOVERNMENT CONFERENCE 9.8.16 - \$15.50 - WILSON PARKING - COMMUNITY DEVELOPMENT TRAINING 10.8.16 - \$184.00 - CROWS REST PTY LTD - COMMUNITY DEVELOPMENT TRAINING 12.8.16 - \$55.97 - TAXI EPAY - MELBOURNE AIRPORT TAXI FEE FOR LEADERSHIP IN LOCAL GOVT CONFERENCE 16.8.16 - \$40 - WESTMINSTER GIFTS - EMPLOYEE GIFT CARD 17.8.16 - \$51.55 -	3522.76

			SILVERTOP VIC - TAXI FEE FOR LEADERSHIP IN LOCAL GOVT 17.8.16 - \$811.92 - INTERNATIONAL ON THE WATER HOTEL - BUSHFIRE PRONE RISK MAPPING TRAINING 18.8.16 - \$456.96 - MY HOLIDAY WA - COMMUNITY DEVELOPMENT CONFERENCE 23.8.16 - \$139.74 - INTERNATIONAL ON THE WATER HOTEL - BUSHFIRE PRONE RISK MAPPING TRAINING 25.8.16 - \$223.30 - HYATT REGENCY - WALGA EMERGENCY MANAGEMENT FORUM 25.8.16 - \$197.93 - HYATT REGENCY - EMERGENCY MANAGEMENT FORUM 25.8.16 - \$138.45 - HYATT REGENCY - MEALS FOR EMERGENCY MANAGEMENT FORUM	
EFT22544	14/09/2016	CLARE BONNIE	REIMBURSEMENT FOR OVERNIGHT STAY FOR PLANNING CONFERENCE	100.00
EFT22545	14/09/2016	BUNBURY HIAB & TILT TRAY	PICK-UP PICNIC TABLE FROM CAPEL TRANSPORT WITH HIAB TRUCK AND TRANSPORT TO BRIDGE STREET	242.00
EFT22546	14/09/2016	BJB CONSULTING SERVICES	CONSULTANT SERVICES	812.50
EFT22547	14/09/2016	STAPLES AUSTRALIA PTY LTD	2016/17 STATIONERY	1175.01
EFT22548	14/09/2016	DM & S CURTIN	CARRY OUT CHECK AND REPAIR OF AIR CON AT BOYANUP LIBRARY	322.00
EFT22549	14/09/2016	COVS PARTS	4X BOXES OF VARIOUS SIZE GLOBES	32.31
EFT22550	14/09/2016	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE SUPPLIES	2034.87
EFT22551	14/09/2016	CAPEL CLEANING	VACUUMING OF SHIRE OFFICES SATURDAYS 27/8/16 AND 3/9/16	270.00
EFT22552	14/09/2016	CJD EQUIPMENT PTY LTD	SERVICE LOADER 7000HRS - CP4991	2036.79
EFT22553	14/09/2016	GOLDEN WEST PLUMBING & DRAINAGE	CLEAN AND SERVICE URINAL WAVE WALK TOILETS	140.25
EFT22554	14/09/2016	DEPT OF FIRE AND EMERGENCY SERVICES (DFES)	16/17 EMERGENCY SERVICES LEVY QTR1	153329.70

EFT22555	14/09/2016	FLEXI STAFF	CONTRACT EMPLOYMENT	1657.57
EFT22556	14/09/2016	FIT 2 WORK.COM.AU	EMPLOYMENT POLICE CHECKS	40.59
EFT22557	14/09/2016	GEOGRAPHE TREE SERVICES	FERAL WATTLE REMOVAL ROAD VERGES GELORUP, TREE TRIMMING LINE OF SITE AT GELORUP RISE AND WOODY WEED CONTROL SPURR ROAD	7402.00
EFT22558	14/09/2016	HARVEY FARM SERVICE	273.9HR SERVICE OF TWO TERRAIN CUT MOWERS	2775.42
EFT22559	14/09/2016	JUMOR WASTEWATER SERVICE & REPAIRS	ANAEROBIC TREATMENT UNIT MAINTENANCE - CAPEL SPORTS GROUND AND PEPPI GROVE BEACH COMMUNITY CENTRE	457.75
EFT22560	14/09/2016	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	REGISTRATIONS TO ATTEND 2016 LOCAL GOVT CONVENTION PLUS CONVENTION BREAKFAST FRIDAY 5 AUGUST	6108.00
EFT22561	14/09/2016	SMALL BUSINESS CENTRE	GENERAL SPONSORSHIP FOR BUSINESS SOUTH WEST 2016/17 FINANCIAL YEAR	6600.00
EFT22562	14/09/2016	LD TOTAL	PRUNE AND MULCH TRIMMINGS ALONG BOTH SIDES OF DALYELLUP BLVD FROM END OF PATH TO BEACH CARPARK	632.50
EFT22563	14/09/2016	LANDGATE	ADDITIONS TO GRV	81.00
EFT22564	14/09/2016	TOR LABRIOLA	RE-ISSUE CHQ FOR CANCELLATION OF DOG REGISTRATION	142.50
EFT22565	14/09/2016	NEIL O'BRIEN	RATES REFUND	1812.51
EFT22566	14/09/2016	CHANTEL PARSONS	SPORTS PARTICIPATION SCHEME	300.00
EFT22567	14/09/2016	MICHELLE PLUME	REIMBURSEMENT COMMUNITY DEVELOPMENT CONFERENCE EXPENSES	156.60
EFT22568	14/09/2016	PRIME INDUSTRIAL PRODUCTS PTY LTD	REPLACEMENT OF STOLEN TOOLS	253.19
EFT22569	14/09/2016	J & S PIETERSE	RATES REFUND	1435.05
EFT22570	14/09/2016	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 6/9/16 - \$47720	47720.00
EFT22571	14/09/2016	RIDING FOR THE DISABLED SOUTH WEST	KIDSPORT REGISTRATION	200.00



EFT22572	14/09/2016	R & D HUMPHREYS CAR REMOVALS	DE-GASSING OF 220 FRIDGES, 6 HEATERS, 9 WATER COOLERS AND 10 AIR CONDITIONERS AT CAPEL WASTE TRANSFER STATION INCLUDING RESPONSIBLE DISPOSAL OF GAS	821.00
EFT22573	14/09/2016	SKATEBOARDING WA	SKATEBOARDING WA SCHEDULE OF WORKSHOPS, SCHOOL INCURSION AND COMPETITIONS	4272.40
EFT22574	14/09/2016	LEZIA SANDON	CONFERENCE ACCOMMODATION REIMBURSEMENT	100.00
EFT22575	14/09/2016	SW PRECISION PRINT	5500 X GREENWASTE FLYERS	922.00
EFT22576	14/09/2016	SONIC HEALTHPLUS PTY LTD	WORK COVER AUDIO - EMERGENCY OFFICER	66.00
EFT22577	14/09/2016	D & K THOMAS ELECTRICAL	FAULT FIND AND REPAIR ISSUE WITH RECREATION GROUND LIGHTING TOWERS, T2,3 & 6	1931.60
EFT22578	14/09/2016	TOTALLY WORKWEAR	UNIFORMS	71.50
EFT22579	14/09/2016	TRAFFIC FORCE	TRAFFIC MANAGEMENT - SPURR ST - 12/8/16	944.72
EFT22580	14/09/2016	TELSTRA BUSINESS CENTRE BUNBURY	1 X LIFEPROOF CASE TO SUIT IPHONE 6	100.00
EFT22581	14/09/2016	TONY AVELING & ASSOCIATES PTY LTD	SAFETY LEADERSHIP TRAINING - CERTIFICATE IV IN WORK HEALTH AND SAFETY	550.00
EFT22582	14/09/2016	THINKWATER BUNBURY	MISC RETIC PARTS	636.35
EFT22583	14/09/2016	WORK CLOBBER BUNBURY	4 X GLOVES REPLACEMENT FOR BREAK IN AT DEPOT	44.00
EFT22584	14/09/2016	SOUTH WEST WARRIORS RLC INC	KIDSPORT REGISTRATIONS	400.00
EFT22585	14/09/2016	WARREN BLACKWOOD WASTE	PURCHASE 500 X 360 LITRE BINS THROUGH BETTER BINS GRANT	50575.00
EFT22586	14/09/2016	MELANIE YOUNG	ACCOMMODATION REIMBURSEMENT FOR PIA CONFERENCE PERTH 2/9/16	100.00
EFT22587	14/09/2016	CHANTEL PARSONS	SPORTS PARTICIPATION SCHEME	200.00
EFT22588	21/09/2016	AMITY SIGNS	VARIOUS ROAD SIGNS	1624.70
EFT22589	21/09/2016	A2K TECHNOLOGIES	AUTODESK AUTOCAD 2017 COMMERCIAL NEW MULTI-USER ELD 3-YEAR SUBSCRIPTION WITH BASIC SUPPORT	10200.52

EFT22590	21/09/2016	ARBORGUY	CHIPPING OF EXCESS MATERIAL FROM JOSHUA BROOK RESERVE	968.00
EFT22591	21/09/2016	BOYLES PLUMBING & GAS	CAPEL CIVIC PRECINCT INSTALLATION OF PLUMBING FOR DRINKING STATION AND CONNECTING WITH SEWER CONNECTION, BUCHANAN ROAD	1724.80
EFT22592	21/09/2016	ANDREW BEATTIE	SPORTS PARTICIPATION SCHEME APPLICANT	400.00
EFT22593	21/09/2016	ML & RE BRIGHT	SPORTS PARTICIPATION SCHEME APPLICANTS X 3	1200.00
EFT22594	21/09/2016	CENTRECARE CORPORATE	ANNUAL EAP SERVICES	561.00
EFT22595	21/09/2016	COVS PARTS	MISC ELECTRICAL (DEPOT BREAK IN 15/8/16)	323.50
EFT22596	21/09/2016	CAPEL CLEANING	VACUUMING OF SHIRE OFFICES AND CAPEL PLAYGROUP	135.00
EFT22597	21/09/2016	CAPEL PANEL & PAINT	EXCESS FOR CP9503	1000.00
EFT22598	21/09/2016	CAPEL BUTCHERS	BBQ SAUSAGES ORGANISATIONAL TRAINING	104.05
EFT22599	21/09/2016	DELRON CLEANING	CLEANING OF SHIRE OFFICES (RELIEF CLEANING) 25/7/16-21/8/16	337.92
EFT22600	21/09/2016	DIRT DESIGN	REPAIRS TO CRACKER DUST FOOTPATH. FIX DANGEROUS AREAS THAT HAVE SCoured OUT IN RAIN AND REMOVE LOW HANGING BRANCHES, REMOVE OLD AND DAMAGED/DANGEROUS POLES ON EDGES OF PEDESTRIAN ACCESS PATH AT MINNINUP	5824.50
EFT22601	21/09/2016	D & M AMONINI PTY LTD	SAND AND SEAL TIMBER FLOORING IN ELGIN HALL	7700.00
EFT22602	21/09/2016	EASIFLEET MANAGEMENT	NOVATED LEASE	753.86
EFT22603	21/09/2016	ECM AUTO ELECTRICAL PTY LTD	SITE VISIT BY AUTO ELECTRICIAN AS LIGHT TANKER NOT CHARGING - CP246	313.50
EFT22604	21/09/2016	FORPARK AUSTRALIA	REPLACEMENT GYM EQUIPMENT AND TODDLER SEATS AT DALYELLUP PARKS AND CAPEL PUBLIC PARKS	1523.50
EFT22605	21/09/2016	FLEXI STAFF	FLEXISTAFF 6/9	2047.58
EFT22606	21/09/2016	GRESLEY ABAS PTY LTD	EAST DALYELLUP SPORTS PAVILION, ARCHITECTURAL CONSULTANCY FEE	6372.69

EFT22607	21/09/2016	GRIFFIN VALUATION ADVISORY	VALUATION	1980.00
EFT22608	21/09/2016	HARVEY FARM SERVICE	REPLACEMENT FRONT STROBE WARNING LIGHT ON JOHN DEER MOWERS	261.58
EFT22609	21/09/2016	ISA TECHNOLOGIES	IT EQUIPMENT	861.86
EFT22610	21/09/2016	JULIES LAWNMOWING	MOWING OF BOYANUP MUSEUM GROUNDS AND BOYANUP HALL	140.00
EFT22611	21/09/2016	LD TOTAL	LANDSCAPE MAINTENANCE IN CAPS GARDENS ALONG MAIDMENT PDE AND DALYELLUP BLVD AND CAPEL CIVIC PRECINCT	6328.74
EFT22612	21/09/2016	LANDGATE	GROSS RENTAL VALUATION CHARGEABLE AND RURAL UV INTERIM VALS	2788.35
EFT22613	21/09/2016	CL & MPA LOCOCK	CROSSOVER CONTRIBUTION	300.00
EFT22614	21/09/2016	LOCAL GOVERNMENT MANAGERS AUSTRALIA LGMA	LGMA - EXECUTIVE MANAGEMENT PROGRAM - 19 - 21 SEPTEMBER AND LGMA COMMUNITY DEVELOPMENT CONFERENCE	4275.00
EFT22615	21/09/2016	MARISA MOORE	WP : WOMEN'S HEALTH WEEK MORNING TEA ITEMS REIMBURSEMENT	110.11
EFT22616	21/09/2016	PIACENTINI & SON PTY LTD	144.35 TONNE LIMESTONE	2111.84
EFT22617	21/09/2016	CHANTEL PARSONS	SPORTS PARTICIPATION SCHEME APPLICANT	100.00
EFT22618	21/09/2016	PRESIDIAN LEGAL PUBLICATIONS	PUBLICATION PLANNING & DEVELOPMENT WA" - ONLINE FORMAT"	1839.20
EFT22619	21/09/2016	SOUTH WEST TREE SAFE	REMOVE TO GROUND LEVEL DANGEROUS RED GUM, TREE IS LEANING AND HAS WHITE ANT DAMAGE ON BUSQUETS ROAD AND REMOVE DEAD BRANCH ON KEN BELL ROAD	4290.00
EFT22620	21/09/2016	SW PRECISION PRINT	PRINT 5600 X 3 BIN CALENDARS AND 1900 X 2 BIN CALENDARS FOR 2016-17	3320.00
EFT22621	21/09/2016	RAY TINK ROOFING	REPLACE WIRE MESH UNDER EAVES AT ELGIN HALL	1210.00
EFT22622	21/09/2016	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN 74 - DALYELLUP SPORTS PAVILION AND LOAN 72 - CAPEL UNDERGROUND POWER	73309.77
EFT22623	21/09/2016	WREN OIL	COLLECTION AND DISPOSAL OF WASTE OIL AND OILY WATER FROM CAPEL WASTE TRANSFER STATION	137.50

EFT22624	21/09/2016	CALTEX AUSTRALIA	FLEET FUEL - AUGUST	2396.22
EFT22625	28/09/2016	AUSQ TRAINING	BASIC WORKSITE TRAFFIC MANAGEMENT COURSE – 6 OCTOBER 2016	339.00
EFT22626	28/09/2016	B & B STREET SWEEPING	SOAK WELLS - CNR SLEAFORD DR - 21/7/16	1683.00
EFT22627	28/09/2016	BUSSELTON REFRIGERATION & AIR CONDITIONING	3 MONTHLY SERVICE AIR CON UNITS FOR SHIRE BUILDINGS	2706.00
EFT22628	28/09/2016	BUNBURY HARVEY REGIONAL COUNCIL	DISPOSAL WASTE FOR THIRD ORGANIC BIN DOMESTIC SERVICE AND REGIONAL WASTE EDUCATION PROGRAM PART COST	7172.81
EFT22629	28/09/2016	BP AUSTRALIA	DISTILLATE-8000L	8909.74
EFT22630	28/09/2016	STAPLES AUSTRALIA PTY LTD	2016/17 ANNUAL SUPPLIES FOR PRINTING OF LOCAL NEWSPAPERS: GELORUP, CAPEL, BOYANUP, PEPPI GROVE BEACH AND SHIRE STATIONERY	1163.58
EFT22631	28/09/2016	CENTRECARE CORPORATE	CENTRECARE CORPORATE - ANNUAL FEE AND ONGOING APPOINTMENTS/USAGE	935.00
EFT22632	28/09/2016	COATES CIVIL CONSULTING PTY LTD	SURVEY AND DESIGN FOR CAPEL TUTUNUP ROAD, BOUNDARY ROAD AND ELGIN ROAD RECONSTRUCTION	43530.85
EFT22633	28/09/2016	CAPEL CLEANING	VACUUMING OF SHIRE OFFICES AND PLAYGROUP BUILDING	135.00
EFT22634	28/09/2016	CAPEL NEWSAGENCY	NEWSPAPERS FOR 3 X LIBRARIES AND SHIRE STATIONERY	191.57
EFT22635	28/09/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	958.71
EFT22636	28/09/2016	DALYELLUP COLLEGE	SPONSORSHIP OF SSEP AWARD AT 2016 YEAR 12 PRESENTATION CEREMONY	100.00
EFT22637	28/09/2016	GOLDEN WEST PLUMBING & DRAINAGE	UNBLOCK MALE TOILETS AT DALYELLUP SURF CLUB TOILETS AND ASSESS HOT WATER SYSTEMS AT DALYELLUP SPORTS PAVILION AND ADVISE ON PLUMBING OPTIONS TO REDUCE ENERGY USE	561.00
EFT22638	28/09/2016	FREESTYLE NOW PROMOTIONS	FREESTYLE NOW TO FACILITATE SKATE/SCOOTER/BMX COMPETITION AT BOYANUP SKATE PARK FOR OCTOBER INZONE	2233.00

EFT22639	28/09/2016	GEOVET BUSSELTON	POUND CONTRACT-AUG 16	315.00
EFT22640	28/09/2016	KEVIN HENNAH	CULTURAL WEEDING WORKSHOP	182.19
EFT22641	28/09/2016	HUMES	CONCRETE PICNIC TABLE AND SEATS FOR AGE FRIENDLY COMMUNITY JPLAN	1595.00
EFT22642	28/09/2016	A INGRAM	REIMBURSEMENT 34 X BOOKSTOCK PURCHASES	478.94
EFT22643	28/09/2016	INSIGHT CCS PTY LTD	CALL CENTRE CHARGE AUG 16	230.95
EFT22644	28/09/2016	ISUBSCRIBE	LIBRARY SUBSCRIPTIONS	1292.64
EFT22645	28/09/2016	PERTHWASTE GREEN RECYCLING	ANNUAL PROCESSING OF DOMESTIC RECYCLING	5031.17
EFT22646	28/09/2016	KBR COMMERCIAL WA PTY LTD	SUPPLY AND DELIVER TWO DOOR UPRIGHT REFRIGERATOR	3872.00
EFT22647	28/09/2016	LD TOTAL	REMOVAL OF GREVILLIA'S ON THE CNR OF WAKE DRIVE AND NORTON PROMENADE	2035.00
EFT22648	28/09/2016	CORENNE LYNN	WORKING WITH CHILDREN CHECK RENEWAL	83.00
EFT22649	28/09/2016	MUIR'S MANJIMUP	CARRY OUT 15,000KM SERVICE FORD RANGER 46 CP	300.61
EFT22650	28/09/2016	MARKETFORCE	PUBLIC NOTICES AND EMPLOYMENT ADVERTISING	962.16
EFT22651	28/09/2016	VODAFONE HUTCHISON AUSTRALIA PTY LTD	BRIGADE MESSAGING SERVICE -SEP 16	126.15
EFT22652	28/09/2016	PIACENTINI & SON PTY LTD	169 TONNE LIMESTONE - FETTLERS PARK	2471.01
EFT22653	28/09/2016	FULTON HOGAN INDUSTRIES PTY LTD	1 TONNE HOTMIX PROPERJOHN ROAD	200.00
EFT22654	28/09/2016	PERTH MANAGEMENT SERVICES	RENT & OUTGOING- UNIT 5/135 NORTON PMDE 1/10/16-31/10/16	1358.82
EFT22655	28/09/2016	PARKS AND LEISURE AUSTRALIA	SEMINAR - WA HOW MUCH RISK IS OK IN PLAY? - 24 AUGUST 2016	308.00
EFT22656	28/09/2016	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 20/9/16, \$47013	47013.00
EFT22657	28/09/2016	QUALITY PRESS	PRINTED MATERIAL ORDER FROM DFES - BUSHFIRE FIRS FORMS, ATTENDANCE FIRS FORMS, 1 ROLL OF PURPLE VEHICLE IDENTIFICATION STICKERS	180.84
EFT22658	28/09/2016	RPS AUSTRALIA EAST PTY LTD	UPDATE ECONOMIC ANALYSIS AND BUSINESS CASE - CAPEL CIVIC PRECINCT	9900.00

EFT22659	28/09/2016	SPENCER SIGNS	SUPPLY ALL MATERIALS, LABOUR AND EQUIPMENT TO FABRICATE AN ALUMINIUM FLAT SIGN AT ERLE SCOTT TOWN PARK	79.04
EFT22660	28/09/2016	SOUTH WEST TREE SAFE	EMERGENCY TREE REMOVAL ON ARMSTRONG ROAD BOYANUP, STORM DAMAGED TREE REMOVED AT LIONS PARK, BRIDGE STREET AND REMOVED DYING TREE FROM EDWARDS ROAD	2420.00
EFT22661	28/09/2016	SELECTUS	PAYROLL DEDUCTIONS	664.40
EFT22662	28/09/2016	SUSAN STEVENSON	REIMBURSEMENT FOR DEVELOPMENT TRAINING DINNER	66.50
EFT22663	28/09/2016	SOUTH WEST PRINT GROUP	VARIOUS PRINTING INCLUDING INFRINGEMENT NOTICES	1996.00
EFT22664	28/09/2016	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL LIBRARY OFFICER	291.50
EFT22665	28/09/2016	SKYLINE LANDSCAPE SERVICES PTY LTD	ANNUAL DALYELLUP PUBLIC OPEN SPACE MAINTENANCE - 1 SEPTEMBER 2015 TO 31 AUGUST 2016	1274.16
EFT22666	28/09/2016	VILLAGE CARPET CARE	CLEANING OF MAT AT DALYELLUP LIBRARY GARDEN	50.00
EFT22667	28/09/2016	VACUUM WORLD SALES & SERVICE	REPAIR VACUUM CLEANER & VACUUM BAGS	226.00
EFT22668	28/09/2016	WESTRAC EQUIPMENT	6 X GRADER BLADES	2890.14
EFT22669	28/09/2016	WOOD & GRIEVE ENGINEERS	PROVISION OF STRUCTURAL, MECHANICAL ELECTRICAL AND HYDRAULIC SERVICES FOR EAST DALYELLUP SPORTS PAVILION	2830.85
EFT22670	28/09/2016	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 71 AND 73	33592.32
EFT22671	28/09/2016	BRYANNA WRIGHT	REIMBURSEMENT FOR ENVIRONMENTAL HEALTH REGIONAL GROUP MEETING LUNCH	220.80
EFT22672	29/9/2016	JANLUD PTY LTD AND N & P BRODIE	RATES REFUND	205.21
EFT22673	30/9/2016	FUJI XEROX AUSTRALIA PTY LTD	MONTHLY PHOTOCOPIER RENTALS	1369.61
48197	07/09/2016	BUNBURY REFORMED EVANGELICAL CHURCH	BOND REFUND GELORUP COMMUNITY CENTRE AUGUST 14	500.00
48198	07/09/2016	COMMISSIONER OF STATE REVENUE	RATES REFUND	582.40

48199	07/09/2016	RURAL WEED CONTROL	WOODY WEED CONTROL DALYELLUP	5610.00
48200	07/09/2016	SYNERGY	ELECTRICITY	913.00
48201	07/09/2016	SHIRE OF CAPEL	NEWSPAPERS	70.80
48202	07/09/2016	THE GOOD GUYS DISCOUNT WAREHOUSES	1 X HP 15.6 INTEL CORE I5 8GB 1TB NOTEBOOK"	1352.00
48203	07/09/2016	OCEAN FOREST LUTHERAN COLLEGE INC	SPONSORSHIP FOR GRADUATING STUDENTS 2016 YEARS 3-10	100.00
48204	07/09/2016	TELSTRA CORPORATION LTD	AUG LANDLINE AND MOBILE EXPENSES	4209.06
48205	14/09/2016	B HARTNETT	RATES REFUND	247.68
48206	14/09/2016	SHIRE OF CAPEL	CAPEL LIBRARY PETTY CASH	75.85
48207	14/09/2016	DALE ALCOCK HOMES	REFUND BUILDING PERMIT - EXCEEDED STATUTORY TIME FRAME.	286.90
48208	14/09/2016	DALYELLUP DOCKERS FOOTBALL CLUB	HALL BOND REFUND\$500	500.00
48209	14/09/2016	DALYELLUP NETBALL CLUB INC	KIDSPORT REGISTRATION FOR INVOICE	300.00
48210	14/09/2016	NAOMI DONALDSON	REFUND STERILISED DOG 17147	30.00
48211	14/09/2016	JUSTIN MILLER	HALL BOND REFUND \$450, \$50 WITHHELD	450.00
48212	14/09/2016	SYNERGY	ELECTRICITY-1703X STREETLIGHTS	31725.75
48213	14/09/2016	SOUTH WEST PROPERTY SETTLEMENTS	RATES REFUND	43.69
48214	14/09/2016	VENTURA HOMES	REFUND BUILDING PERMIT EXCEEDED STATUTORY TIME FRAME	294.49
48215	14/09/2016	WESTERN POWER	72 BRIDGE STREET BOYANUP. TWO ADDITIONAL WESTERN POWER STREETLIGHTS	4663.00
48216	21/09/2016	PAUL DAVID ANDERSON	CROSSOVER CONTRIBUTION DALYELLUP	300.00
48217	21/09/2016	M & L BASHFORD	RATES REFUND	628.40
48218	21/09/2016	COURIER AUSTRALIA INTERNATIONAL	FREIGHT FOR CAPEL LIBRARY	112.85
48219	21/09/2016	SHIRE OF CAPEL	ADMIN PETTY CASH RECOUP - STATIONERY	379.25
48220	21/09/2016	OLGA GREEN	REFUND FOR PAYMENT MADE 19/9/16	48.00
48221	21/09/2016	HOOPER'S HONEY BEES	REMOVAL OF BEES HIVE FROM RED GUM ON CORNER OF FENNEL AND WELD ROADS, CAPEL	100.00
48222	21/09/2016	TOWN OF MOSMAN PARK	5 X 2016 YACTIVATE CONFERENCE ATTENDEES REIMBURSEMENT	150.00
48223	21/09/2016	OTTO DE MIQUEL	REFUND DOG STERILISED	30.00
48224	21/09/2016	BEN MULLER	CROSSOVER CONTRIBUTION	300.00

48225	21/09/2016	NIKKI DERSCHOW	REFUND FOR CANCELLED EVENT	24.00
48226	28/09/2016	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	52.70
48227	28/09/2016	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	132.00
48228	28/09/2016	SHIRE OF CAPEL	PAYROLL DEDUCTIONS	3152.00
48229	28/09/2016	ANNA DEACON	REIMBURSEMENT INZONE FEE	80.00
48230	28/09/2016	JANLUD PTY LTD AND N & P BRODIE	RATES REFUND	CANCELLED
48231	28/09/2016	LGRCEU	PAYROLL DEDUCTIONS	205.00
48232	28/09/2016	PATRICK T BRADLEY-MEERWALD	CROSSOVER CONTRIBUTION	300.00
48233	28/09/2016	G MONGAN	RATES REFUND	251.04
48234	28/09/2016	MG SETTLEMENTS	RATES REFUND	372.87
48235	28/09/2016	PIARA LANDHOLDINGS PTY LTD	RATES REFUND	5687.37
48236	28/09/2016	SYNERGY	ELECTRICITY	2956.95
48237	28/09/2016	ANDREW STEVENSON	REIMBURSEMENT INZONE FEE	40.00
48238	28/09/2016	ATIF SHARIF	CROSSOVER CONTRIBUTION	300.00
48239	28/09/2016	TELSTRA CORPORATION LTD	MOBILE EXPENSE AUG 16	2107.24
690	07/09/2016	BOYANUP COLLECTORS GROUP	BOND REFUND BOYANUP HALL	150.00
691	07/09/2016	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	AUGUST BSL LEVY COLLECTED	4673.24
692	07/09/2016	SHIRE OF CAPEL	AUGUST BSL COMMISSION COLLECTED	135.00
693	07/09/2016	PIARA LANDHOLDINGS PTY LTD	BOND REFUND STAGE 6A DALYELLUP FOREST EDGE FENCING	36679.50
694	14/09/2016	BUILDING & CONSTRUCTION IND TRAINING FUND	AUG BCITF LEVY COLLECTED	5453.81
695	14/09/2016	SHIRE OF CAPEL	AUG 16 BCITF COMMISSION COLLECTED	148.50
696	14/09/2016	KYM D'ATH	HALL BOND REFUND	150.00
697	14/09/2016	LEONORA PAHL	HALL HIRE BOND REFUND	150.00
698	21/09/2016	KYLIE BAGGETTA	HALL BOND REFUND	1000.00
699	21/09/2016	CAPEL COMMUNITY PROMOTIONS	HALL BOND REFUND	150.00
700	21/09/2016	KERI-ANN MARTIN	HALL BOND REFUND	150.00
701	21/09/2016	JOSEPH JOSEPH PUTHUPARAMBIL	HALL BOND REFUND	150.00
702	28/09/2016	GARY J BARBOUR	HALL BOND REFUND	500.00
				1,014,161.44



06.09.16	SHIRE OF CAPEL PAYROLL PAYMENTS	\$159,886.58
20.09.16	SHIRE OF CAPEL PAYROLL PAYMENTS	\$157,310.54

\$317,197.12

08.09.16	TRANSFER from MUNICIPAL ACCOUNT	-\$1,200,000.00
14.09.16	TRANSFER from MUNICIPAL ACCOUNT	-\$2,300,000.00
23.09.16	TRANSFER from MUNICIPAL ACCOUNT	-1,000,000.00

-\$4,500,000.00

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 26 October 2016 have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

*P.F. Sheedy.*

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

**VOTING REQUIREMENTS**

Simple majority

<b>OC1016 OFFICER'S RECOMMENDATIONS – 15.5/COUNCIL DECISION</b>
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**Moved Cr Smith, Seconded Cr Baxi**

**That Council receives:**

- 1 The Schedule of Accounts covering vouchers 690-702, EFT22449 to EFT22673, CHQ48197 to CHQ48239 totalling \$1,014,161.44 during the month of September 2016;**
- 2 Payroll payments for the month of September 2016, totalling \$317,197.12; and**
- 3 Transfers to and from investments as listed.**

Carried 8/0

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**OC1017 (15.6) Financial Statements for 30 September 2016**

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Location: Whole of Shire  
Applicant: Shire of Capel  
File Reference:  
Disclosure of Interest: Nil  
Date: 11.10.16  
Author: Manager Finance, A Mattaboni  
Senior Officer: Executive Manager Corporate Services, S Stevenson  
Attachments: Financial Statements for September 2016

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**MATTER FOR CONSIDERATION**

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

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

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

**Proposal**

The financial statements provided to Council satisfy the requirements.

**STATUTORY ENVIRONMENT**

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

**6.4 Financial Report**

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

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

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

**Financial Activity Statement Report**

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

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

#### **Budget**

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

#### **Long Term**

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

#### **Whole of Life**

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

### **SUSTAINABILITY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2013 to 2031

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

Strategic outcomes:

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

### **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**

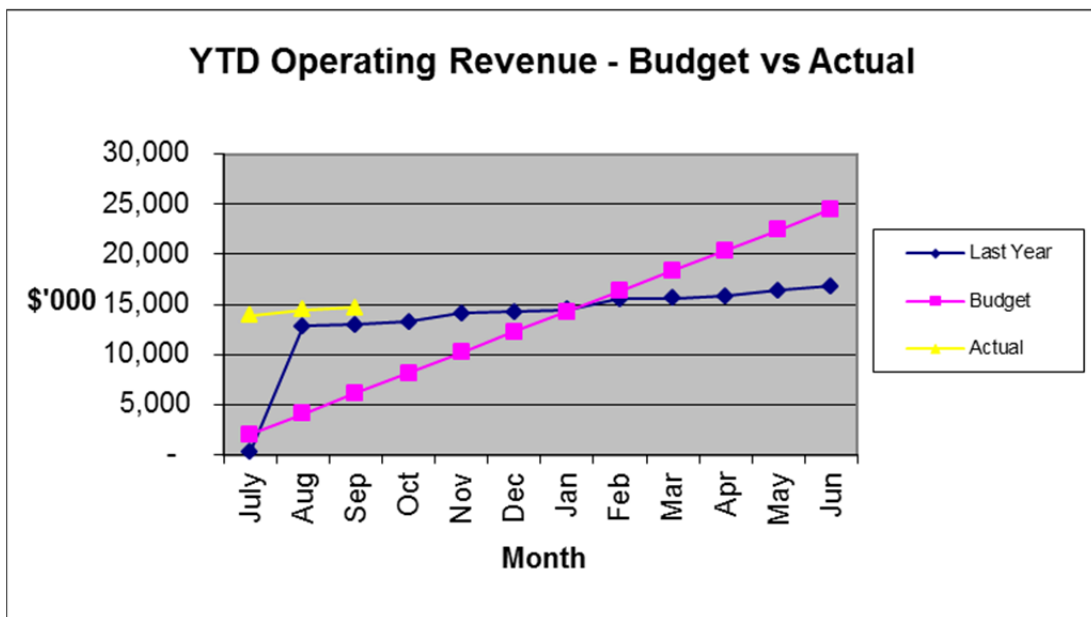
At 30th September 2016, Council's net current assets position was a surplus of \$11,616,930. The forecast year end net current asset position is a surplus of \$4,442. The forecast will change with the finalisation and audit of the 2015/16 financial reports.

Compared to the annual budget, approximately 85% of Operating Revenue has been invoiced and 13% of the Operating Expenditure budget has been spent. As shown at Note 18, rates have been assessed for the 2016/17 financial year. The monthly budget of income and expenditure has yet to be adjusted to reflect the expected timing of actual income and expenditure throughout the financial year.

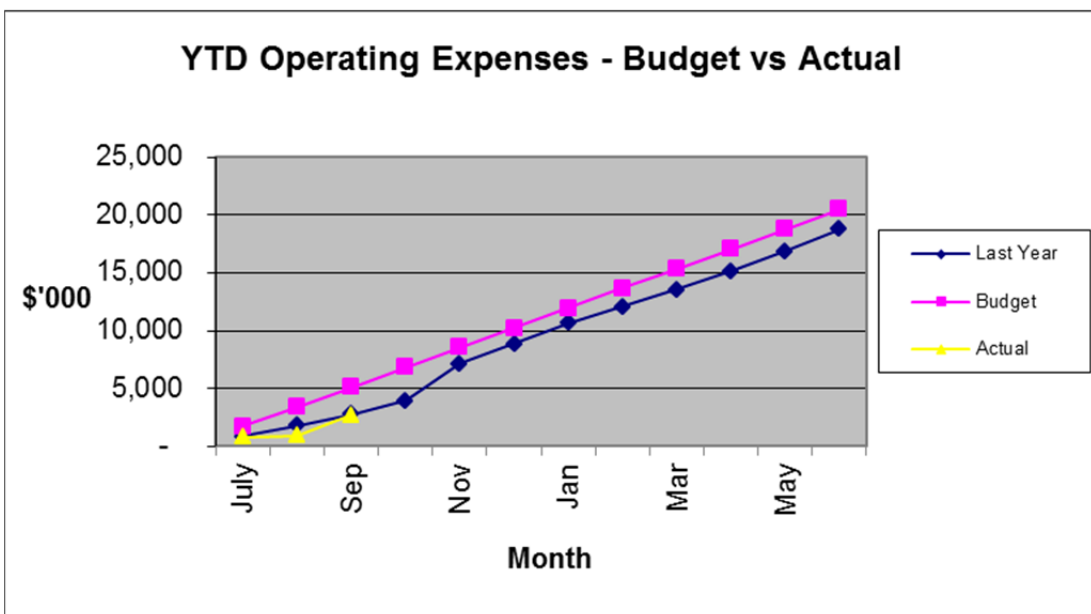
A comparison of employee costs shows that 21% of the annual budget has been spent.

Fixed asset depreciation has not been calculated for the months of July to September 2016 pending the update of the fair value of all assets as at 30 June 2016.

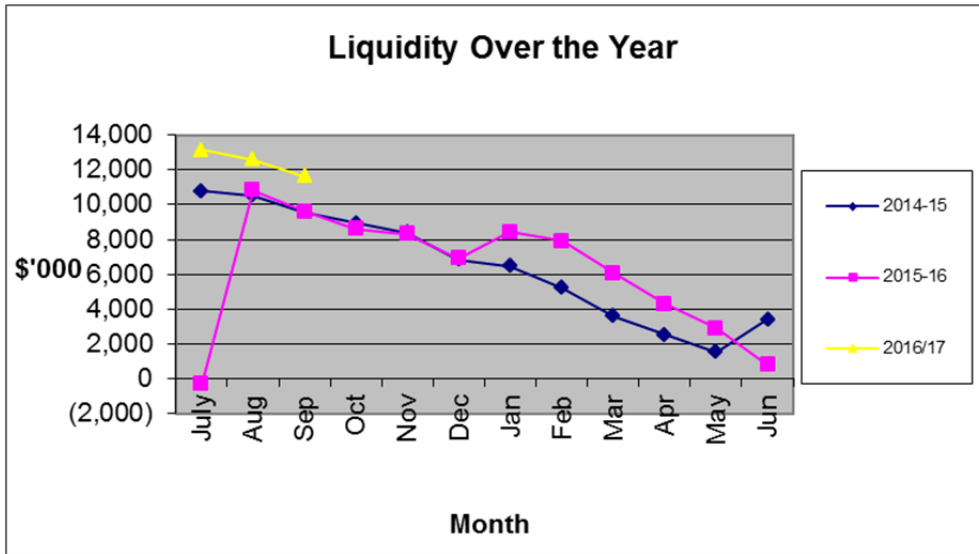
The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. Last year's actual is also included for comparative purposes, although rates have been assessed in July this year, compared to September 2015.



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

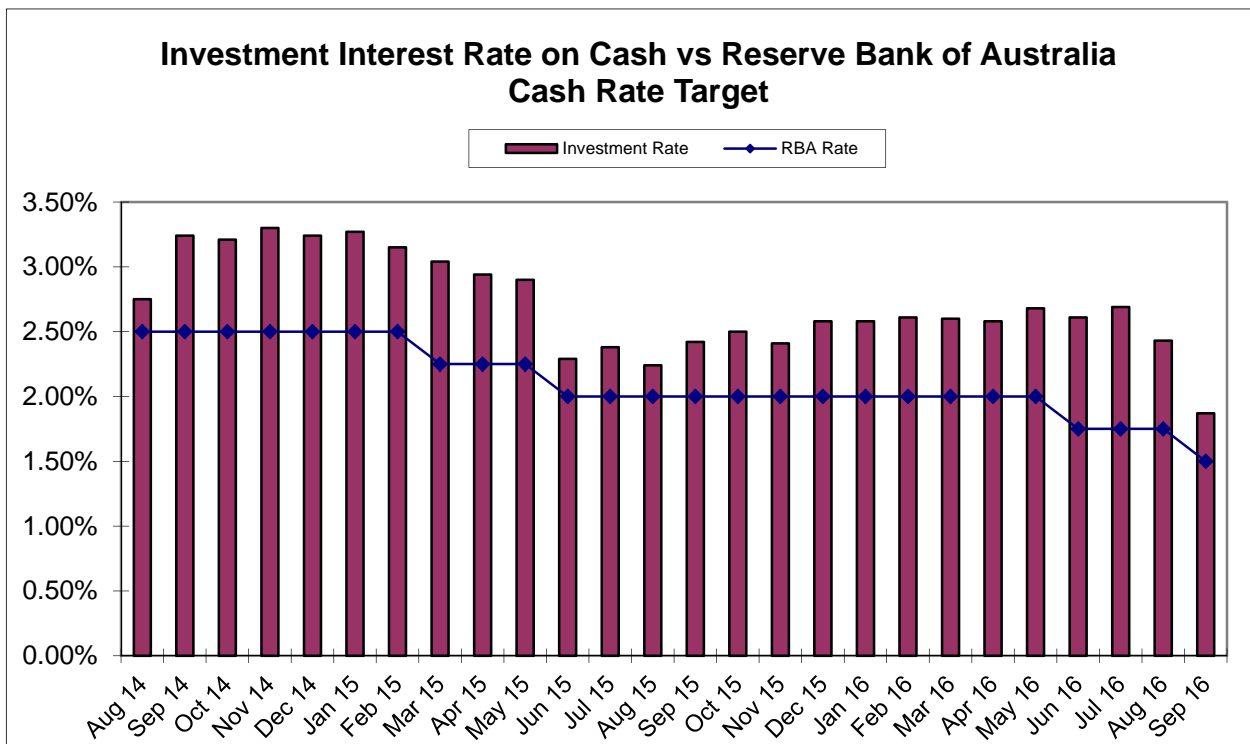


The liquidity graph compares the current year’s net current assets position against that of the two previous years.



Council’s municipal cash and investments position has increased by \$4,058,044 compared to August 2016. The Municipal cash position is an amount of \$17,533,792 of which \$10,300,535 is restricted for specific purposes as shown at Note 3. Cash revenue came from State Government grants, Rates receipts and Business Activity Statement refund from the Australian Taxation Office. Major cash expenses were for payroll and contractor payments.

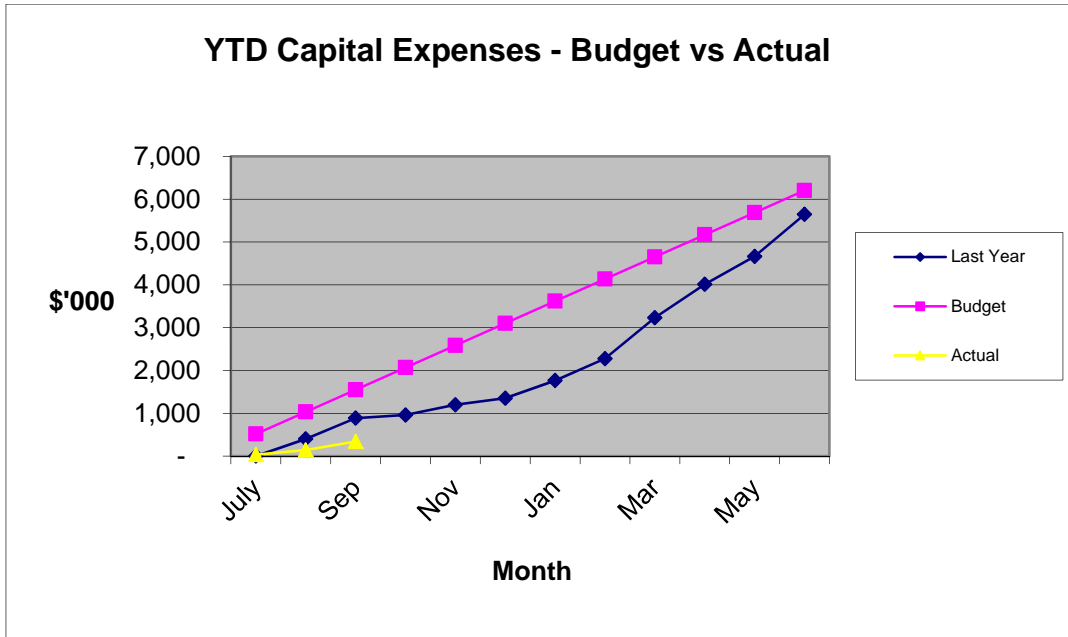
Total interest earned year to date is \$73,135 which is below the year to date budget of \$92,622. This will even itself out as the year goes by and accruals are absorbed by receipts. The average investment rate of return has increased from 2.32% to 2.35% which exceeds the Reserve Bank’s cash reference rate of 1.5%. However, investment rates of interest are declining. The Reserve Bank Board on 4 October 2016 made no change to their target cash rate of 1.50%. The Shire has term deposits maturing from October 2016 to April 2017, investment terms ranging from 63 days to 210 days and interest rates from 2.40% to 3.00%.



Capital works expenditure of \$197,772 was incurred during the month on:

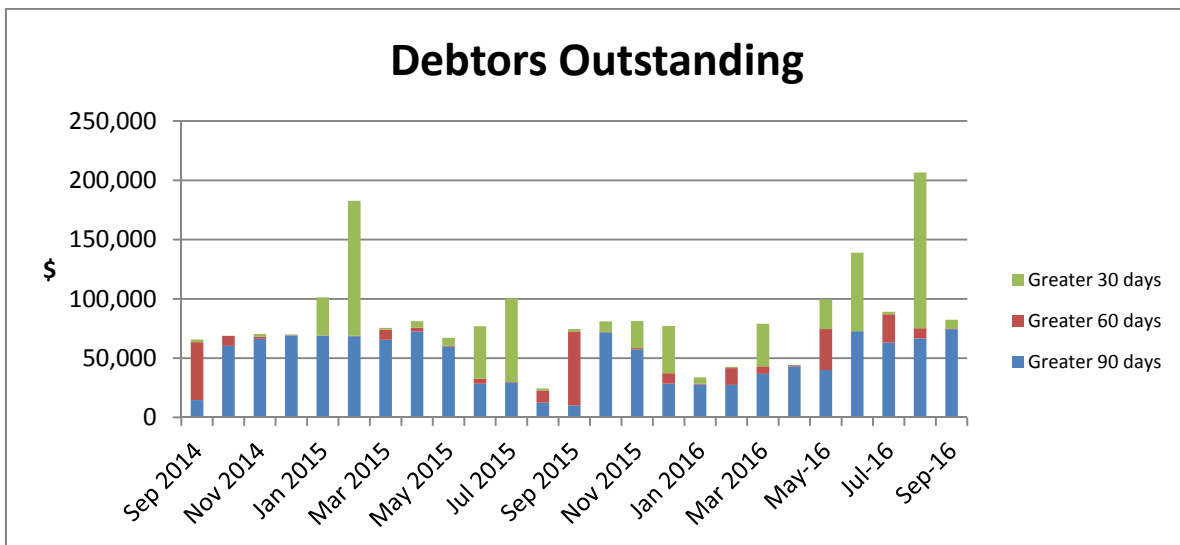
- \$39,971 Road Reconstruction,
- \$8,598 Capel Civic Precinct Stage 2,
- \$88,618 Tuart Forest (Primary School) Oval Facilities,
- \$1,670 Aged Funding Community Plan,
- \$45,977 Wheelie Bins,
- \$9,419 IT Replacement Program, and
- \$3,520 Administration Building Fridge.

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

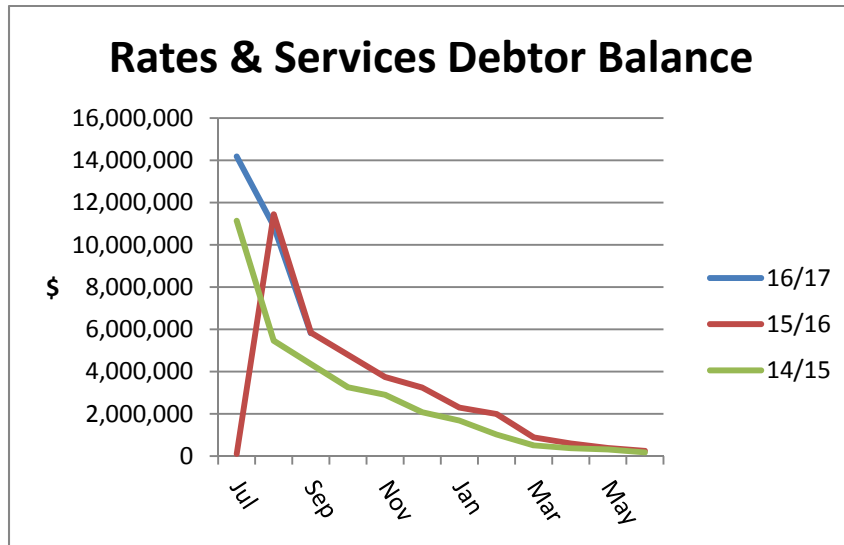


Council’s financial ratios are disclosed in Note 14.

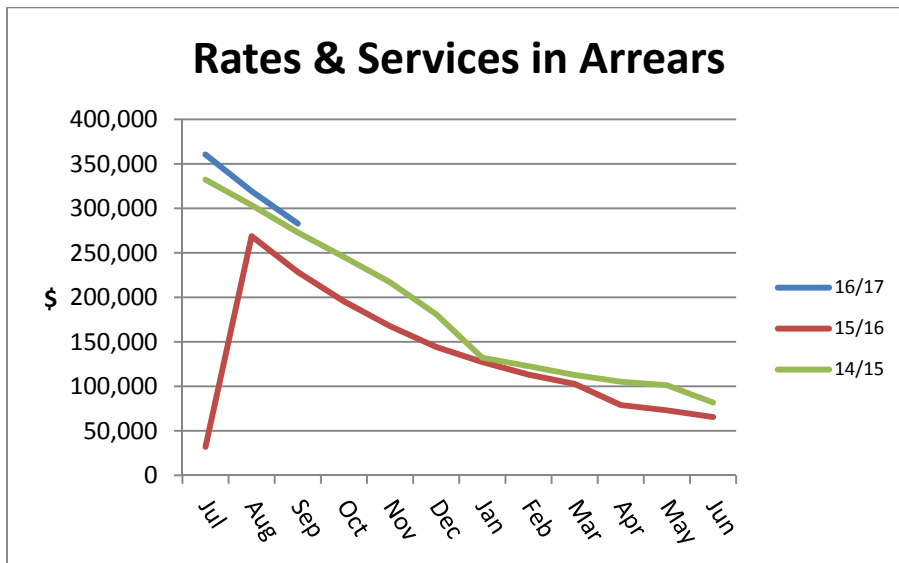
The following graph illustrates Council’s current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.



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



The following graph shows the level of rates and services in arrears for the last three years. Rates and Services in Arrears at the start of each financial year as a percentage of the Rates and Services Debtor Balance has been: 2016/17 2.54%, 2015/16 2.35% and 2014/15 2.98%.



A review of the Statement of Financial Position and the attendant notes indicates there are no adverse trends evident in the year to date financial statements as at 30 September 2016.

**VOTING REQUIREMENTS**

Simple majority

**OC1017 OFFICER’S RECOMMENDATION – 15.6/COUNCIL DECISION**

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

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

Carried 8/0

## **COMMUNITY SERVICES REPORTS**

### **OC1018 (16.1) Local Emergency Management Committee Minutes**

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	30.09.16
Author:	Community Services Administration Officer, M Blandford
Senior Officer:	Executive Manager Community Services, M Plume
Attachments:	1. Local Emergency Management Committee Minutes 17.08.16 2. Russian Wheat Aphid 3. Post Recovery Exercise Report

### **MATTER FOR CONSIDERATION**

To consider the minutes of the meeting of the Shire of Capel Local Emergency Management Committee held on 17 August 2016.

### **BACKGROUND / PROPOSAL**

#### **Background**

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

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

#### **Proposal**

That the minutes of the meeting of the Shire of Capel Local Emergency Management Committee held on 17 August 2016 be received.

### **STATUTORY ENVIRONMENT**

Emergency Management Act 2005

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

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

Local Government Act 1995

#### **Section 5.22**

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

### **POLICY IMPLICATIONS**

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



State Emergency Management Committee Policy 2.5 – Emergency Management in Local Government Districts provides local governments are required to ensure that local emergency management arrangements are prepared for their districts. Local Emergency Management Arrangements should reflect the emergency management capabilities and responsibilities of the agencies and industries involved and recognise and comply with any of their statutory responsibilities.

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

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

### **FINANCIAL IMPLICATIONS**

#### **Budget**

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

#### **Long Term**

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

#### **Whole of Life**

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

### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications associated with this matter.

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2013 to 2031

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

Strategic Outcome:

3.4 – promote emergency risk awareness.

### **CONSULTATION**

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

### **COMMENT**

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

Council may note the following:

- A copy of the exercise report from the Annual LEMC Exercise held immediately after the meeting is attached for Council's information.

**VOTING REQUIREMENTS**

Simple majority

**OC1018 OFFICER'S RECOMMENDATIONS – 16.1/COUNCIL DECISION**

Moved Cr J Scott, Seconded Cr Hearne

**That Council:**

1. **Receives the minutes of the Local Emergency Management Committee (LEMC) meeting held on 17 August 2016 as a true and correct record of proceedings; and**
2. **Notes that the LEMC conducted their annual exercise on 17 August 2016, immediately following their quarterly meeting.**

Carried 8/0

**PUBLIC QUESTION TIME** Nil

**MOTIONS WITHOUT NOTICE (ABSOLUTE MAJORITY BY COUNCIL)** Nil

**NOTICES OF MOTION FOR CONSIDERATION AT THE NEXT ORDINARY MEETING OF THE COUNCIL** Nil

**ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS** Nil

**MEETING CLOSURE**

The meeting closed at 5.48pm.

These minutes were confirmed at an Ordinary Council meeting on 23 November 2016.

Signed

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

Date