

Shire *of* Capel

AGENDA

ORDINARY COUNCIL MEETING

Wednesday 25 October 2017

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

REMINDERS:

1pm Site Visit – School, Widdeson Road

2.00pm Return to Chambers

2.30pm Briefing: Leigh Barrett, Heritage Inventory

3.00pm Round the Table Discussion

4.00pm Briefing: What's your Poison?



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Shire of Capel



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SHIRE OF CAPEL

NOTICE OF AN ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 25 OCTOBER 2017 COMMENCING AT 4.30PM.

P F. Sheedy.

P F Sheedy
CHIEF EXECUTIVE OFFICER

18 October 2017

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IMPORTANT NOTE:

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

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

In accordance with Standing Order 5.7(1)-(4) Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please phone the Shire Office during office hours on 9727 0222 or visit the Shire's website www.capel.wa.gov.au.

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 DECLARATIONS OF INTEREST

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

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

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

*A person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; or a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.*

*An **impartiality interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

8 CONFIRMATION OF MINUTES

Ordinary Council Meeting – 27 September 2017: to include amendment that Cr Peter McCleery was granted leave of absence for the Ordinary Council meeting to be held on Wednesday 22nd November 2017, not on 25th October 2017.

9 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

10 PETITIONS/DEPUTATIONS/PRESENTATIONS

*Any person or group wishing to lodge a **petition** with Council are required to submit it on the prescribed Petition form available on the Shire website www.capel.wa.gov.au. For more information about petitions please contact the Executive Assistant on 9727 0222 during office hours or email info@capel.wa.gov.au.*

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

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

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CHIEF EXECUTIVE OFFICER REPORTS

13.1 Annual Leave – Chief Executive Officer

Location: Capel
Applicant: Chief Executive Officer, PF Sheedy
File Reference: 110
Disclosure of Interest: As I am the applicant who will benefit from the approval I wish to declare a financial interest in this matter.
Date: 02.10.17
Author: Chief Executive Officer, PF Sheedy
Senior Officer: Chief Executive Officer, PF Sheedy
Attachments: Nil

IN BRIEF

The Chief Executive Officer (CEO) is seeking to take additional leave following the annual Christmas/New Year Office closure to spend time with family, in Melbourne, including his daughter who is travelling home from England.

RECOMMENDATION

That Council approves the Chief Executive Officer taking fourteen (14) days leave that includes two (2) public holidays from 27 December 2017 to 15 January 2018.

BACKGROUND / PROPOSAL

Background

Council amended Policy 13.1 at its 14 April 2004 meeting (Minute OC0413) on the basis that any periods of leave taken by the CEO that exceeds five working days have to be approved by Council. The President can approve periods of leave of five days or less.

Proposal

It is proposed to taken fourteen (14) days leave over the Christmas/New Year period to travel to Melbourne to spend Christmas with my sons and daughter, who is travelling home from England for a holiday and as she is staying in Australia until 14 January 2018, I am looking to extend our stay in Melbourne until 15 January 2018.

Mr Jason Gick, Executive Manager Engineering and Development Services will be Acting CEO during this period.

STATUTORY ENVIRONMENT

Local Government Industry Award 2010

POLICY IMPLICATIONS

Policy 3.1 indicates that:

1. The Chief Executive Officer be required to submit annual leave applications to Council for approval where the period of leave to be taken exceeds five working days.
2. Where the Chief Executive Officer wishes to take periods of leave that is five working days or less, the President is to be advised of the proposal.

3. The details of all Chief Executive Officer annual leave periods shall be included in the weekly Friday Flyer.
4. The Chief Executive Officer is delegated authority to appoint an Executive Manager to the position of Acting Chief Executive Officer during all periods of leave.

RISK IMPLICATIONS

Risk implications to the organisation are assessed as being low given the ability of Executive Managers to adequately fulfil the Acting CEO role with minimal impact on the organisation.

FINANCIAL IMPLICATIONS

Budget

There are no additional financial implications as the provisions for leave are included in the annual budget provisions. There are some additional costs for higher duties for the person appointed as Acting CEO during this period but there is an additional budget allocation to cover these costs.

Long Term

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2031

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.

Corporate Business Plan 2013 -2017

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

CONSULTATION

Consultation has been undertaken with the Executive Manager Engineering and Development Services to ensure his availability to be Acting CEO during this period of absence.

COMMENT

Mr Jason Gick, Executive Manager Engineering and Development Services will be Acting CEO during this period.

No additional comment required other than as outlined in the 'Proposal' section of this report.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION – 13.1

That Council approves the Chief Executive Officer taking fourteen (14) days leave that includes two (2) public holidays from 27 December 2017 to 15 January 2018.

13.2 Chief Executive Officer Recruitment

Location:	Capel
Applicant:	Shire of Capel (CEO)
File Reference:	HR.REC.4
Disclosure of Interest:	Nil
Date:	13.10.17
Author:	Chief Executive Officer, PF Sheedy
Senior Officer:	Chief Executive Officer, PF Sheedy
Attachments:	CEO Recruitment Quotations – CONFIDENTIAL Recruitment Consultant Quotations (3) - CONFIDENTIAL

IN BRIEF

The Council is required to consider the quotations from the three consultants to assist the Recruitment Committee in the recruitment of a new Chief Executive Officer (CEO) and endorse a preferred consultant and to also appoint the two Councillors to be part of the Recruitment Committee that will include the President, Deputy President and Shire's Manager Human Resources.

RECOMMENDATION

That Council:

- 1. Appoints the President, Deputy President, Councillors _____ and the Manager Human Resources, Ms. Claire Anderson as the Recruitment Committee to assist the appointed consultant in the recruitment of a new Chief Executive Officer; and**
- 2. Approves the appointment of John Phillips Consulting to assist Council in the recruitment of a new Chief Executive Officer based on the quotation of \$8,300 (Ex GST), excluding additional cost indicated in the confidential 'Chief Executive Officer Recruitment Campaign' report.**

BACKGROUND / PROPOSAL

Background

The current CEO, Mr Paul Sheedy, tendered his resignation to Council on 27 September 2017 to take effect from 29 June 2018.

Council endorsed the obtaining of quotations from LO-GO Appointments, Western Australian Local Government Association (WALGA) and John Phillips Consulting to assist in the recruiting process and that a Recruitment Committee comprising the President, Deputy President, two Councillors, selected at the October 2017 Special Council meeting and the Manager Human Resources, Shire of Capel be appointed.

Proposal

A summary of the quotations, to assist Council in the CEO recruitment process, from the three consultants has been provided to all Councillors separately as it is considered that the information is of a commercial nature. Additional costs relating to the consultants travelling to Capel for meetings with the Recruitment Committee and interviews have been added to ensure a similar final cost comparison is provided.

Appointment of the two Councillors to be part of the Recruitment Committee has been included as part of this report rather than it being undertaken at the Special Council meeting on Monday 23 October 2017.

STATUTORY ENVIRONMENT

Local Government Act 1995, Sections 5.36, 5.39 and 5.40

5.36. Local government employees

- (1) A local government is to employ;
 - (a) a person to be the CEO of the local government; and
- (2) A person is not to be employed in the position of CEO unless the council;
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (2) A contract under this section;
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless;
 - (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

5.40. Principles affecting employment by local governments

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

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

POLICY IMPLICATIONS

Policy 3.25 Recruitment and Selection

POLICY STATEMENT

1. Pre-Employment Medical Assessment

- 1.1 Prior to employment, potential new employees are required to undertake a pre-employment medical assessment. The pre-employment medical is to be arranged by Human Resources.
- 1.2 Candidates deemed suitable by the Medical provider will progress through the process. Candidates that are considered unsuitable by the Medical Provider, in line with the inherent requirements of the position, will not progress.
- 1.3 The costs of the medical examination is to be met by Council, but the doctor or medical practice to be used is to be nominated, for locally sourced employees from time to time by the Chief Executive Officer, having regard to price, proximity and past performance.
- 1.4 The Shire may use this information to assist employees with a pre-existing medical condition that might be exacerbated by their employment with the Council, to identify staff with a medical condition that might cause an abnormal increase in the risk of injury and to identify staff with special needs in relation to a medical condition.

2. Police Clearance Check

A Police Check will be arranged by Human Resources. Suitability will be determined taking into consideration the inherent requirements of the position. Candidates who do not meet the requirements will not progress.

3. Reference Check

Reference Checks will be undertaken by Human Resources. Referees are required to be supplied by the candidate as previous professional colleagues in a position senior to the candidate. Reference checks will be assessed in line with the position requirements and the Shire of Capel Vision and Values.

At least one, preferably two reference checks are to be undertaken.

4. Working with Children Check

- 4.1 Working With Children Checks, issued under the *Working With Children (Criminal Record Checking) Act 2004* have been introduced to provide compulsory criminal record checking to ensure a consistent and high standard of checking for certain people who work with children.
- 4.2 Positions that require a Working With Children Clearance will be documented in the position description. Candidates who apply for positions that have the potential to work with children are required to supply their own Working With Children Clearance before an offer of employment will be made.
- 4.3 Working With Children Checks shall be updated in accordance with the requirements of the *Working With Children (Criminal Record Checking) Act 2004*.
- 4.4 The cost of obtaining the Working With Children Check will be borne by the Shire of Capel.

Policy 3.26 Designated Senior Employees

POLICY STATEMENT

For the purposes of section 5.37 of the Act, the Council designates the following employees to be 'senior employees'.

- Chief Executive Officer;
- Executive Manager Corporate Services;
- Executive Manager Community Services; and
- Executive Manager Engineering and Development Services.

RISK IMPLICATIONS

The risk implications in the recruitment process would be around the appointment of a suitable candidate for the organisation going forward. Given that Council is looking to appoint a Recruitment Organisation and Recruitment Committee to assist in this process, an extensive referee checking is undertaken plus there is the option of requesting the preferred candidate to undertake a Psychometric test it is considered that the risk implications are low.

FINANCIAL IMPLICATIONS

Budget

As seen from the confidential report provided the consultants quotations range from \$7,400 to \$8,300 (Ex GST) including travel costs to and from Capel. In addition it is estimated that an additional \$20,500 may be incurred in regards to advertising, various Due Diligence checks, flights and accommodation and relocation costs (preferred candidate).

The 2017/18 budget in 'Governance General' (schedule 4) in account 0352 'Human Resource Management Expenses' includes a general provision of \$33,000 for 'Recruitment Expenses' for the whole organisation which will require an adjustment at the mid-year budget review in February 2018.

Long Term

There will be no additional recruitment cost after 2017/18 associated with this position and the annual budget and long term financial plan makes provision for the annual costs of the Chief Executive Officer position.

SUSTAINABILITY IMPLICATIONS

There are no direct sustainability implications as a result of the recruitment process, but the Chief Executive Officer being the Administrative leader of the organisation will have input and influence on the future sustainability of the organisation.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013-2031

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

Strategic Outcome:

1.5 Ensure the effective management of Council's resources.

Corporate Business Plan 2013 -2017

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

CONSULTATION

Initial consultation has been undertaken by the CEO at the Councillor/CEO Liaison meeting in September 2017 and additional consultation has been undertaken with consultants in regards to recruitment quotations.

Further consultation will be undertaken with the appointed recruitment consultant, Recruitment Committee and applicants as part of the recruitment process.

COMMENT

Quotations were sort from three recruitment agencies in WALGA, LO-GO Appointments and John Phillips Consulting as per the decision at the September 2017 Councillor /CEO Liaison Meeting. The quotations are for the consultants to attend three (3) or four (4) meetings in Capel and assist the Recruiting Committee to undertake the following:

- Finalisation of Position Description, salary package and advertisement for CEO
- Short list of candidates selected for first round interviews
- First round interviews
- Second round interviews
- Qualification verification and reference checking
- Interview preparation
- Agenda Report to Council
- Negotiation with preferred candidate and contract preparation.

As indicated in the confidential report there will be potential additional cost for advertising the position, consultant accommodation (if required), Due Diligence checking, Familiarisation visit by candidate and relocation which will be met directly by the Council.

As can be seen from the three quotations, once travel costs are added where they have not been included in the quotation, they are relatively similar, so it is just a matter for the Council to determine who they consider is the most suitable to assist the Recruitment Committee with the recruitment of a new CEO and also who they will be most comfortable with.

The consultants providing the quotations bring various levels of expertise to the table from WALGA, being the organisation that represents the local government industry in the areas of state government advocacy and provides a range of services including Industrial Relations, that includes recruitment, to LO-GO Appointments that provides recruitment and consulting services to many local governments in WA (since 1995), NSW and Queensland, and John Phillips Consulting being a sole proprietor.

As indicated in the quotation briefs provide by the three consultants they have all been involved in the recruitment of local government CEOs over many years so all have the track record and relevant experience and knowledge to undertake this recruitment task for Council.

Council has the option of accepting either of the two lowest quotations or retain the consultant who was responsible for the current CEO's recruitment (in 2002 and was at that time employed by WALGA) and has assisted Councillors each year since that time with the annual CEO Performance Review.

Given that Council has built up this relationship with John Phillips over the last 15 years, his quotation is not significantly higher than the other two quotations (additional \$1,000) and I understand that the Councillors have been satisfied with his performance over this period, the recommendation is drafted to appoint John Phillips Consulting to undertake the recruitment for the new CEO with the Recruitment Committee on behalf of Council.

One final matter that will need to be determined is whether the Recruitment Committee will undertake both first and second round interviews with the selected applicants and then make

the recommendation to full Council to endorse or whether all the Councillors wish to be involved in the second interview process. It is a matter that can be left to discuss with the appointed consultant and get their feedback or preference, but personally, given that a Recruitment Committee is being appointed by Council I consider that it would be preferred if the Recruitment Committee was appointed to undertake the first and second round interviews and then make a recommendation to Council for endorsement.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION – 13.2
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That Council:

- 1. Appoints the President, Deputy President, Councillors _____ and the Manager Human Resources, Ms Claire Anderson as the Recruitment Committee to assist the appointed consultant in the recruitment of a new Chief Executive Officer; and**
- 2. Approves the appointment of John Phillips Consulting to assist Council in the recruitment of a new Chief Executive Officer based on the quotation of \$8,300 (Ex GST), excluding additional cost indicated in the confidential 'Chief Executive Officer Recruitment Campaign' report.**

14 ENGINEERING AND DEVELOPMENT SERVICES REPORTS**14.1 Structure Plan Amendment - Dalyellup East – Amendment No. 26 – Lots 9015 and 101 Parade Road, Dalyellup.**

Location:	Dalyellup
Applicant:	LB Planning on behalf of Piara Landholdings Pty Ltd.
File Reference:	LP.LS.7
Disclosure of Interest:	Nil
Date:	06.10.17
Author:	Senior Strategic Planning Officer, M Wansborough
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1. – Structure Plan Amendment 2. – Dalyellup East Local Structure Plan (November 2014)

IN BRIEF

This Structure Plan amendment provides the basis for future residential subdivision of one of the remaining portions of land in the Dalyellup East estate comprising the undeveloped land at the north end of Dalyellup on either side of Parade Road, up to the City of Bunbury boundary at Centenary Road.

This Structure Plan amendment seeks to change some of the residential zoning to 'Residential – Over 55s', change some of the residential density coding from R20 to R40 and improve drainage / Public Open Space through the realignment of the Five Mile Brook overland flood route.

The final decision on whether to approve this amendment to the Local Structure Plan lies with the West Australian Planning Commission, rather than the Shire of Capel. However, the Commission will be guided by the recommendation of the Shire in their decision-making.

This report recommends that the Structure Plan Amendment No. 26 be advertised for a period of 28 days to seek public and agency comment on the proposal. In accordance with the planning regulations, advertising of a structure plan does not indicate formal support for the proposal by the Shire of Capel or the Western Australian Planning Commission (WAPC).

RECOMMENDATION

That Council advertises the draft Amendment No. 26 to the Dalyellup East Local Structure Plan at Lots 9015 & 101 Parade Road, Dalyellup for a period of 28 days in accordance with clause 18 of the Deemed Provisions of Planning and Development (Local Planning Schemes) Regulations 2015.

BACKGROUND / PROPOSAL**Background**

March 2008

The WAPC resolved to adopt the Dalyellup East Local Structure Plan subject to the addition of a range of modifications including 'Land Use and Implementation Notes' that set out POS contribution and other matters and drainage issues being resolved.

May 2013

The WAPC endorsed a consolidated version of the Dalyellup East Local Structure Plan incorporating a number of previous modifications.

November 2014

The WAPC endorsed minor modification to the Dalyellup East Local Structure Plan including an additional requirement for the preparation and endorsement of Bushfire Hazard Assessments and Fire Management Plans for undeveloped land prior to lodgement of subdivision applications.

6 June 2017

The Structure Plan Amendment, the subject of this report received by the Shire.

29 June 2017

Initial Shire officer comments provided to the applicant seeking clarification and requesting additional information.

5 October 2017

Structure Plan Amendment re-submitted to address requested additional information.

Proposal

The subject land is located along the northern edge of Dalyellup East and is defined by residential development and a primary school to the south, with Regional Open Space to the west and north and open land leading to Bussell Highway to the east.

The land is cleared, low-lying and the two lots are separated by Parade Road. Together, they are approximately 28.75 hectares in area.

The applicant is seeking an amendment to the endorsed structure plan in order to address a market opportunity for over 55s residential development and to improve the design of the Five Mile Brook drainage system. In particular, the proposal seeks to amend the approved structure plan as follows:



— SUBJECT LAND

- Replacement of some of the residential cells within Lot 101 with new land use of 'Residential – over 55s' comprising 257 residential lots;
- Modify the internal road layout to account for the new 'Residential – over 55s' development cell;
- Change density codes in a number of residential development cells from R20 to R30;
- Reconfigure and reorientate POS Area 1 within Lot 101 in order to accommodate improved drainage design. Across the two lots, 16.57 hectares of public open space, excluding drainage areas, will be provided;
- Shift POS Area 9 further east, adjacent to Parade Road and delete the previous eastern R40 cell and create a new R30 cell on the western side, without laneway access;

- Update and correct a number of errors and inconsistencies in the Addendum 'Land Use Implementation Notes'

In accordance with the Regulations and the WAPC's *Structure Plan Framework* the Structure Plan Amendment documentation comprises the following key components:

- Structure Plan report;
- Urban Water Management Plan;
- Bushfire Management Plans for Lots 9015 and 101;
- Traffic Impact Assessment;
- Acid Sulfate Soils and Dewatering Management Plan;

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2 Part 4

Clause 16 – A structure plan amendment must be prepared in the appropriate manner and form, must include relevant maps or other materials and set out the following information:

- The key attributes and constraints of the area;
- The planning context for the area;
- Any proposed land uses, zoning or reserves;
- Estimates of the future number of lots in the area;
- The resulting population impacts;
- How the plan provides for key transport and other infrastructure; and
- The proposed staging of subdivision/development.

Clause 17 - Upon receipt of an application for a structure plan amendment, the local government must advise the applicant whether the submitted plan has been prepared in the correct way and contains enough supporting information for it to be assessed and advertised.

Clause 18 – Once accepted as being suitable for assessment and advertisement by the local government, the proposed structure plan amendment must be advertised in one or more ways. This can be by written notice to affected owners and occupiers, a notice in a local newspaper and on the Council's website or by erecting a sign on the subject land. This must be for a period of time not less than 14 days and not more than 28 days. The proposal must also be available for inspection in Shire offices during this period.

Clause 19 – The local government must consider all submissions made during or after the advertising period and may advertise any further modifications.

Clause 20 – Within 60 days of the end of the advertising period, the local government must prepare a report to the Western Australian Planning Commission setting out the list of submissions on the proposed structure plan amendment, the local government comments on the submissions, a schedule of any proposed modifications to the structure plan amendment, an assessment of the proposal and a recommendation on whether the proposed structure plan amendment should be approved by the Commission.

Greater Bunbury Region Scheme (GBRS)

Part 4 Clause 12(a) - The subject land is zoned Urban within the GBRS to provide for residential and associated development.

Shire of Capel Town Planning Scheme No. 7

Part 5.10 - The subject land is zoned 'Urban Development' that applies to land designated for future urban development and where structure plans are required prior to subdivision and development.

Part 5.11 - The land is within Development Contribution Plan Area 3 (DCA3) that outlines contributions to be paid at the time of subdivision.

POLICY IMPLICATIONS

State Policies

The following key State strategies and policies are applicable:

- State Planning Strategy 2050 (June 2014)
- State Planning Policy No. 1: State Planning Framework (February 2006).
- State Planning Policy No. 3: Urban Growth and Settlement (February 2006).
- State Planning Policy No. 3.6: Development Contributions for Infrastructure (November 2009)
- State Planning Policy No. 3.7: Planning in Bushfire Prone Areas (December 2015)
- Liveable Neighbourhoods (January 2009).
- South West Regional Planning and Infrastructure Framework (December 2015).
- Greater Bunbury Region Strategy (December 2013).

Local Policies

The following key local strategies, plans and policies are applicable:

- Shire of Capel Land Use Strategy (March 1999).
- Urban Landscape Strategy (October 2011).
- Dalyellup East Local Structure Plan (February 2015).
- Shire of Capel Corporate Business Plan (July 2016).

Dalyellup East Local Structure Plan (DELSP)

The subject land is identified in the DELSP as 'Residential R20', 'Residential R30' and 'Residential R40' with an indicative layout incorporating public open space.

RISK IMPLICATIONS

Medium.

If the proposal were ultimately refused by the WAPC, there is a probability of Council involvement in any SAT appeal that may result from the WAPC decision.

FINANCIAL IMPLICATIONS

Budget

There are no immediate financial implications in relation to advertising of the Structure Plan Amendment. The applicant has been invoiced estimated fees to reflect the cost for the Shire's assessment of the Structure Plan. The Shire's fees are to be paid prior to advertising.

Long Term

Subdivision within the Structure Plan area is likely to be staged over a number of years and will require the provision and maintenance of additional servicing infrastructure, local roads, drainage, public open space reserves and fire management. The shift from Residential to Residential – Over 55s is likely to impact the rateability of the proposed amendment in comparison to the residential rate base in the current endorsed plan.

At subdivision, development contributions to proposed facilities within Dalyellup are expected to be in accordance with the proposed development contribution plan and associated Scheme Amendment No. 65.

SUSTAINABILITY IMPLICATIONS

The Structure Plan has the following potential sustainability implications:

- Development of land with a range of residential densities and associated housing products that will contribute to housing choice. The shift to Residential – Over 55s may result in different effects in terms of the local economy, school provision, POS facilities, etc.
- The need to manage proposed Regional/Public Open Space and development interface.
- Subdivision and housing construction, in addition to potential home based business will contribute to the local and regional economy.

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 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.

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

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

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

Strategic Outcome:

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

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.

CONSULTATION

A number of meetings and communications between Shire officers and the applicant were undertaken prior to lodgement of the Structure Plan Amendment as reflected in the Background section of this report.

In accordance with the Regulations, advertising of the Structure Plan for a period of 28 days is proposed to comprise:

- Notice to owners and occupiers of land abutting and near to the subject land;
- Notice in a local paper and on the Shire's website;
- Referral to a range of government agencies to be confirmed with the Department of Planning, Lands & Heritage; and
- Placement of two signs on the subject land at Parade Road.

COMMENT

Structure Plan format and content

The proposed Structure Plan amendment is considered to be in an appropriate format and includes the relevant maps and other material in accordance with Clause 16 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

In addition, the proposal is supported by the appropriate information required by the Regulations in that it details:

- the environmental and physical attributes and constraints of the area;
- the planning context;
- the proposed land uses and zonings;
- the proposed number of residential lots;
- the estimated population (incorporating demographic changes) across the whole structure plan area;
- the required road, drainage and other infrastructure;
- the anticipated staging of residential and Residential – Over 55s development.

Therefore, it is considered that the proposal meets all the requirements for a properly made Structure Plan amendment as set out in Clause 16 of the Regulations.

Residential – Over 55s Land Use

The proponent is seeking to introduce an additional residential land use option within an existing residential area in the central portion of Lot 101. The proposal seeks to provide a greater variety of housing types within the Dalyellup locality to cater for the diverse needs of the community.

It is intended that the future development of the site will be governed by the development requirements of the Shire of Capel Town Planning Scheme No. 7 in combination with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Ground Regulations 1997. The proposed site is approximately 6.44 hectares in area.

Residential Density

The Structure Plan proposes residential densities ranging from R20 to R40 in order to ensure consistency with densities within the Dalyellup area and the designation of the site for potential urban development. Higher density housing is identified within strategic locations near public open space, schools, public transport corridors, etc.

Public Open Space and Drainage

The proposal seeks to reorientate and relocate POS Area 9 in order to improve the setting and amenity of the residential development as well as POS Area 1 in order to improve drainage function and provide a more suitable fire separation distance between existing vegetation along Centenary Road and the proposed residential dwellings. The reconfigured POS 1 also seeks to

improve the water management regime for the Structure Plan Area with specific focus on maintaining appropriate drainage management and flood mitigation measures, including the function of the Five Mile Brook Overland Flood Route.

The Structure Plan amendment is supported by an Urban Water Management Plan that will require further detailed assessment including referral to the Department of Water and Environment Regulation which may result in the structure plan amendment requiring further modification.

Bushfire management

The Structure Plan Amendment includes two Bushfire Management Plans (BMP) – one for Lot 9015 and one for Lot 101 - that will require detailed assessment and approval prior to final endorsement of the structure plan amendment.

The applicant has indicated that, with the inclusion of appropriate management measures, no dwelling (building envelope) will attract a Bushfire Attack Level rating that exceeds BAL-29. It should be noted that some lots on the western and northern edges of the subject land require 9m setbacks from the primary street boundary in order to meet this requirement.

Traffic assessment and connection to the Local Road Network

The Structure Plan amendment includes a traffic assessment of the proposed new local road network. The applicant indicates that the anticipated volume of traffic will have minimal impact on the existing and proposed transport networks. They consider that the proposed road network is permeable and will reinforce distribution of traffic onto the higher hierarchy roads, with dual use shared paths around the Residential – Over 55s development, thereby ensuring neighbourhood amenity and pedestrian safety.

Servicing

Upon subdivision the subject land would be serviced with power, reticulated water, sewer, gas and telecommunications by extension of existing service networks.

Community facilities development contribution

Contributions to community facilities will be expected from subdivision in accordance with the Shire's Development Contribution Plan and Scheme Amendment No. 65, once gazetted. Under this draft Development Contribution Plan, one/two bedroom grouped/strata dwellings (including 'lifestyle village' dwellings) may contribute 50% of the relevant rate at the discretion of Council.

Conclusion

The Structure Plan is considered suitable for the purposes of advertising in accordance with Clauses 16 and 17 of the Regulations. Shire officers and Council will have further opportunities to consider the proposal and issues raised in further detail following advertising.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council advertises the draft Amendment No. 26 to the Dalyellup East Local Structure Plan for Lots 9015 and 101 Parade Road, Dalyellup for a period of 28 days in accordance with clause 18 of the Deemed Provisions of Planning and Development (Local Planning Schemes) Regulations 2015.

14.2 Land Rationalisation – Maslin Street, Capel

Location:	Reserve 37646 and Lot 19 Maslin Street, Capel
Applicant:	Shire of Capel
File Reference:	C5.96.47
Disclosure of Interest:	Nil
Date:	02.10.17
Author:	Strategic Projects Officer, S Mahmud
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1. Drawing 001- Maslin Street Land Rationalisation 2. Schedule of submissions

IN BRIEF

Consideration to rationalise a poorly located recreation reserve and an existing Shire-owned residential lot through a land swap and boundary realignment.

The Retention of Public Open Space would be achieved by relocating it immediately to the north (adjacent to Reserve 28743) and creating a more useable residential lot on the residual land. The proposal has been discussed with the Department of Lands who supports it and advised to apply for subdivision. The proposal has been advertised to the community and received positive feedback.

RECOMMENDATION**That Council:**

- 1. Supports the rationalisation of Reserve 37646 and Lot 19 Maslin Street, Capel, as shown in Drawing 001 to achieve the creation of a new recreation reserve and residential lot.**
- 2. Authorises the Chief Executive Officer to apply to the Western Australian Planning Commission to realign the boundaries and subdivide to create a new recreation reserve and residential lot as shown in Drawing 001.**

BACKGROUND/PROPOSAL**Background**

September 2009 (OC0919, OC0920) – Council in considering the subdivision of Lot 173 Roe Road, Capel resolved to commence processes associated with the purchase of Lot 19 Maslin Street (and amalgamation with Reserve 37646) by the use of cash-in-lieu of public open space funds.

October 2010 – the Minister for Planning approved a request to use cash-in-lieu funds (Public Open Space) for the purchase of Lot 19 Maslin Street, and supported amalgamation with Reserve 37646 as well as requesting that Reserve 37646 and Lot 19 be rezoned to 'Recreation' reserve.

April 2011 (OC0404, OC0405) - Council resolved to instruct the CEO to proceed with a formal offer to purchase Lot 19 Maslin Street.

June 2011 (OC0609) – Council resolved to proceed with purchase of Lot 19 Maslin Street following a counter offer from the vendor.

August 2011 – Lot 19 Maslin Street transferred to the Shire of Capel.

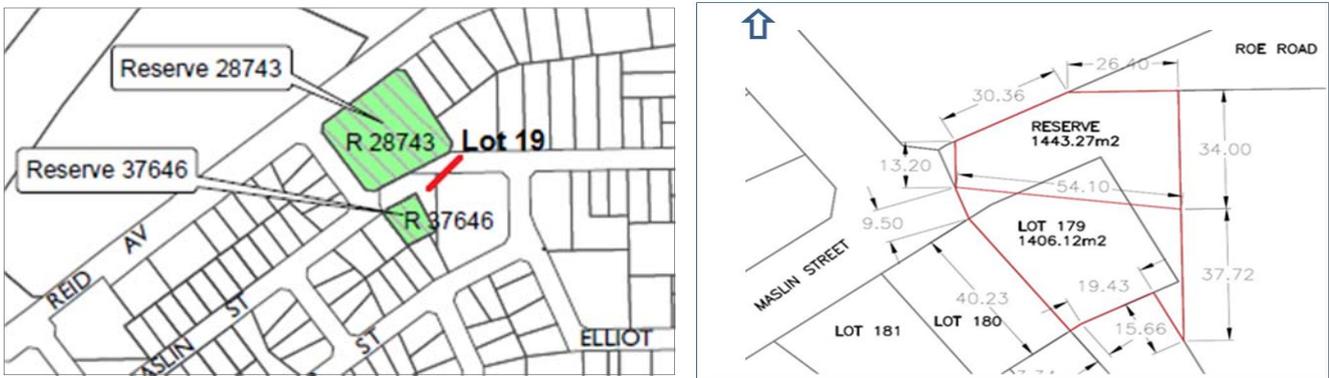
July 2015 (OC0704) – Council resolved to adopt Scheme Amendment No. 60 which includes a proposal to rezone Reserve 37646 and Lot 19 Maslin Street from R10/R15 to R20 in accordance with the endorsed Townsite Strategy.

September 2015-May 2017 - Communication with Department of Lands. The Shire sought the Department's opinion regarding the proposal.

May 2017 – The Department of Lands support the proposal and advised the Shire to progress the proposal with a subdivision application to Department of Planning.

Location and Description

Reserve 37646 and Lot 19 are situated between Maslin Street and Roe Road, Capel. The reserve currently has no road frontage and is surrounded by residential zoned land. Lot 19 is an unusually shaped residential lot with dual road frontage, being residual land following subdivision of the locality. Lot 19 has some vegetation in the north of the lot and the reserve is largely cleared apart from a large eucalypt near its western boundary. Both parcels are currently zoned Residential.



The proposal to rationalise Reserve 37646 and Lot 19 Maslin Street will create a new Reserve with a management order in the Shire of Capel (for Recreation) and a residential lot (see sketch above). This is to be achieved by a land swap with the Shire being responsible for the associated costs.

The current area of Reserve 37646 is 1,320m² while the area of the new Reserve would be a 1,443 m² and the new residential Lot 179 would have an area of over 1,400m².

Proposal

That Council:

1. Supports the rationalisation of Reserve 37646 and Lot 19 Maslin Street, Capel, as shown in Drawing 001 to achieve the creation of a new recreation reserve and residential lot.
2. Authorises the Chief Executive Officer to apply to the Western Australian Planning Commission to realign the boundaries and subdivide to create a new recreation reserve and residential lot as shown in Drawing 001.

STATUTORY ENVIRONMENT

Shire of Capel Town Planning Scheme No. 7

The Scheme is a statutory planning instrument for the implementation of land use and development control in the Shire via various zoning and development provisions. The subject land is currently zoned Residential R20 as per the adopted Scheme Amendment No. 60 in order to provide additional flexibility in the residential development of the locality.

Reserve 37646

Reserve 37646 was created in 1982 as a C-class reserve for the purpose of Public Recreation and is currently unmanaged. It was created as a condition of subdivision.

The Planning and Development Act 2005 provides for certain land to be vested in the Crown, including for the purpose of recreation, in which case the land would usually be managed by the Shire. The current proposal for Reserve 37646 relates to a rationalisation in conjunction with an adjoining lot to ensure that useable and accessible public open space is provided that is the reserve is proposed to be moved immediately north to provide road frontage with both Maslin Street and Roe Road. This will result in the retention of a local recreation reserve which will be improved and managed by the Shire.

Section 87 (2) of Land Administration Act 1997 (LAA)

- (2) Whenever the Minister considers that a parcel of Crown land is —
- (a) unsuitable for retention as a separate location or lot, or for subdivision and retention as separate locations or lots, because of its geographical location, potential use, size, shape or any other reason based on good land use planning principles; but
 - (b) suitable for —
 - (i) conveyance in fee simple to the holder of the fee simple; or
 - (ii) disposal by way of lease to the holder of a lease granted by the Minister under this Act,
 of land adjoining that parcel,
- the Minister may, with the consent of that holder and on payment to the Minister of the price, or of the initial instalment of rent, as the case requires, agreed with that holder, by order convey that parcel in fee simple or lease that parcel to that holder and amalgamate that parcel with the adjoining land.

POLICY IMPLICATIONS

The following Council policies apply:

- Council Policy 6.13: Capel Townsite Strategy
- Council Policy 6.14: Capel Public Open Space Strategy.

Council Policy 6.13: Capel Townsite Strategy is an extensive policy document that sets out the key long-term planning directions for the Capel Townsite. Under the community facilities and recreation strategy, action nos. (v), (vi), (viii) are relevant to this proposal and are identified as an ongoing priority:

- (v) Ensure adequate and appropriate provision of local open space and community facilities via the structure planning and subdivision processes;
- (vi) Ensure that local open space provided by these processes is available for active and passive recreational needs and preserves significant landscape and other local features.
- (vii) To rationalise open space requirements and use of cash in-lieu contributions to improve recreation and community facilities and quality of local open space;

Council Policy 6.14: Capel Public Open Space Strategy was formulated to guide the provision and development of all public open space (POS) within the town of Capel between 2011 and 2021. Under the implementation strategy, actions 9.1 and 9.2 are identified as high priority and action 9.3 is identified as a medium priority.

- 9.1 Seek management order for Reserve 37646 Maslin Street.
- 9.2 Investigate acquisition of Lot 19 Maslin Street and portion of Roe Road for amalgamation with Reserve 37646 Maslin Street to provide road frontage and legal access to Reserve 37646 – use cash-in-lieu funds to acquire Lot 19.

- 9.3 Install a playground on Reserve 37646 to improve facilities for local residents in Maslin/Tucker Streets subject to achieving an adequate level of surveillance from the street; and provide a footpath from Maslin Street to Roe Road.

RISK IMPLICATIONS

The proposal of land rationalisation can be considered as a low risk proposal however, the Shire will be responsible for costs associated with the subdivision process, and ongoing costs of maintaining the reserve in future.

FINANCIAL IMPLICATIONS

Budget

There is an allocation of \$5,000 in 2017/18 for Maslin Street Land Rationalisation which is not sufficient to commence the subdivision process.

A cost estimate has been prepared to identify the cost for subdivision application.

Item	Description	Cost
1	Survey cost and the cost of preparation of deposited plan.	\$9,007
2	Application fee to the Western Australia Planning Commission	\$2,101
	Total	\$11,108

Should the Council approve the proposal, \$7,000 can be added in the midyear budget review to commence the subdivision process.

Long Term

Subdivision of the residential lot and preparation for development will require expenditure on a number of items including a crossover, land fill, fencing and provision of services. These costs are currently estimated at about \$50,000. The sale of the lot could realise approximately \$130-150,000 which would be adequate to cover the costs of development and provide some recreation facilities in the local park.

Item	Description	Qty	Unit	\$ Rate	Cost
1	Pre Geotechnical Report	1	Item		\$1,902
2	Post Geotechnical Report	1	Item		\$1,728
3	Strip top soil and respread	1421.7	m ²	\$5.00	\$7,109
4	Imported fill	426.5	m ³	\$15.00	\$6,397
5	Spread and compact imported fill	426.5	m ³	\$6.00	\$2,580
6	Electricity provision(Electric pole might need to relocate)	1	Item		\$15,000
7	Provision of Sewer and Water	1	Item		\$277
8	Provision for Fencing	1	Item		\$15,000
				Total	\$49,994

In the Long Term Financial Plan, there is an allocation of \$133,500 in the 2019/20 financial year for a new Maslin Street playground including signage.

SUSTAINABILITY IMPLICATIONS

It is anticipated that the land rationalisation will enable more efficient use of existing urban zoned land. The proposal would have considerable social benefit to the residents of the surrounding area given it would facilitate development of an accessible local playground and recreational area. This will be difficult to achieve without the rationalisation in view of the current access and frontage constraints to the reserve. Provision of a formal path system connecting Maslin Street to Roe Road would also have social benefit as this would be the primary pedestrian link between this area and the town centre.

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:

1.3 Develop, support and implement innovative solutions.

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

Strategic Outcome:

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

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

Strategic Outcome:

3.2 Maintain and enhance the quality of our unique natural environments

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

Strategic Outcomes:

4.4 Improve the attractions 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 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.

5.4 Advocate for the provision of safe, efficient and reliable communication services throughout the Shire.

5.5 Engage in high level advocacy with the State Government and liaise with other infrastructure providers to obtain best possible levels of service for the community.

5.6 Effectively manage the Shire's assets and resources.

Capel Townsite Strategy

The endorsed Capel Townsite Strategy identifies Lot 19, Reserve 37646 and surrounding land as residential with the outcome of increasing the residential design code to R20. An action under 'population growth and land supply' is to *"generally increase the densities of residential areas*

within the town to achieve efficient use of serviced land consistent with more contemporary and sustainable urban density principles".

Capel Public Open Space Strategy

The POS Strategy was adopted by Council in 2011 to provide a basis for the improvement of the quality and diversity of POS in Capel and the delivery of improved recreation services to ensure sustainable use of the Shire's resources. The Strategy forms a part of the local planning framework influencing decision-making in relation to structure planning, land use and development in Capel. In relation to Reserve 37646 and Lot 19 the Strategy recommends:

- acquisition of Lot 19 Maslin Street and portion of Roe Road for amalgamation with Reserve 37646 to provide road frontage and legal access to the Reserve;
- installation of a playground to improve walkability for local residents in Maslin/Tucker Streets subject to achieving an adequate level of surveillance from the street; and
- provide a footpath from Maslin Street to Roe Road.

CONSULTATION

The proposal has been advertised to the community through Shire the website and Facebook page. Nearby residents and the relevant Government departments were contacted through formal letter and asked to submit their comments. The schedule of submissions is attached.

COMMENT

The proposal will create a new recreation reserve between Maslin Street and Roe Road, Capel adjacent to the existing Reserve 28743 (Public Recreation and Drainage). The new reserve could be developed with a small playground and seating with funds generated from the sale of the residential lot. An existing informal path connects Maslin Street to Roe Road which could be upgraded as required. The area of the new reserve slightly greater than that of the current Reserve 37646 (1,320m²).

The residual land would be created as a residential lot adjacent to existing residential lots (to the east, south and west) rather than between two reserves. The proposed Lot would have an area of over 1,400m². The proposed residential lot has an adequate area to be considered for a duplex or triplex development pursuant to the anticipated R20 coding however there may be issues with frontage and 'useable' area which prevent grouped dwellings being approved. Pursuant to the Shire of Capel Town Planning Scheme No. 7, a grouped dwelling development is a AA use in the Residential zone, which means it is not permitted unless the Council has granted its planning consent.

The proposal is considered a more efficient and effective use of the available land resources and will result in more useable and accessible local park for the community as well as a more regular-shaped and useable residential lot.

It is considered the proposal will benefit the community and land use outcomes in the locality and it is, therefore, recommended that the Shire commence the subdivision application process with the West Australian Planning Commission to close off Reserve 37646 and boundary realignment with Lot 19 Maslin Street to achieve the creation of a new local park and residential lot.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 14.2

That Council:

- 1. Supports the rationalisation of Reserve 37646 and Lot 19 Maslin Street, Capel, as shown in Drawing 001 to achieve the creation of a new recreation reserve and residential lot.**
- 2. Authorises the Chief Executive Officer to apply to the Western Australian Planning Commission to realign the boundaries and subdivide to create a new recreation reserve and residential lot as shown in Drawing 001.**

14.3 Extractive Industry – Lot 393 Lowrie Road, Gwindinup

Location:	Gwindinup
Applicant:	Mario Michele Giacci
File Reference:	LOWR393 EILGIA1
Disclosure of Interest:	Nil
Date:	04.09.17
Author:	Planning Officer, L Sandon
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1. Location Plan 2. Schedule of Submissions 3. Development Plan Ver 2 4. DMP Attachment

IN BRIEF

That Council grant Development Approval, subject to conditions, for the extraction of sand and gravel from Lot 393 (79) Lowrie Road, Gwindinup, and grants an Extractive Industry Licence for a period of five years, subject to conditions.

RECOMMENDATION**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, resolve to grant Development Approval for 'Industry-Extractive' on Lot 393 Lowrie Road, Gwindinup for a period of 5 years subject to conditions; and**
- 2. Pursuant to the Shire of Capel Extractive Industries Local Law 2016, resolves to grant an Extractive Industry Licence for a period of five years from the date of issue of the Development Approval, for Lot 393 Lowrie Road, Gwindinup and that the Executive Manager Engineering and Development Services be authorised to sign the Licence on behalf of the Council.**

BACKGROUND / PROPOSAL**Background**

There are no development records applicable to the site.

Proposal

The Shire of Capel has received an application from Mario Giacci for an Extractive Industry Licence to commence extraction of sand at Lot 393 Lowrie Road, Gwindinup and a summary of the proposal is as follows:

- The estimated extraction volume of sand is 290,520m³ and gravel is 645,600m³ for supply to the construction industry.
- Sand and gravel are to be extracted in 17 stages commencing from the southern boundary and progressing northwards.
- A five-year extractive licence is sought; being the maximum period granted.

- The existing Blue Gums onsite will be harvested; the remaining native vegetation on the property will be cleared as required and burnt onsite.
- Extraction is planned to be progressed in 2.0ha stages and once excavation of sand and gravel has been completed, the stage will be rehabilitated as excavation moves forward.
- Removal of the topsoil and any remaining litter will proceed as a staged process. The top soil/litter will be removed and stored to a maximum height of 4m.
- Noise emissions are proposed to be managed by the use of bund systems and by utilising the face of the pit.
- A Dust Management Plan has been prepared for the site. Dust is to be managed during the extractive operations by monitoring dust movements onsite. Activities are to cease if visible dust is seen leaving the site in a north-easterly direction.
- Temporary detention basins will be formed at the base of each stage to retain runoff from any storm events.
- The material will be ripped and moved with a bulldozer and crushed using a portable crushing plant. This process will be based at the face of the active pit to maximise noise attenuation. The treated material will then be screened and stockpiled as required per stage.
- Access to the site will be via an existing track linking to Lowrie Rd which is a sealed 6.2m wide road suitable for heavy truck movements.
- The expected amount of material to be removed annually is 50,000 m³. With truck and trailer configurations carrying up to 55 tons it is anticipated that a maximum of 5 - 10 trips per day can be expected from the site.
- The hours of operation are proposed to be between 7.00am to 6.00pm Monday to Saturday.
- Overburden will be placed to complete an acoustic bund on the northern edge of each stage.
- Post excavation landforms are designed with a maximum batter of 1:10 with the pit floor no closer than 3.0m from groundwater.
- The pit is to be rehabilitated to pasture after extraction.
- Ripping prior to replanting is to take place along contour lines to a minimum of 0.6m deep with a minimum of 1m centres between lines.
- Stockpiled top soil/litter mix, will then left to settle until seeding takes place in early autumn.
- No structures are proposed to be constructed.

STATUTORY ENVIRONMENT

Town Planning Scheme No.7 (TPS7)

Lot 393 is zoned Rural and has an area of 40.94 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

under Clause 8.2.2 TPS7. Public and government consultation has been undertaken as detailed within the Consultation section of this report.

The following clauses of TPS7 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 objectives 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 Scheme

Clause 68, Determination of application

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

Greater Bunbury Region Scheme (GBRS)

Under the GBRS the subject is zoned Rural. The proposed development is within the GBRS Strategic Minerals and Basic Raw Material Resources area and buffer referral area for Titanium –Zircon mineralisation.

Shire of Capel Extractive Industry Local Law

Clause 2.1: Extractive industries prohibited without licence

A person shall not carry out an extractive industry –

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

Clause 3.1: Determination of application

Without limiting subclause (2), the local government may impose conditions in respect of the following matters-

(5)(q) Requiring 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.

Clause 6.1: Limits on excavation near boundary

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within –

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any thoroughfare;
- (d) 50 metres of any bore, watercourse, wetland, swamp or other water reserve; or
- (e) 2 metres of the estimated maximum groundwater level as determined from time to time by the Department of Water or otherwise as adopted by the local government.

POLICY IMPLICATIONS

GBRS- Strategic Minerals and Basic Raw Material Resources Policy 2005

4. Objectives:

- 4.2 To prevent mineral resources and basic raw materials of State or regional significance being sterilised from incompatible development and land uses.
- 4.3 To encourage the mining of mineral resources and extraction of basic raw materials in accordance with environmental standards.
- 4.4 To promote the rehabilitation and restoration of mining and extraction sites after works have been completed, in a way that is consistent with the long-term use of the land.

8. Referral and Applications:

- 8.2 The WAPC, prior to determining subdivision and development applications on land within, adjacent to, or in close proximity to the policy areas will consult Department of Industry and Resources and have due regard to advice and recommendations, except where the Department of Industry and Resources has agreed that particular types of development in specific areas do not require referral.

The application was referred to the Department of Mines and Petroleum (DMP) (Formerly Department of Industry and Resources) for comment and recommendation. DMP recommendations are discussed in the Comment section of this report.

RISK IMPLICATIONS

The level of risk applying the Shire Risk Management Matrix is considered to be 'Low' to the Shire in terms of Financial and Compliance matters.

The Shire requires financial bonds to mitigate risk. The heavy haulage associated with Extractive Industries causes road damage and is considered a financial risk to Shire infrastructure, this risk is mitigated through a *Road Deterioration Agreement* as an extraordinary expense to the Extractive Industry Licence. The Environmental risk is mitigated through the Clearing Permit issued by the Department of Water and Environmental Regulations.

FINANCIAL IMPLICATIONS**Budget**

The applicant has paid \$739.00 for an application for Development Approval and \$3,002.00 for an Extractive Industry Licence application.

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

Long TermRoad 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) requires 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.

The Shire's *Road Deterioration Preservation Funding For Extractive Industries* calculator provides a consistent and transparent process and 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 proposed access to the site is via Lowrie Road, which is under the care and control of the Shire therefore requires a Road Deterioration Agreement with the Shire of Capel.

An agreement signed between the Applicant and the Shire based on these calculations will result in a road damage contribution of approximately \$36,000 for the 936,000m³ of material trucked along Lowrie Road over the life of the pit.

Rehabilitation

Extraction Industries are required to lodge a rehabilitation bond, the intent for the retention bond is to provide an incentive to rehabilitation performance. Should the licensee fail to rehabilitate, the bond may be used by the Shire to undertake the required works. The Shire's *Schedule of Fees and Charges 2017/2018* list the minimum bond, an extractive Industry Rehabilitation agreement will need to be entered into between the Shire and the Applicant to detail rehabilitation expectations and authorised use the bond in the absence of adequate rehabilitation.

A rehabilitation bond for the first stage will be required before a licence is issued which equates to 4ha (Stage 1 and 2) x \$ 27,655 = \$110,620.

Rehabilitation bonds will be reviewed annually.

SUSTAINABILITY IMPLICATIONS

Extractive Industries can have impacts on the community by way of noise, dust and traffic. The current Environmental Protection Authority (EPA) buffer distances guidance notes consider that an acceptable buffer distance between sand quarry of this nature and surrounding residence should be 300-500 metres. The nearest surrounding residence is Lot 26, 500m to the northeast.

The Extractive Industry will have an environmental impact, as it requires the removal of vegetation in the extraction area. The Clearing Permit is yet to be issued by the Department of Water and Environmental Regulation (DWER) and may be subject to conditions.

The Extractive Industry may have an environmental impact to Black Cockatoos including Baudin's cockatoo (*Calyptorhynchus baudinii*) and Carnaby's cockatoo (*Calyptorhynchus latirostris*). A Black Cockatoo Habitat Assessment of proposed clearing area of Lot 393 Gwindinup identifies that areas of the extractive area and proposed clearing contain trees which potentially could be used for habitat. The DWER has provided no comment regarding the clearing permit however, as there is only one tree within the application area, the proposed clearing is unlikely to have any significant impact on Black Cockatoos.

The Extractive Industry will have an economic impact, as sand and gravel are an essential material in the construction of residential housing and civil construction industry. A continuing supply of low-cost basic raw material is an important part of maintaining the lifestyle and infrastructure that all Western Australians enjoy. The *Basic Raw Material, Demands and Supply Study for the Bunbury –Busselton Region (2012)* discusses the price of the material is relatively low however; there is significant cost in transportation. Having a good supply of sites within the South West from which sand may be obtained assists in reducing the cost for construction in the community.

STRATEGIC IMPLICATIONS

State Planning Strategy 2050

This strategy identifies the Greater Bunbury Area progressing towards becoming a conurbation (continuous urban area) with the Perth and Peel regions. The strategy highlights the importance of mining growth 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 region.

It is important to note that these principles are broad, and are provided at a micro 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 and Structure Plan prepared by the Department of Planning to guide urban, industrial and regional land use with the City of Bunbury and Shires of Capel, Dardanup and Harvey.

The subject site is located within the area classified as *Residual of study area: rural (no change to land use)*.

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

In addition the Strategy outlines the challenge for sustainable Greater Bunbury, which specifically identifies the lack of suitable fill for new Greenfield development with drainage issues. The Department of Planning response to the matter was to identify and safeguard the resources required for extractive industries, future fill requirements and construction.

Shire of Capel Land Use Strategy 1999

The subject lot is within Planning Unit CA5- Capel – Scarp and Plateau.

The CA5 objective is to allow for the continued mining of valuable mineral deposits, protect the regional water resource recharge zone, conserve foresting land and protect good quality horticultural land.

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’ need 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.

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

Strategic Outcomes:

- 4.8 Support the retention of the mining industry.
- 4.9 Encourage business development.

CONSULTATION

This application was advertised for comment for a period of 46 days ending 14 July 2017. Advertising consisted of:

- An advisory letter to 19 surrounding property owners mailed on 29 May 2017;
- A referral letter and USB of the application mailed to 10 Government Departments;
- A referral letter and USB of application mailed to the Capel Land Conservation District Committee (LCDC);
- A notice erected at Lot 393 Lowrie Road, Gwindinup;
- A notice in the ‘South Western Times’ newspaper, Thursday 1 June 2017; and
- A notice on the Shire of Capel website from 29 May 2017.

The Shire received submissions from nine Government Departments and three public submissions as contained in Attachment 2. The Schedule of Submissions has been forwarded to the applicant for consideration and response.

The Shire received one late submission from the Department of Biodiversity Conservation and Attractions on 25 August 2017.

Comments received from the public concern previous mine and extraction areas being filled with mixed soils and weeds, stormwater runoff, dieback management, removal of Black Cockatoo habitat, burning of existing vegetation and management of feral animals during rehabilitation. These concerns have been addressed and commented on in the Schedule of Submissions (Attachment 2).

COMMENT**Vegetation Clearing and Rehabilitation**

The Shire received a late submission from the Department of Biodiversity Conservation and Attraction (DBCA) with the following comments and recommendation. The submission was forwarded to the Department of Water and Environmental Regulation (DWER).

“Subject to the Department of Water and Environmental Regulation and Department of Environment and Energy (DoEE) evaluation, DBCA advises the Lot 393 extractive industry boundary should include a 40m buffer to adjacent vegetated lots and retain the Black Cockatoo habitat trees with large hollows as depicted on Attachment One. Some trees with smaller hollows provided for future hollow recruitment and should be retained as buffering of nesting trees, and to provide fauna corridor linkage to adjacent areas. This should be the minimum amount of habitat retention”.

“Parks and Wildlife service recommends that the extractive industry 40m boundary buffers, with retained native vegetation, and the retained Black Cockatoo nesting tree areas, as depicted on Attachment one, be revegetated with dieback resistant local endemic species with a suitable planting density to create canopy connectivity between trees. The recommended rehabilitation/revegetation area are depicted on Attachment Two, and include portions of extraction areas to consolidate native bushland areas.”

“If clearing is deemed unavoidable, any clearing of Black Cockatoo habitat trees should be undertaken to avoid the breeding season where possible. Approved clearing of Black Cockatoo habitat should be undertaken as per Parks and Wildlife Services clearing protocols. If nesting Black Cockatoos are found to be present in other trees, every effort to retain the tree plus buffering trees should be made. Failing this, these nesting trees are not to be removed until confirmation by a suitably qualified person that the Black Cockatoos are no longer residing in the tree.”

“The proponent should prepare and implement a native vegetation rehabilitation (NVRP) plan in consultation with DBCA. The NVRP should include objectives, site preparation, species planting densities, success criteria, monitoring and reporting, and final sign off of successful revegetation”.

The clearing of vegetation is regulated by DWER who has advised that it will not be determining the clearing application until after the Council has determined the Extractive Industry Application.

Shire officers reviewed the DBCA submission and supported a number of modifications to the proposal. Following additional consultation with the applicant regarding the DBCA submission the applicant agreed to the following modifications to the proposal:

1. Where the removal of habitat trees with nesting hollows as per the Habitat Tree Assessment is proposed, the following will be required:
 - a. For each of these trees removed two (2) “Cockatube” Black Cockatoo nesting boxes are to be placed in remaining trees, following the installation guidelines height and aspect for these nesting boxes.
 - b. Any clearing of Black Cockatoo habitat trees should be undertaken to avoid the Black Cockatoo breeding season and follow the clearing protocols set out by the DBCA.
 - c. Buffers from the proposed extraction boundaries to the eastern and southern boundaries to be increased from 20 metres to 40 metres where adjacent to forest to provide remaining trees for nesting boxes to be placed into.
2. Modification to the Rehabilitation Plan to rehabilitate back native vegetation instead of the proposed pasture. The plan is to include a native vegetation corridor of 150m strip on the northern boundary and 300m of the southern boundary from east boundary to west

boundary. Vegetation species are to be suitable as a wildlife corridor to allow free movement of wildlife across Lot 393 from boundary to boundary. The applicant should prepare and implement a native vegetation rehabilitation plan in consultation with DBCA.

3. Any clearing should be limited to clearing in stages of no more than 2 hectares at a time in line with extraction staging.

The applicant has agreed to modifications to the proposal and has submitted revised Development Plans increasing the extraction buffer. The applicant will provide a modified clearing and rehabilitation plan (and rehabilitation bond) for approval if Development Approval is granted.

Dieback Management

A Dieback Management Plan for the adjoining Extractive Industry site at Lot 287 is required prior to works commencing. Given the potential for dieback disease to be spread to the adjoining regional ecological linkage vegetation and reserve areas, it is recommended a Dieback Management Plan be prepared for Lot 393 by a suitably experienced person in consultation with, and to the satisfaction of DBCA prior to works commencing and will be included as a recommended condition.

The Dieback Management Plan should include mapping of dieback occurrence and dieback free areas, areas of risk from dieback introduction and spread and the dieback status of areas potentially at risk. The Dieback Management Plan should also include contours, information regarding drainage patterns, drainage control and the management of truck and machinery movements.

Previous Mining Tenement

The Department of Mines and Petroleum (DMP) has raised concerns regarding the north western portion extraction area comprising less than 5ha (see Attachment 4). The DMP has been advised that mining is completed at this location from the tenement holder, however, regulatory rehabilitation sign off has not been granted. Therefore the DMP cannot support the basic raw materials extraction in this area. The DMP has no concerns with the remaining 27ha of the proposed extraction area.

The applicant has sent a letter to the tenement holder (Cristal Mining) of the acceptance of the site in its current state.

The applicant has agreed to modifications to the proposal and development plan to exclude the 5ha area to the north western portion which is currently under regulatory rehabilitation.

Water Management

The Department of Water and Environmental Regulations (DWER) have raised concerns regarding stormwater management including ensuring appropriate management of runoff, depth of excavation, dewatering of site and the potential to store hydrocarbons. A Stormwater Management Plan and a separation to the groundwater of 3m is to be conditioned if Development Approval is granted.

Staging of Clearing

DWER considered it unacceptable for an extractive industry site of this size (32ha) to be cleared at one time in advance of active extraction. The clearing of any vegetation on site will be in accordance with conditions prescribed by a Clearing Permit issued by the Department of Water and Environment Regulation. Further to the initial clearing of 2 stages progressive clearing to be endorsed by the 'Executive Manager Engineering and Development Services'.

Noise Management

A Noise Assessment was undertaken for the adjacent Lot 287 extraction area in 2013, which indicated that noise could be managed by the use of bund systems and by utilising the face of the pit. In the event that noise complaints are received the Shire will require the licensee to arrange noise monitoring to be conducted and further noise mitigation measures to be undertaken if required. No complaints have been received regarding noise emissions from the existing extraction site at Lot 287 since operations commenced in 2013.

Dust Management

A Dust Management Plan has been developed with onsite visual monitoring measures in place combined with signage advising the public of the address of the responsible person to be contacted in the event of a complaint against the operation of the pit.

The Dust Management Plan submitted in the application advised that in the event of receiving a complaint, the Extractive Industry Licence licensee is to complete the dust complaint form, investigate, and administer the necessary rectification within seven days in terms of the Management Programme. Shire officers consider that a time frame of seven days for the rectification of complaints is unacceptable and that all complaints should be rectified within four hours.

The Dust Management Plan indicates that internal roads will be watered down if excessive wind is present from an easterly direction. Shire officers are concerned that as the lot is adjacent to Morris Road and Lowrie Road, wind from other directions could create dust impacts to those road users. Due to the presence of possible traffic from two roads fronting the site, a water cart onsite would be considered appropriate during drier periods of the year.

Shire officers recommend that the Dust Management Plan be modified to include water carts in dry weather and complaints resolution within four hours as a condition of any approval.

Operating Hours

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

Limiting the hours of operation to 7am to 6pm Monday to Friday will ensure neighbouring properties amenity is not impacted on weekends and should not affect the viability of the project.

Council is recommended to limit the operational hours from 7am to 6pm Monday to Friday with no operations on weekend or public holidays to keep the operational hours consistent with the existing operation adjacent at Lot 287.

Traffic Impact

The amount of traffic likely to be generated by the proposal approximately equates to 5 to 10 truck movements per day, subject to market demands. The subject site has access through Lowrie Road (a designated Restricted Access Vehicle (RAV) network). The site is approximately 500m from South Western Highway, being a Primary Regional Road under the care and control of Main Road Western Australia (MRWA).

The road system in the locality including Lowrie Road and South Western Highway are designed for the capacity for heavy haulage traffic for the surrounding land uses. South Western Highway traverses through Boyanup Townsite to the north of the subject site. The proposed development will accumulatively increase traffic to the locality however, it is considered that the surrounding road network has the capacity to manage the increase in traffic.

Planning

The subject lot under the GBRS and TPS7 is zoned Rural. The Rural zone is “to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments.”

The proposal is consistent with this purpose as it will enable the extraction of basic raw materials while ensuring the long term landscape setting and environmental values in the locality are maintained. In addition, the GBRS also identifies the site within the Strategic Minerals and Basic Raw Materials Resource Policy area. During past extraction activity on the site, no mineral strata have been encountered. It is acknowledged, that in the unlikely event that minerals be encountered, work will be stopped to ensure protection of this resource and contact be made with the relevant authority. On this basis, the proposal is consistent with the intent to realise the basic raw materials from the site.

The proposed modification and conditions will provide standards to secure and maintain the orderly and properly planned development of land.

Conclusion

The proposed landuse is considered consistent with Regional and Local Planning documents and concerns raised have been addressed through modifications to the proposal.

The submission and approval to the satisfaction of the Shire of; Stormwater Management Plans, Dieback Management Plans, modified Dust Management Plans, Extraction plans and modified Rehabilitation Plans should in conjunction with the implementation of already submitted management plans reduce the likelihood of negative impacts from the extractive industry onto surrounding landholders and the environment.

On balance Shire staff is of the view that the proposed activity is appropriate for the site and the applicants obligations to the rehabilitation of the site provides revegetation to ensure a satisfactory outcome for the environmental values of the area.

VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATION – 14.3**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, resolves to grant Development Approval for ‘Industry – Extractive’ on Lot 393 Lowrie Road, Gwindinup subject to the following conditions:
 - a) All development being limited to that detailed in the Lot 393 Lowrie Road Sand and Gravel Extractive Industry Licence and Development Approval Application Report and in accordance with the Approved Development Plan(s) dated 25 October 2017.
 - b) The approval being limited to 5 years from the date of issue of the Development Approval.
 - c) Clearing of Black Cockatoo (*Calyptorhynchus Baudinii* and *Calyptorhynchus Latirostris*) habitat trees shall avoid the Black Cockatoo breeding season and follow the clearing protocols set out by the Department of Biodiversity

Conservation and Attractions (DBCA). For each tree removed with a cockatoo nesting hollow as per the Habitat Tree assessment, two (2) "Cockatube" Black Cockatoo nesting boxes are to be placed in remaining trees, following the installation guidelines height and aspect for these nesting boxes.

- d) Clearing to be limited to clearing in stages of no more than 2 hectares at a time in line with extraction staging.**
- e) Prior to commencement of development, a modified Rehabilitation and Decommissioning Programme is to be submitted for endorsement by the Shire and must include:
 - i. Rehabilitation back to native vegetation of 150m strip on the northern boundary and 300m of the southern boundary. Species suitable as a wildlife corridor and habitat to be used to allow free movement of wildlife across Lot 393 to make a continuous corridor from boundary to boundary.**
 - ii. Any native vegetation removed is to be mulched, stockpiled and used for site rehabilitation.**
 - iii. A native vegetation rehabilitation plan in consultation with DBCA; and**
 - iv. Implementation in accordance with the approved plan to the satisfaction of the Shire of Capel.****
- f) Prior to the commencement of development, the submission and approval of a Dieback Management Plan to the satisfaction of the Shire of Capel and thereafter implemented in accordance with the approved plan to the satisfaction of the Shire of Capel.**
- g) Prior to the commencement of development, a modified Dust Management Plan is to be submitted for endorsement by the Shire of Capel and thereafter implemented in accordance with the approved plan to the specification and satisfaction of the Shire of Capel.**
- h) Prior to the commencement of development, a Stormwater Management Plan, including details of the proposed measures taken to manage and contain calculated runoff within each stage of the proposed extractive activity, is to be submitted for endorsement by the Shire of Capel and thereafter implemented in accordance with the approved plan to the specification and satisfaction of the Shire of Capel.**
- i) Onsite stormwater management infrastructure to be professionally designed and constructed and be completed prior to the extractive industry operations commencing.**
- j) There shall be no storage of hydrocarbons on-site. On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment. No major repairs or maintenance will take place on site.**
- k) The hours of operation shall be from 7.00am to 6.00pm, Monday to Friday. No operations shall be permitted on Saturdays, Sundays or public holidays.**
- l) Prior to the commencement of development, a secured bond of \$27,655/ha for two stages is required to be lodged with the Shire of Capel and is to be accompanied by a signed Extractive Industry Rehabilitation Agreement .**

Advice Notes

- i. The applicant is advised 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 Development Approval.
 - ii. The applicant/landowner is advised 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. Applicants are advised to contact the Department of Environmental Regulation on (08) 9725 4300 for further advice in this regard.
 - iii. The applicant/landowner is advised 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. Applicants 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.
 - iv. The licensee shall have due respect to the Aboriginal Heritage of the area of the works and all workers shall be briefed accordingly prior to commencement of any works on site. The works may be in proximity of areas that were part of the Aboriginal culture and so there is the possibility that artefacts or remains may be in the area. All workers are to be advised of this possibility. Should the presence of a site of possible significance be discovered or if any artefacts or remains are discovered then any works in the vicinity are to stop immediately and be reported to the Department of Aboriginal Affairs. If bones are discovered then police are also to be advised immediately. The Licensee shall note that it is an offence under the WA Aboriginal Heritage Act to interfere with any Aboriginal site unless written permission is obtained from the Minister for Aboriginal Affairs.
 - v. Following the occurrence of a rainfall event greater than the 10 year/2 hour Average Recurrence Interval, the applicant shall inspect the site and within 48 hours report to the Shire of Capel, with details of impacts and remediation actions (if required).
2. Pursuant to the Shire of Capel Extractive Industries Local Law 2016, resolves to grant an Extractive Industry Licence for a period of five years from the date of issue of the Development Approval, for Lot 393 Lowrie Road, Gwindinup and that the Executive Manager Engineering and Development Services be authorised to sign the Licence on behalf of the Council.

15 CORPORATE SERVICES REPORTS

15.1 Waste Local Law – Amendment

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	ICR31400
Disclosure of Interest:	Nil
Date:	05.10.17
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Proposed Shire of Capel Waste Amendment Local Law 2017

IN BRIEF

- In 2016, the Shire of Capel developed a draft waste local law using a model local law template provided by WALGA.
- The Waste Local Law 2016 was made in January 2017.
- The Shire used a template provided by WALGA which has since been found to be missing crucial clauses concerning '*Objection and appeal rights*'.
- Local governments who used the original WALGA template missing the objection and appeal clauses (including the Shire of Capel) have been advised by the Joint Standing Committee on Delegated Legislation (JSCDL) that their gazetted waste local laws may be disallowed by Parliament unless they undertake to amend them in line with the now amended WALGA model waste local law.
- At its September meeting, the Shire of Capel resolved (OC0912) to make the undertakings required by the JSCDL, which included a commitment to amend the Waste Local Law within six months.

RECOMMENDATION

That Council commences the local law making process by:

1. **Endorsing the advertisement of the proposed *Shire of Capel Waste Amendment Local Law 2017* in accordance with section 3.12(3)(a) of the *Local Government Act 1995* for the purpose of receiving public submissions;**
2. **Forwarding a copy of the proposed law to the relevant Ministers in accordance with s3.12(3)(b) of the *Local Government Act 1995*; and**
3. **Requesting the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable Council to further consider any submissions made.**

BACKGROUND / PROPOSAL

Background

The *Local Government Act 1995* (the Act) empowers Council to make local laws. These pieces of delegated legislation allow a local government to control and regulate activities within district boundaries to ensure good governance over matters of municipal concern.

The process of making a local law is strictly regulated and must follow precise statutory requirements. Failure to follow the required procedures in the sequence in which they are described may result in a new local law being disallowed by the Joint Standing Committee on Delegated Legislation.

Proposal

This item proposes that Council resolve to commence the local law making process for the *Shire of Capel Waste Amendment Local Law 2017*.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.5 Legislative power of local governments

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

3.12 Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

POLICY IMPLICATIONS

There are no policy implications for this matter.

RISK IMPLICATIONS

Council may choose not to amend the existing local law, however that action risks the *Shire of Capel Waste Local Law 2016* being disallowed by Parliament. The local law will then need to be completely remade, which will have a far greater cost impact than amendment.

FINANCIAL IMPLICATIONS

Budget

There are statutory advertising costs associated with making and amending local laws, and there is allowance made in the Budget for this.

Long Term

As no asset/infrastructure is being created, there are no long term financial implications relevant to this matter.

SUSTAINABILITY IMPLICATIONS

Local laws assist a local government in controlling and regulating activities within district boundaries to ensure good governance over matters of municipal concern. The ability to regulate issues and respond to community needs within a local context is a positive contribution to the long term sustainability of the community in terms of health, safety, service provisions, resource management and good governance. A waste local law assists Council in managing a variety of health and environmental issues. The proposed amendments do not affect the validity or application of the remainder of the principal local law.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcomes:

- 1.1 Ensure continuous improvement of the organisation.
- 1.5 Ensure the effective management of Council's resources.

CONSULTATION

There was consultation between the Governance Officer and the Executive Management Team in this matter. The Governance Officer has also spoken to an Advisory Officer from the JSCDL on a number of occasions.

In accordance with s3.12 of the *Local Government Act 1995*, the Shire will give local and statewide public notice of the proposed *Shire of Capel Waste Amendment Local Law 2017*, inviting submissions for a period of no less than six weeks. All submissions received by the end of that time period will be presented to Council.

COMMENT

The *Local Government Act 1995* (the Act) empowers Council to make local laws. These pieces of delegated legislation allow a local government to control and regulate activities within district boundaries to ensure good governance over matters of municipal concern.

The procedure for making local laws is detailed in the Act, and is a prescribed process that must be adhered to strictly if the law is to be accepted by the WA Parliamentary Joint Standing Committee on Delegated Legislation.

Section 3.12(2) of the Act requires that the first action in the process of making a local law is for the President to give notice to a Council meeting of the purpose and effect of that local law.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this can be achieved by ensuring that –

- (a) the purpose and effect of the proposed local law is included in the agenda of that meeting; and
- (b) the minutes of the meeting of Council include the purpose and effect of the proposed local law.

Accordingly, the statement of purpose and effect for the proposed *Shire of Capel Waste Amendment Local Law 2017* is provided as follows.

Purpose

- Amend the *Shire of Capel Waste Local Law 2016* (principal law) to include clauses concerning objection and appeal rights.

Effect

- Objection and appeal rights in the *Shire of Capel Waste Local Law 2016* will be clarified and stated clearly.

The purpose and effect of the principal local law being amended are:

Purpose

- Enable Council to provide, or enter into a contract for the provision of waste services;
- Enable the Council to have the ability to impose rates, fees and charges relating to waste services;
- Enable Council to provide for the collection of a range of local government wastes; and
- Provide for the management and operation of waste facilities provided by Council.

Effect

- Household waste is collected in an orderly and effective manner;
- The costs of providing a waste collection service are met by the residents who use the service;
- The minimum requirements for what can be collected, recycled and reused are established; and
- Council may operate a waste transfer station, charge fees and define what can be collected.

VOTING REQUIREMENTS

Absolute majority

OFFICER'S RECOMMENDATION – 15.1
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That Council commences the local law making process by:

1. Endorsing the advertisement of the proposed *Shire of Capel Waste Amendment Local Law 2017* in accordance with section 3.12(3)(a) of the *Local Government Act 1995* for the purpose of receiving public submissions;
2. Forwarding a copy of the proposed law to the relevant Ministers in accordance with s3.12(3)(b) of the *Local Government Act 1995*; and
3. Requesting the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable Council to further consider any submissions made.

15.2 Delegation - Health (Miscellaneous Provisions) Act 1911

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	05.10.17
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

IN BRIEF

- As a local government, the Shire of Capel is authorised and directed to exercise the provisions of the *Health (Miscellaneous Provisions) Act 1911* (the Act).
- A local government may appoint a person to be its deputy and discharge its powers and functions under the Act.
- At the Ordinary Council Meeting of 27 September three different officers were delegated authority to act as Council's Deputy in the administration of the Act.
- Further investigation has determined that it is only appropriate for this Delegation to rest with one person.

RECOMMENDATIONS

Officer Recommendation 1

That Council considers the revocation of decision OC0919 (27 September 2017), namely -

"That Council authorises the Executive Manager Engineering & Development Services, Manager Building and Health Services and Principal Environmental Health Officer to be Council's 'Deputy' under Delegation 203 pursuant to the *Health (Miscellaneous Provisions) Act 1911* to exercise and discharge all or any of the powers and functions of the local authority."

Officer Recommendation 2

That Council revokes decision OC0919 (27 September 2017), namely -

"That Council authorises the Executive Manager Engineering & Development Services, Manager Building and Health Services and Principal Environmental Health Officer to be Council's 'Deputy' under Delegation 203 pursuant to the *Health (Miscellaneous Provisions) Act 1911* to exercise and discharge all or any of the powers and functions of the local authority."

Officer Recommendation 3

That Council authorises the Principal Environmental Health Officer as Council's 'Deputy' under Delegation 203 pursuant to the *Health (Miscellaneous Provisions) Act 1911* to exercise and discharge all or any of the powers and functions of the local authority.

BACKGROUND / PROPOSAL

Background

In May 1998, the then Principal Environmental Health Officer was delegated the power to be Council's 'Deputy' under the provisions of s26 of the then *Health Act 1911*, to exercise and discharge the powers and functions of the local authority under the Act. The Delegation has been amended from time to time since then, following a change in position title to Manager Health, and gazettal of the new *Public Health Act 2016* which resulted in the *Health Act 1911* becoming the *Health (Miscellaneous Provisions) Act 1911*.

An internal restructure at the Shire of Capel means that this Delegation requires amendment once again.

Proposal

This item proposes that Council revoke the previous decision on this matter (where three officers were delegated authority in OC0913) and authorise only the Principal Environmental Health Officer (PEHO) to be Council's 'Deputy' pursuant to s26 of the *Health (Miscellaneous Provisions) Act 1911*.

STATUTORY ENVIRONMENT

Health (Miscellaneous Provisions) Act 1911

26. Powers of local government

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

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

Local Government Act 1995

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and

Local Government (Administration) Regulations 1996

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.

POLICY IMPLICATIONS

There are no policy implications for this item.

RISK IMPLICATIONS

Delegation of powers under the *Health (Miscellaneous Provisions) Act 1911* to the PEHO reduces the exposure of the Shire of Capel to risk as it facilitates effective and efficient administration of the Act and assists staff in management of the health of the district.

FINANCIAL IMPLICATIONS

Budget

There are no financial implications for this matter.

Long Term

As no asset or infrastructure is being created, there are no long term financial implications relevant to this matter.

SUSTAINABILITY IMPLICATIONS

The powers conferred by the *Health (Miscellaneous Provisions) Act 1911* allow local governments to play a significant role in managing the health of individuals and communities in Western Australia. The existing Act enables Environmental Health Officers (EHOs) appointed under the Act to address issues as diverse as management of sewerage, provision of clean water, lodging houses, sale of drugs and use of pesticides.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcomes:

- 1.1 Ensure continuous improvement of the organisation.
- 1.5 Ensure the effective management of Council's resources.

CONSULTATION

There was consultation between the Governance Officer, Executive Manager Engineering & Development Services and Health staff on this matter.

COMMENT

Delegation 203, being authorisation of Council's Deputy for administration of the *Health (Miscellaneous Provisions) Act 1911* has been in place since 1998, in one form or another. In most recent times, the Delegation has been to the position of Manager, Health. Staff changes and an internal restructure mean that this position no longer exists. Accordingly, Council must now re-delegate the responsibilities inherent in administration of the Act.

The previous agenda item on this matter was written by the Governance Officer prior to a period of leave, and then amended by other officers to alter the delegation to include three officers rather than one.

Further consultation has determined that the Delegation should be made to one person only.

VOTING REQUIREMENTS

Absolute majority

OFFICER'S RECOMMENDATIONS – 15.2

Officer Recommendation 1

That Council considers the revocation of Decision OC0919 (27 September 2017), namely -

“That Council authorises the Executive Manager Engineering & Development Services, Manager Building and Health Services and Principal Environmental Health Officer to be Council’s ‘Deputy’ under Delegation 203 pursuant to the *Health (Miscellaneous Provisions) Act 1911* to exercise and discharge all or any of the powers and functions of the local authority.”

Officer Recommendation 2

That Council revokes Decision OC0919 (27 September 2017), namely -

“That Council authorises the Executive Manager Engineering & Development Services, Manager Building and Health Services and Principal Environmental Health Officer to be Council’s ‘Deputy’ under Delegation 203 pursuant to the *Health (Miscellaneous Provisions) Act 1911* to exercise and discharge all or any of the powers and functions of the local authority.”

Officer Recommendation 3

That Council authorises the Principal Environmental Health Officer as Council’s ‘Deputy’ under Delegation 203 pursuant to the *Health (Miscellaneous Provisions) Act 1911* to exercise and discharge all or any of the powers and functions of the local authority.

15.3 Financial Statements for 30 September 2017

Location:	Capel
Applicant:	Shire of Capel
File Reference:	
Disclosure of Interest:	Nil
Date:	11.10.17
Author:	Manager Finance, A Mattaboni
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Financial Statements for September 2017

IN BRIEF

Council to consider adopting the monthly financial statements for September 2017.

RECOMMENDATION

That Council adopts the financial statements for the period ending 30 September 2017 as attached.

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 of the Local Government (Financial Management) Regulations 1996.

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.

RISK IMPLICATIONS

There are no risk implications related to this item.

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.

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 30 September 2017, Council’s net current assets position was a surplus of \$12,986,568. The forecast 2017/18 year end net current asset position is a surplus of \$169,294.

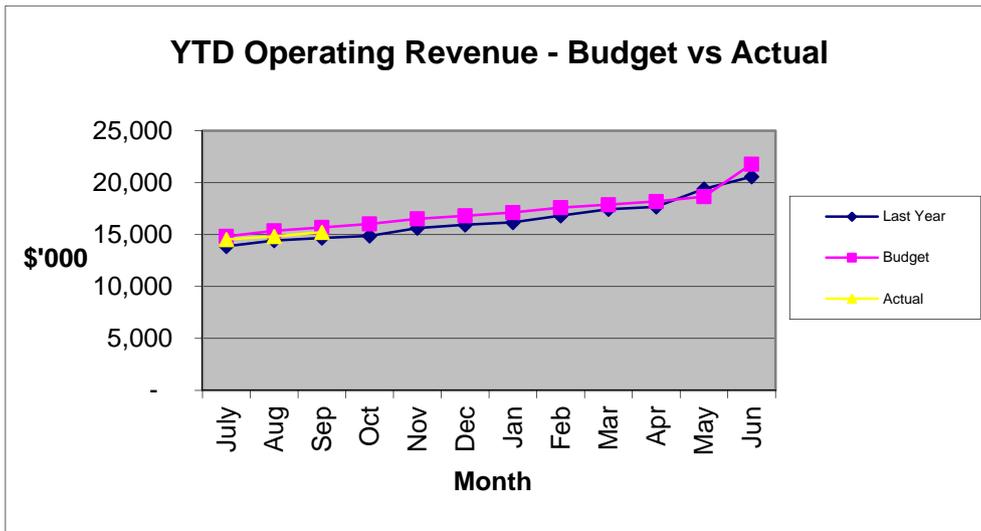
The 2016/17 year end net current asset position is a surplus of \$224,602. This amount may vary to the final surplus (deficit) as accounts are finalised for the 2017 financial year. The 2016/17 forecast net current asset position used for the 2017/18 budget was a surplus of \$61,802.

Compared to the annual budget approximately 88% of Operating Revenue has been invoiced and 20% of the Operating Expenditure budget has been spent. The monthly budget of income and expenditure has yet to be fully adjusted to reflect the expected timing of actual income and expenditure throughout the financial year.

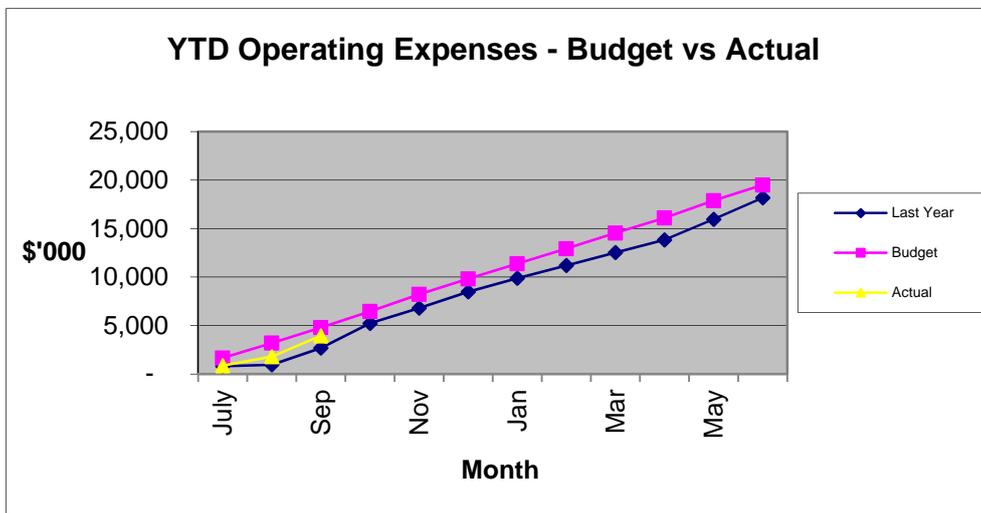
A comparison of employee costs shows that 21% of the annual budget has been spent. Leave liability expenses have been calculated.

Fixed asset depreciation has been calculated for the months of July to September 2017 using the updated fair value of all assets as at 30 June 2017.

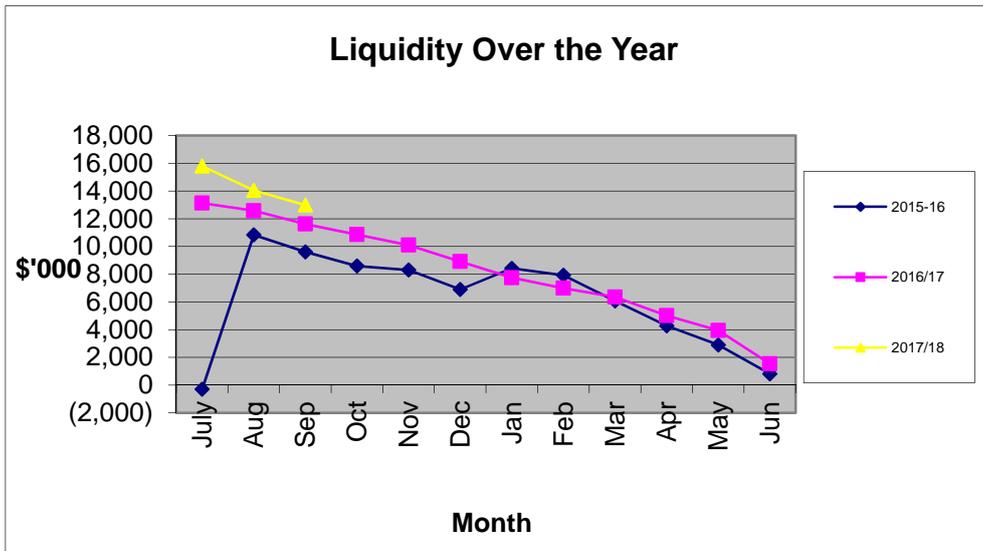
The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. Last year’s actual is included for comparative purposes.



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

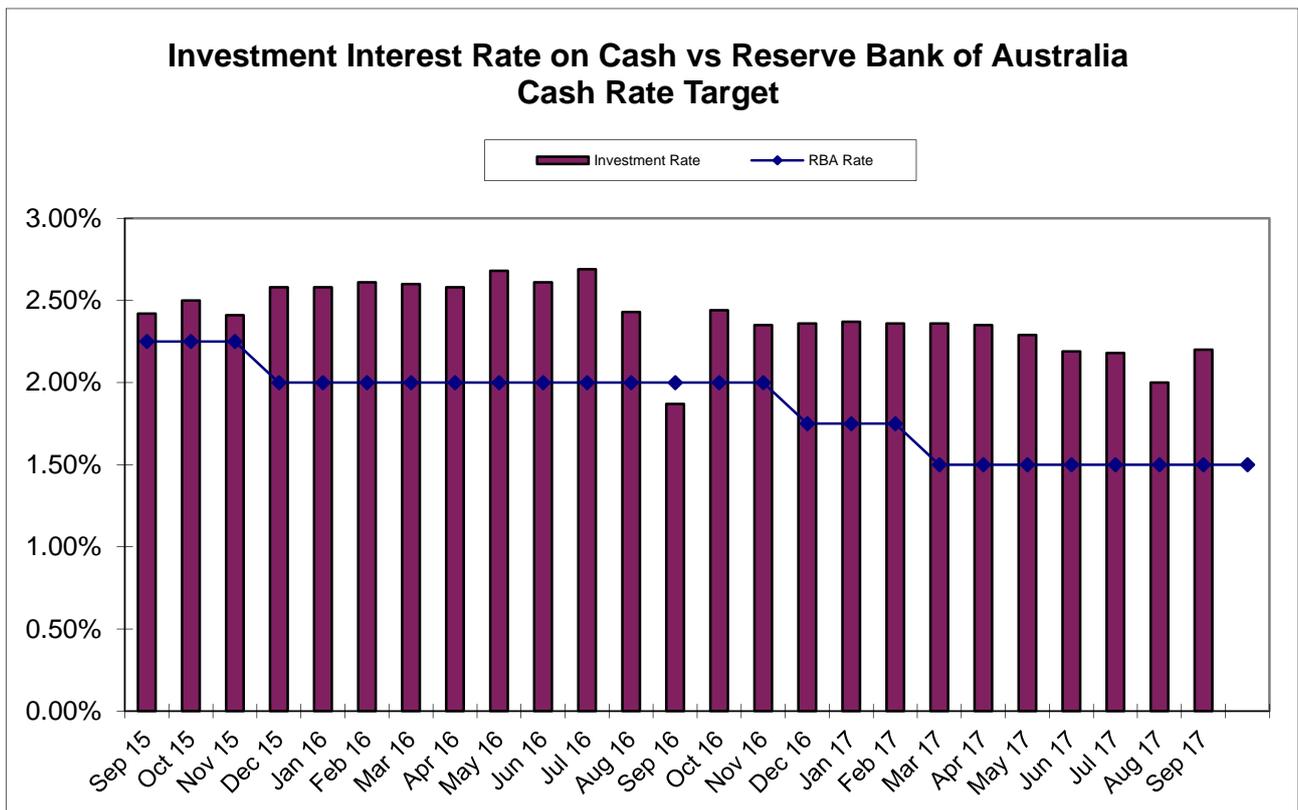


The liquidity graph compares the current year’s net current assets position against that of the two previous years.



Council’s municipal cash and investments position has increased by \$3,870,783 compared to August 2017. The Municipal cash position is an amount of \$20,162,780 of which \$12,230,101 is restricted for specific purposes as shown at Note 3. The reserve proportion is still to be finalised. Cash revenue came from rates receipts and grant funding. Cash revenue came from Rates receipts and Business Activity Statement refund from the Australian Taxation Office. Major cash expenses were for payroll and contractor payments.

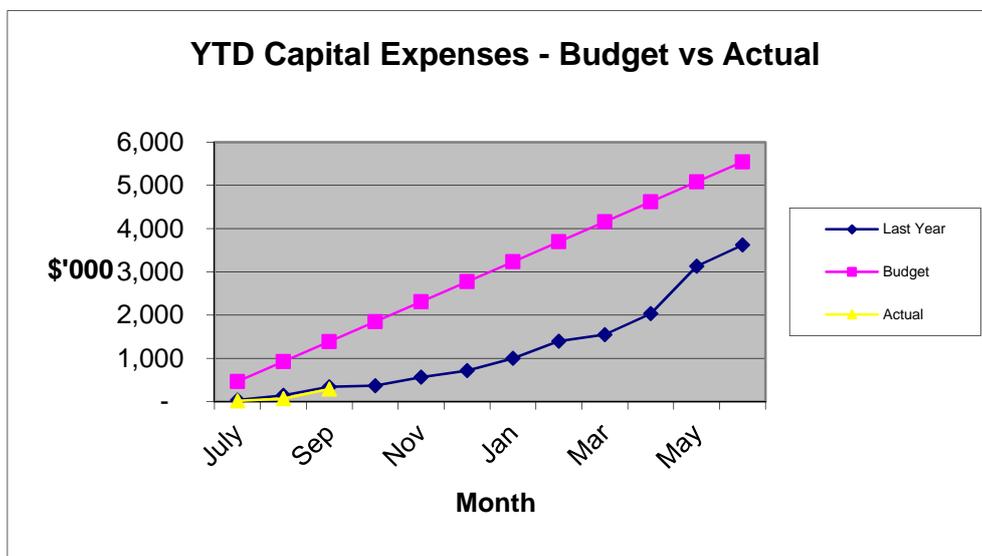
Total interest earned year to date is \$76,104 which is below the year to date budget of \$138,892. The average investment rate of return has increased to 2.20% which exceeds the Reserve Bank’s cash reference rate of 1.50%. The Reserve Bank Board on 3 October 2017 made no change to their target cash rate of 1.50%. The Shire has term deposits maturing from October 2017 to September 2018, investment terms ranging from 91 days to 364 days and interest rates from 2.40% to 2.60%.



Capital works expenditure of \$220,471 was incurred during the month on:

- \$136,297 BFB Boyanup Toyota Landcruiser,
- \$33,740 PC Replacement Program,
- \$21,550 Playground Replacement Program,
- \$13,646 Entry Statements
- \$8,888 Shire Boundary Signs,
- \$5,067 Chambers Buffet Table,
- \$1,046 Trails Master Plan, and
- \$237 Armstrong Road

The following graph compares actual capital expenditure against budget on a year to date basis. Last year’s actual is included for comparative purposes. The monthly budget is yet to be adjusted to reflect the expected timing of capital expenditure throughout the financial year. Non cash infrastructure has not been included in the graph.

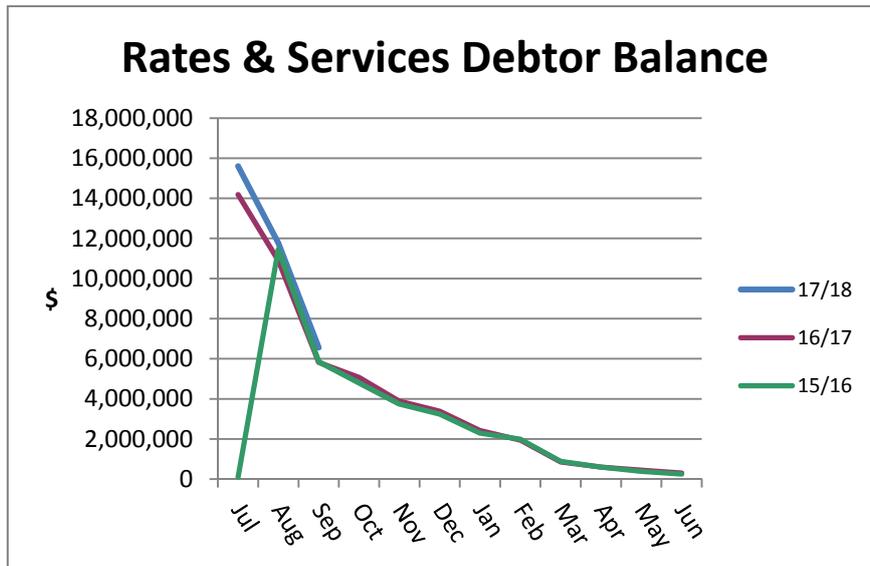


Council’s financial ratios are disclosed in Note 14.

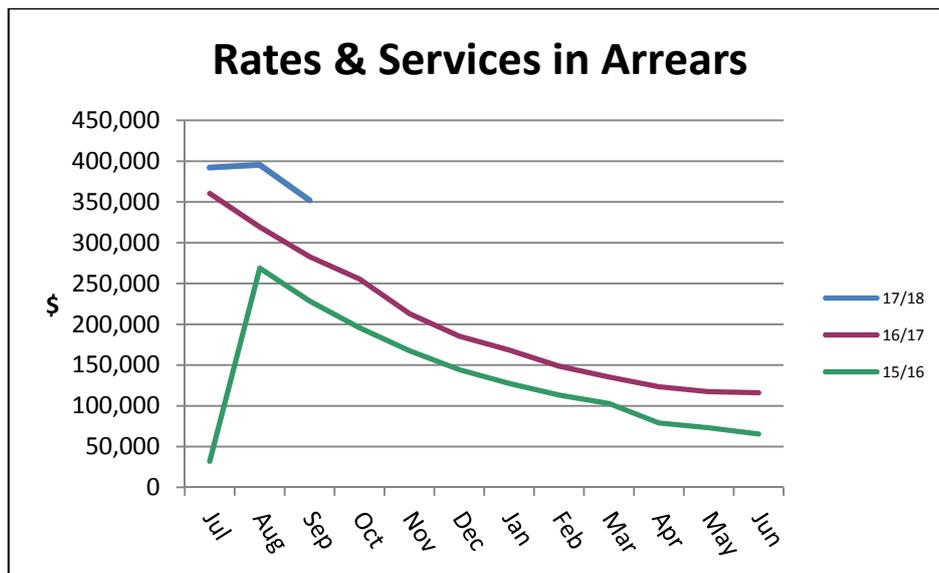
The following graph illustrates Council’s current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.



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: 2017/18 2.51%, 2016/17 2.54% and 2015/16 2.35%.



A review of the Statement of Financial Position and the attendant notes indicates there are no adverse trends evident in the year to date financial statements as at 30 September 2017.

VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATION – 15.3

That Council adopts the financial statements for the period ending 30 September 2017 as attached.

15.4 Accounts Due and Submitted for Authorisation

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	25.10.17
Author:	Finance & Accounts Payable Officer, S Searle
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

IN BRIEF

Adoption of accounts to be paid.

RECOMMENDATION

That Council authorises the Schedule of Accounts covering vouchers EFT25342 to EFT25368, a total of \$137,574.80 for payment.

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.

RISK IMPLICATIONS

Risk is medium. The schedule of accounts is a list available to the public of Council creditors, the amounts paid to these creditors and a description of the transaction.

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.

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:

EFT25342	26/10/2017	BUNBURY TOYOTA	CARRY OUT 18 MONTHS/ 30,000KM SERVICE - 70CP	330.57
EFT25343	26/10/2017	B & B STREET SWEEPING	CLEAN OUT SIDE ENTRY PIT - THOMAS ST, BOYANUP AND STREET SWEEPER FOR SPURR STREET	1045.00

EFT25344	26/10/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	CLEANING PRODUCTS FOR DEPOT	89.92
EFT25345	26/10/2017	BP AUSTRALIA	10190 LITRES DISTILLATE SEPT 2017	12275.87
EFT25346	26/10/2017	WINC AUSTRALIA PTY LTD	STATIONERY	78.84
EFT25347	26/10/2017	CLEANAWAY	SEPT DISPOSAL OF HOUSEHOLD RUBBISH, BIN MAINTENANCE AND COLLECTION AND DISPOSAL FROM WTS	74331.98
EFT25348	26/10/2017	CAPEL HARDWARE & FARM SUPPLIES	VARIOUS HARDWARE	601.26
EFT25349	26/10/2017	CARBONE BROS PTY LTD	870 TONNE GRAVEL	17238.51
EFT25350	26/10/2017	DYMOCKS BUSSELTON	BOOK PURCHASES	85.46
EFT25351	26/10/2017	ERG ELECTRICS PTY LTD	RESET BREAKER AND TEST BBQ EQUIPMENT AT DALYELLUP LAKES PARK	217.80
EFT25352	26/10/2017	BRIAN FISHER FABRICATION	MODIFY BIN STANDS FOR HARD PAD USE	275.00
EFT25353	26/10/2017	GRACE RECORDS MANAGEMENT	RECORD STORAGE 17/18	688.63
EFT25354	26/10/2017	JETLINE KERBING CONTRACTORS	36 METRES OF KERB REPAIRS AND EARTHWORKS ALONG FRANCES ROAD AND CROWD RD	3960.00
EFT25355	26/10/2017	SUEZ RECYCLING & RECOVERY (PERTH) PTY LTD	PROCESSING OF RECYCLABLES SEPT 17	5363.26
EFT25356	26/10/2017	LD TOTAL	LANDSCAPE MAINTENANCE OF CAPEL CIVIC PRECINCT, REPLACE WORN & DAMAGED SPRINKLERS LUTHERAN OVAL AND REMOVE FOOTBALL & SOCCER GOALS	4028.05
EFT25357	26/10/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	LG PROFESSIONALS ANNUAL STATE CONFERENCE AND CDN SPOTLIGHT FORUM	1760.00
EFT25358	26/10/2017	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE FOR LEASE OF BOYANUP SALEYARDS AND CAPEL RESERVE 662	2771.12
EFT25359	26/10/2017	PRIME EARTHMOVING BUSSELTON	BOBCAT HIRE FOR SHOULDER WORKS , BARLEE STREET	1043.63
EFT25360	26/10/2017	RTW STEEL FABRICATION	REPAIR GATE FOR BOYANUP MEMORIAL PARK	308.00
EFT25361	26/10/2017	SCS SAND & PLANT HIRE	ROLLER HIRE SEPTEMBER 2017	3553.00
EFT25362	26/10/2017	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL	291.50
EFT25363	26/10/2017	SJ TRAFFIC MANAGEMENT PTY LTD	TRAFFIC CONTROL FOR MANEA DR, CROWD RD AND STIRLING RD FOR 21/9, 20/9, 19/9	3516.70

EFT25364	26/10/2017	TOTALLY WORKWEAR	STAFF UNIFORM ALLOWANCE	261.80
EFT25365	26/10/2017	TRADE HIRE	ROLLER HIRE FOR TUESDAY 3/10	1448.50
EFT25366	26/10/2017	VISIMAX	RANGER CROWN DECAL/DONGLE X 2 SPARE SETS	179.00
EFT25367	26/10/2017	WORK CLOBBER BUNBURY	VARIOUS PPE	594.40
EFT25368	26/10/2017	THE PRINT SHOP	1000 X DOG REGO FORMS, WINDOW ENVELOPES AND GOLD ENVELOPES	1237.00
				137574.80

OUTSTANDING CREDITORS AS AT 30 September 2017: \$43,093.70

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for 25 October 2017 have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

P.F. Heedy.

CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 15.4

That Council authorises the Schedule of Accounts covering vouchers EFT25342 to EFT25368, a total of \$137,574.80 for payment.

15.5 Accounts Paid During the Month of September 2017

Location: Capel
 Applicant: Shire of Capel
 File Reference: N/A
 Disclosure of Interest: Nil
 Date: 25.10.17
 Author: Finance & Accounts Payable Officer, S Searle
 Senior Officer: Executive Manager Corporate Services, S Stevenson
 Attachments: Nil

IN BRIEF

Authorisation of accounts paid during the month.

RECOMMENDATION

That Council receives:

- 1 The Schedule of Accounts covering vouchers 835-846, EFT25074 to EFT25262, CHQ48603 to CHQ48627 totalling \$1,049,181.13 during the month of September 2017;**
- 2 Payroll payments for the month of September 2017, totalling \$337,310.09; and**
- 3 Transfers to and from investments as listed.**

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.

RISK IMPLICATIONS

Risk is medium. The schedule of accounts is a list available to the public of Council creditors, the amounts paid to these creditors and a description of the transaction.

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.

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 September 2017 are as follows:

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT25074	01/09/2017	IINET	DALYELLUP LIBRARY-SEPT 2017 INTERNET ACCESS	109.99
EFT25075	04/09/2017	JUST PROPERTY MANAGEMENT	RATES REFUND	1095.33
EFT25076	06/09/2017	APH CONTRACTORS PTY LTD	CONSTRUCTION OF THE GELORUP NATURE TRAIL	51289.10
EFT25077	06/09/2017	ARROW BRONZE	CAST BRONZE PLAQUES AND VASES	844.84
EFT25078	06/09/2017	BUNBURY BEARINGS	BALANCE OWING ON INVOICE 3357915	1.10
EFT25079	06/09/2017	BUNBURY MOWER SERVICE	REPAIR POLE SAW, NEW CHAINS AND SHARPENING KITS	555.50
EFT25080	06/09/2017	CR BARRY BELL	COUNCILLOR ALLOWANCE- SEP	2904.50
EFT25081	06/09/2017	B & B STREET SWEEPING	CLEAN OUT DRAIN AT GIBSON RD - 3/8/17	808.50
EFT25082	06/09/2017	CR SIDDHARTHA BAXI	COUNCILLOR ALLOWANCE- SEP	2904.50
EFT25083	06/09/2017	BRANDICOOT	SHIRE OF CAPEL MONTHLY WEBSITE SUBSCRIPTION 2017 - 2018	238.00
EFT25084	06/09/2017	BP AUSTRALIA	SEPT DISTILLATE-8700L	10096.83
EFT25085	06/09/2017	WINC AUSTRALIA PTY LTD	2017/2018 STATIONERY	186.42
EFT25086	06/09/2017	CR MURRAY SCOTT	PRESIDENT ALLOWANCE-SEP	10392.50
EFT25087	06/09/2017	CEMETERIES & CREMATORIA ASSOC OF WA	ORDINARY MEMBERSHIP RENEWAL - 2017/2018	120.00
EFT25088	06/09/2017	CRANEFORD PLUMBING	DALYELLUP SPORTS ATU - SUPPLY AND INSTALL	936.24
EFT25089	06/09/2017	CORPORATE FIRST AID AUSTRALIA	FIRST AID COURSE	195.00
EFT25090	06/09/2017	DISCOUNT AUTO PARTS	JACK STANDS	88.90
EFT25091	06/09/2017	DELL AUSTRALIA PTY LTD	DELL LATITUDE 5480 LAPTOP	3320.59
EFT25092	06/09/2017	DMC CLEANING	CLEANING OF DALYELLUP SPORTS PAVILION 17/18	9938.50
EFT25093	06/09/2017	EDGE TOURISM AND MARKETING	BUNBURY GEOGRAPHE GROWTH PLAN - PROJECT TECHNICAL OFFICER CONTRACT AUG 17	9438.00
EFT25094	06/09/2017	EXECUTIVE MEDIA PTY LTD	CARAVANNING AUSTRALIA SPRING 2017 ADVERTISEMENT	1500.00

EFT25095	06/09/2017	GOLDEN WEST PLUMBING & DRAINAGE	REPLACE URINAL CISTERN AT WAVE WALK TOILETS PEPPERMINT GROVE BEACH, INSTALL HOT WATER RELIEF VALVE AT CAPEL TIP, INSTALL VANDAL PROOF TAPS AND NEW VACUUM BREAKERS AT PLAYGROUP BUILDING AND UNBLOCK OUTSIDE RELIEF GULLIES AND DRAINS AND LADIES TOILETS FLOOR AND GULLY AND BASIN AT NORTON PROM TOILETS	1490.50
EFT25096	06/09/2017	FIORE CONTRACTORS	PEPPERMINT GROVE BEACH BASKETBALL COURT WORK	5500.00
EFT25097	06/09/2017	FIRE PROTECTION ASSOCIATION AUSTRALIA	BUILDING & PLANNING IN BUSHFIRE PRONE AREAS - AWARENESS COURSE	1660.00
EFT25098	06/09/2017	GANNAWAYS	BUS CHARTER TO BALINGUP MEDIIEVAL CARNIVAL FOR ACTIVE AGEING PROGRAM	995.00
EFT25099	06/09/2017	HARVEY NORMAN AV/IT SUPERSTORE BUNBURY	CAMERA	300.00
EFT25100	06/09/2017	CR BRIAN HEARNE	DEPUTY ALLOWANCE-SEP	4094.25
EFT25101	06/09/2017	KAREN HENRY	REIMBURSE PARKING AND MEALS FOR STAFF MEMBER AT CONFERENCE	81.65
EFT25102	06/09/2017	JETLINE KERBING CONTRACTORS	REPLACE 2 PANELS AT 320 DALYELLUP BOULEVARD AROUND SERVICE BOX	2178.00
EFT25103	06/09/2017	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	REGISTRATIONS FOR 2017 WA LOCAL GOVERNMENT CONVENTION AND ABORIGINAL CULTURAL AND HERITAGE PRESERVATION FORUM	4654.00
EFT25104	06/09/2017	LD TOTAL	DALYELLUP MAINTENANCE – AUG 2017	87339.62
EFT25105	06/09/2017	LAMPO MAINTENANCE	REPAIR/REPLACE DOOR ON EXTERNAL HANDICAPPED TOILET, FIT DOOR RESTRAINER AT BOYANUP SPORTS GROUND	140.25
EFT25106	06/09/2017	LANDGATE	EXTRACTION SERVICE FEE	550.00
EFT25107	06/09/2017	CR PETER McCLEERY	COUNCILLOR ALLOWANCE- SEP	2904.50
EFT25108	06/09/2017	CR GREG NORTON	COUNCILLOR ALLOWANCE- SEP	2904.50
EFT25109	06/09/2017	PICTON TYRE CENTRE PTY LTD	REPAIR BROOM TYRE - 3/8/17	22.00
EFT25110	06/09/2017	PLANNING INSTITUTE AUSTRALIA	PIA WA 2017 STATE CONFERENCE	630.00

EFT25111	06/09/2017	RTW STEEL FABRICATION	REPAIR BUCKET ON FRONT LOADER AND MODIFY EXISTING GRADER SIGN RACK FOR NEW GRADER	1336.50
EFT25112	06/09/2017	SOS OFFICE EQUIPMENT	METERBILLING FOR ALL SHIRE PHOTOCOPIERS	3882.93
EFT25113	06/09/2017	CR JENNIFER SCOTT	COUNCILLORS ALLOWANCE-SEP	2904.50
EFT25114	06/09/2017	CR BRIAN SMITH	COUNCILLOR ALLOWANCE-SEP	2904.50
EFT25115	06/09/2017	SUSAN STEVENSON	REIMBURSE 2 X STAFF MEMBERS DINNER CONFERENCE 30/8/17	47.55
EFT25116	06/09/2017	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID TRAINING	128.00
EFT25117	06/09/2017	CR SEBASTIAN SCHIANO	COUNCILLOR ALLOWANCE-SEP	2904.50
EFT25118	06/09/2017	TCS INSTRUMENTS	BATTERIES TO SUIT 5600 PLUS FREIGHT	284.90
EFT25119	06/09/2017	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. 65 - CAPEL HALL	16593.81
EFT25120	06/09/2017	MELANIE YOUNG	REIMBURSE BREAKFAST AT CONFERENCE	9.15
EFT25121		-EFT25158	PAYMENT ALREADY APPROVED BY COUNCIL, PLEASE REFER TO AGENDA ON 27.09.2017	0.00
EFT25159	13/09/2017	AMITY SIGNS	VARIOUS ROAD SIGNS	491.70
EFT25160	13/09/2017	AUSTRALIA POST	17/18 POSTAGE AND FREIGHT-AUG 17	7505.39
EFT25161	13/09/2017	CITY OF BUSSELTON	RATES REFUND	1632.95
EFT25162	13/09/2017	BOYANUP FOUNDATION INC	2017/18 EVENT SPONSORSHIP FOR BOYANUP FOUNDATION INC - AUSTRALIND GOES PLATINUM	2901.80
EFT25163	13/09/2017	BENDIGO BANK BUSINESS CREDIT CARD	AUGUST CREDIT CARD TRANSACTIONS: 1 AUG - OFWKS - \$37.95 - LAMINATING OF SHIRE MAP 4 AUG - SFS PCEC - \$30.00 - LOCAL GOV CONVENTION LUNCH 4 AUG - ROTTNESST ISLAND - \$774.00 - ACTIVE AGING PROGRAM 4 AUG - ROTTNESST ISLAND - \$644.00 - ACTIVE AGING PROGRAM 4 AUG - ROTTNESST ISLAND - \$676.00 - ACTIVE AGING PROGRAM 4 AUG - ROTTNESST ISLAND - \$676.00 - ACTIVE AGING PROGRAM 5 AUG - THE TERRACE - \$235	5544.42

			- LOCAL GOV CONVENTION DINNER 5 AUG - STATE ADMINISTRATIVE TRIBUNAL - \$201.45 - HOUSE V SHIRE OF CAPEL HEARING DATES 8 AUG - GUS*SPOT MESSENGER - \$683.97 - HEALTH, RANGER AND ENGINEERING DEVICE RENEWALS 8 AUG - INTERNATIONAL TRANS FEE - GUS SPOT - \$20.52 - TRANSACTION FEE 10 AUG - LAST MINUTE.COM - \$708.92 - WOMENS LGMA CONFERENCE ACCOMMODATION 16 AUG - STATE ADMINSTRATIVE TRIBUNAL - \$191.00 - FINAL TRANSCRIPT 22 AUG - CALTEX STAR MART - \$75.99 - FUEL CEO 29 AUG - SHADMAR - \$237.42 - SUNDOWNER CATERING 29 AUG - COLES - \$35.60 - SUNDOWNER EXPENSE 30 AUG - CAPEL COUNTRY CLUB - \$279.00 - SUNDOWNER REFRESHMENTS 30 AUG - CARD FEE - \$4.00 31 AUG - CAPELBERRY CAFE - \$33.60 - LUNCH - CEO AND PRESIDENT	
EFT25164	13/09/2017	CAPEL COUNTRY CLUB	SELF SUPPORTING LOAN ADVANCE AS PER AGREEMENT DATE 5TH SEPTEMBER 2017	20000.00
EFT25165	13/09/2017	GEORGINIA CARTER	REIMBURSEMENT	90.00
EFT25166	13/09/2017	CAPEL NEWSAGENCY	NEWSPAPER AND STASTOINERY PURCHASES	90.86
EFT25167	13/09/2017	MARK CHADWICK	REIMBURSEMENT FOR RELOCATION OF FURNITURE FROM GERALDTON TO BUNBURY	3778.50
EFT25168	13/09/2017	LD FREEMAN	REIMBURSEMENT PURCHASE OF DUFFLE BAG FOR PPE	69.00
EFT25169	13/09/2017	MR C HARDAKER	RATES REFUND	577.32
EFT25170	13/09/2017	A INGRAM	REIMBURSEMENT FOR BOOKSTOCK PURCHASE – 24 ITEMS	318.88
EFT25171	13/09/2017	JOHANSSON DB & EJ	RATES REFUND	1344.00
EFT25172	13/09/2017	DIANE KELLY	RATES REFUND	1142.83
EFT25173	13/09/2017	LD TOTAL	REPLACE DAMAGED CABLE PIT DALYELLUP ESTATE	341.00

EFT25174	13/09/2017	PERITAS CIVIL PTY LTD	CAPEL NORTH - SEWER CATCHMENT PLAN	1210.00
EFT25175	13/09/2017	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING-5/9/17	58640.94
EFT25176	13/09/2017	FREMANTLE ESPLANADE HOTEL LTD	ACCOMMODATION AND SUNDRY CHARGES	883.50
EFT25177	13/09/2017	SOUTH WEST TREE SAFE	REMOVE BRANCH AT JAMIESON RD CAPEL AND CUT UP FALLEN PEPPERMINT TREE OVER WALK WAY IN BOYANUP	825.00
EFT25178	13/09/2017	SHADE WEST	REMOVE, STORAGE AND ANY REQUIRED REPAIRS OF SHADE SAILS AT DALYELLUP PLAYGROUP	1103.00
EFT25179	13/09/2017	SOUTH WEST RUBBER STAMPS	STAMP - CLEARANCE OF DEVELOPMENT APPROVAL CONDITIONS	38.00
EFT25180	13/09/2017	SOUTHERN ATU SERVICES	AEROBIC TREATMENT UNIT MAINTENANCE - CAPEL SPORTS GROUND	250.00
EFT25181	13/09/2017	RF & DJ WELLS	REPAIR AND REPLACE 2 PANELS OF COLOURBOND FENCE REPAIRS TO DOOR & PAINT NEW DOOR LATCHES AT BOYANUP BOWLING CLUB	770.00
EFT25182	13/09/2017	SARSHA WETHERELL	SPORT PARTICIPATION SCHEME FUNDING	300.00
EFT25183	20/09/2017	AMITY SIGNS	VARIOUS ROAD SIGNS	667.26
EFT25184	20/09/2017	BUNBURY MOWER SERVICE	BRUSH CUTTER CORD, OIL AND SPOOLS	556.50
EFT25185	20/09/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	MISC INCLUDING CLEANING WIPES, SPRAYS, BAG AND IRRIGATION PARTS ETC	229.86
EFT25186	20/09/2017	WINC AUSTRALIA PTY LTD	2017/2018 STATIONERY	1145.12
EFT25187	20/09/2017	CAPEL TRANSPORT	LARVICIDE TRANSPORT	174.08
EFT25188	20/09/2017	CASTLEDEX PTY LTD	KOLORKODE FULLVUE FILE PLUS FREIGHT FOR RECORDS	420.41
EFT25189	20/09/2017	CAPEL BOWLING CLUB	STAFF SUNDOWNER - BOWLING FEES	70.00
EFT25190	20/09/2017	CARBONE BROS PTY LTD	550 TONNE LIMESTONE TO SHIRE DEPOT	9936.04
EFT25191	20/09/2017	HARLEY DYKSTRA	AS CONSTRUCTED SURVEY AND DILAPIDATION SURVEY	5654.00
EFT25192	20/09/2017	DALYELLUP PARK RANGERS	40% SUBSIDY FOR COMMUNITY BUS INITIATIVE	117.70

EFT25193	20/09/2017	DIRT DESIGN	REMOVE AND REPLACE RUBBER SURROUND WITH LIMESTONE BLOCKS. REMOVE MULCH SOFTFALL AND REPLACE WITH WASHED WHITE PLAYGROUND SAND. SUPPLY AND INSTALL BIDIM. INCLUDES TEMPORARY FENCING OF SITE.	23705.00
EFT25194	20/09/2017	CHLOERISSA EADIE	HALLOWEEN CRAFT AND ACTIVITIES REIMBURSEMENT	113.69
EFT25195	20/09/2017	DEPT OF FIRE AND EMERGENCY SERVICES (DFES)	1ST QTR CONTRIBUTION OF EMERGENCY SERVICES LEVY	297032.42
EFT25196	20/09/2017	FIT 2 WORK.COM.AU	4X POLICE CHECKS -AUG 17	162.36
EFT25197	20/09/2017	HARVEY FARM SERVICE	VARIOUS PARTS FOR JOHN DEERE TRACTORS	724.87
EFT25198	20/09/2017	JR & A HERSEY PTY LTD	GLOBES, SUNGLASSES, SPRAY AND MARK, FLAGGING TAPE, BATTERIES, CABLE TIES NOZZLES, SCISSORS AND BAG OF RAGS	1624.78
EFT25199	20/09/2017	JUST PROPERTY MANAGEMENT	RATES REFUND	529.69
EFT25200	20/09/2017	JIM'S TEST & TAG	SERVICE AND REPLACEMENT - PORTABLE/WHEELED FIRE EXTINGUISHERS; HYDRANTS, FIRE BLANKETS; EYE STATIONS	2380.95
EFT25201	20/09/2017	LD TOTAL	REPAIRS TO FILTER 1 AT NORTH LAKE PUMP STATION DRAINAGE SUMP AND SLASH/SPRAY AND REMOVE TREE ON KARDEN WAY CAPEL CIVIC PRECINCT PROGRESS CLAIM - AUG 2017	11894.54
EFT25202	20/09/2017	LANDGATE	2X LAND PARCELS	33.20
EFT25203	20/09/2017	AC & ML LOUCH	CROSSOVER CONTRIBUTION	300.00
EFT25204	20/09/2017	FRANCES MCLOUGHUN	FEES FOR STUDY-ASSIST WITH THE STAGING OF PUBLIC ACTIVITIES AND EVENTS	284.40
EFT25205	20/09/2017	MILLWOOD FOREST PRODUCTS	BALANCE OF PAYMENT FOR TUART BUFFET	5379.00
EFT25206	20/09/2017	VODAFONE HUTCHISON AUSTRALIA PTY LTD	BFB MESSAGING SERVICE - SEP 17	170.74
EFT25207	20/09/2017	SPENCER SIGNS	SUPPLY AND INSTALL SHIRE WELCOME SIGNAGE AND GELORUP WALKING TRAIL ALUMINIUM SIGNS	8612.34
EFT25208	20/09/2017	SOUTH WEST TREE SAFE	EMERGENCY REMOVAL OF TUART TREE - STIRLING RD	2200.00
EFT25209	20/09/2017	SOUTH WEST ACADEMY OF SPORT	17/18 LOCAL GOVERNMENT SPONSORSHIP	8800.00

EFT25210	20/09/2017	SURVEYING SOUTH	SURVEY OF 1 SAND DUNE DRIVE, PEPPERMINT GROVE BEACH	874.50
EFT25211	20/09/2017	SJ TRAFFIC MANAGMENT PTY LTD	HURST ROAD BOYANUP TRAFFIC MANAGEMENT	808.50
EFT25212	20/09/2017	D & K THOMAS ELECTRICAL	TEST RCDS, BBQS SOUTH PARK - CHECK & REPAIR LIGHTS - AS PER LOCATION LIST AND REPAIR LIGHTING	17991.17
EFT25213	20/09/2017	TCS INSTRUMENTS	100M ROAD TUBE TRAFFIC COUNTER	300.30
EFT25214	20/09/2017	ZARBELLIKA	GIS CONSULTING - AUGUST 2017	5797.00
EFT25215	01/09/2017	WESTNET PTY LTD	CAPEL LIBRARY – PUBLIC INTERNET	551.31
EFT25216	08/09/2017	FUJI XEROX AUSTRALIA PTY LTD	17/18 LEASE OF PHOTOCOPIER PER MONTH - CAPEL LIBRARY	132.00
EFT25217	21/09/2017	CALTEX AUSTRALIA	FLEET FUEL	2905.11
EFT25218	27/09/2017	AUSQ TRAINING	TRAFFIC CONTROL TRAINING COURSE	1532.00
EFT25219	27/09/2017	ACCESS OFFICE INDUSTRIES	MOBILE SHELVING CAPEL LIBRARY 5 RUNS OF 2 DOUBLE SIDED BAYS, END PANELS, DELIVERY AND INSTALLATION	4801.50
EFT25220	27/09/2017	AUSTRALIAN GROWN	DRAMA CLUB TEE SHIRTS - YOUTH ACTIVITY EXPENSE	318.73
EFT25221	27/09/2017	BPS	PUMP OUT GREASE TRAP	259.00
EFT25222	27/09/2017	BOC LIMITED	12KG DRY ICE	19.27
EFT25223	27/09/2017	BUNBURY HARVEY REGIONAL COUNCIL	ORGANICS DISPOSAL WASTE FROM DOMESTIC THIRD BIN REGIONAL WASTE OFFICER CONTRIBUTION STANLEY RD REFUSE DISPOSAL	7991.85
EFT25224	27/09/2017	BUNBURY BASKETBALL ASSOCIATION	KIDSPORT REGISTRATION	220.00
EFT25225	27/09/2017	BOYLES PLUMBING & GAS	CALL OUT TO WATER LEAKING ONTO THE ROAD - CNR HUTT DRIVE/NORTON PROM - NW CORNER OF ROUNDABOUT - 15/9/17	203.50
EFT25226	27/09/2017	CLEANAWAY	DISPOSAL OF HOUSEHOLD WASTE-AUG17	14160.94
EFT25227	27/09/2017	ACCESS WELLBEING SERVICES	ACCESS WELLBEING SERVICES -AUG17	187.00
EFT25228	27/09/2017	CAPEL HOCKEY CLUB	KIDSPORT REGISTRATION	200.00
EFT25229	27/09/2017	CAREY PARK FOOTBALL SPORTING AND COMMUNITY CLUB INC.	KIDSPORT REGISTRATION	100.00
EFT25230	27/09/2017	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	857.73
EFT25231	27/09/2017	KAREN DENNISON	REIMBURSEMENT FOR CATERING FOR AUTHOR EVENT	199.18

EFT25232	27/09/2017	DALYELLUP DOCKERS FOOTBALL CLUB	KIDSPORT REGISTRATION	200.00
EFT25233	27/09/2017	DOMINOS	CATERING FOR YOUTH CONSULTATION AT DALYELLUP COLLEGE	60.00
EFT25234	27/09/2017	EASIFLEET MANAGEMENT	2017/18 NOVATED LEASE	753.86
EFT25235	27/09/2017	EXPRESS PLUMBING TRUST BUNBURY	UNBLOCK TOILET DALYELLUP EAST PAVILION	438.00
EFT25236	27/09/2017	ELITE FABRICATION BUNBURY WA	CAPEL ENTRY STATEMENT & ROUNDABOUT WORKS	15010.45
EFT25237	27/09/2017	GOLDEN WEST PLUMBING & DRAINAGE	REPAIR OF TOILET SEAT AT THE CAPEL SHIRE BUILDING, MALE TOILETS NEW SECTION AT THE BACK OF BUILDING.	93.50
EFT25238	27/09/2017	THE FAT BIRDIE	JOINT CLAGS - MOSQUITO MANAGEMENT HELICOPTER TRAINING CATERING	330.00
EFT25239	27/09/2017	GEOVET BUSSELTON	POUND CONTRACT-AUG 17	519.85
EFT25240	27/09/2017	HARRADINE & ASSOCIATES	PET DESEXING SUBSIDY	50.00
EFT25241	27/09/2017	SOUTHWEST HYGIENE	AS PER RFQ LIST - SUPPLY AND SERVICE SANITARY UNITS; AIR FRESHENERS & NAPPY DISPOSAL UNITS	3846.80
EFT25242	27/09/2017	MOORE STEPHENS (WA) PTY LTD	STRATEGIC RESOURCE PLANNING SERVICES INCLUDING REVISED LONG TERM FINANCIAL PLAN	3850.00
EFT25243	27/09/2017	INSIGHT CCS PTY LTD	ANNUAL ORDER - AFTERHOURS CALL CENTRE SERVICE FOR RANGER SERVICES	291.01
EFT25244	27/09/2017	LD TOTAL	DALYELLUP MAINTENANCE - AUG	81074.42
EFT25245	27/09/2017	MUIR'S MANJIMUP	30000KM SERVICE CP9503	595.29
EFT25246	27/09/2017	NIGHTGUARD SECURITY SERVICE P/L	ALARM RESPONSES SHIRE BUILDINGS	3074.79
EFT25247	27/09/2017	OASIS PARTY CENTRAL	2 X BALLOON BOUQUETS FOR OPENING CEREMONY - GELORUP NATURE TRAIL	81.00
EFT25248	27/09/2017	PRESTIGE PRODUCTS-BUSSELTON	1 CTN HAND ROLL TOWELS AND BIN LINERS	147.73
EFT25249	27/09/2017	PERTH MANAGEMENT SERVICES	ANNUAL RENTAL AND VARIABLE OUTGOINGS FOR DALYELLUP LIBRARY	1552.77
EFT25250	27/09/2017	PACIFIC BIOLOGICS	LARVICIDE ORDER - PROSAND 1 TONNE INCL FREIGHT	10261.24
EFT25251	27/09/2017	PJ & EV PAGE	MONTHLY POLISHING AND BUFFING BOYANUP HALL FLOOR JULY 2017 - JUNE 2018	70.00
EFT25252	27/09/2017	PROTECTOR FIRE SERVICES	SUPPLY 1 SERVICE LOGBOOK FOR CAPEL LIBRARY	247.50

EFT25253	27/09/2017	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 19.09.2017	45340.94
EFT25254	27/09/2017	SOUTH WEST TREE SAFE	LOAD BEARING LIMB REMOVED ARMSTRONG RD BOYANUP	440.00
EFT25255	27/09/2017	CAPEL FRESH IGA	YOUTH CONSULTATION	6.09
EFT25256	27/09/2017	SOUTHERN LOCK & SECURITY	ALTER ELECTRONIC LOCKS SUPPLY MORTICE INDICATOR SLIDING FOR BOYANUP HUGH KILPATRICK HALL, MONITORING OF PERMACONN SYSTEMS AT LIBRARIES DEPOT AND HALLS, CUT EXTRA RESTRICTED KEYS	2380.58
EFT25257	27/09/2017	SELECTUS	PAYROLL DEDUCTIONS	2341.84
EFT25258	27/09/2017	LEZIA SANDON	TRAINING EXPENSES REIMBURSEMENT	38.00
EFT25259	27/09/2017	SJ TRAFFIC MANAGMENT PTY LTD	TRAFFIC MANAGEMENT FOR KEN BELLS ROAD - START 13/9/17 AND JANZ RD CAPEL	2022.90
EFT25260	27/09/2017	TOTALLY WORKWEAR	17/18 UNIFORM ALLOWANCE	209.00
EFT25261	27/09/2017	THINKWATER BUNBURY	REQUEST BORE CLEAN AND REPAIR OF HIGH PRESSURE CUT OUT ON PUMP AT CAPEL RECREATION GROUND	25.95
EFT25262	27/09/2017	LANDMARK OPERATIONS LIMITED	5 X AUTO WATER BOWLS FOR DOGS AT POUND	357.50
48603	06/09/2017	ALINTA GAS	GAS	38.80
48604	06/09/2017	OCEAN FOREST LUTHERAN COLLEGE INC	DONATION FOR SCHOOL AWARDS FOR 2017	100.00
48605	06/09/2017	MATTHEW POWELL	APPLICATION REFUND	97.70
48606	06/09/2017	P & D POMEROY	RATES REFUND	101.83
48607	06/09/2017	SYNERGY	ELECTRICITY	1340.35
48608	13/09/2017	COURIER AUSTRALIA INTERNATIONAL	POSTAGE AND FREIGHT LIBRARIES	29.91
48609	13/09/2017	SHIRE OF CAPEL	MILK & FLOWERS	177.25
48610	13/09/2017	DALYELLUP PRIMARY SCHOOL	DONATION FOR 2017 SCHOOL AWARDS	100.00
48611	13/09/2017	DAUBNEY MR & SE	RATES REFUND	1763.20
48612	13/09/2017	SYNERGY	ELECTRICITY-1707X STREET LIGHTS	30722.05
48613	13/09/2017	TELSTRA CORPORATION LTD	VELOCITY INTERNET CONNECTION - DALYELLUP SPORTS PAVILION - FERNDALE AVE-AUG 17	81.00
48614	13/09/2017	TASTE OF DALYELLUP	REFUND APPLICATION	93.00
48615	13/09/2017	S ANDERTON	RATES REFUND	572.03
48616	13/09/2017	BUNBURY REFORMED EVANGELICAL CHURCH	REFUND 6X DAY OF HALL HIRE AS APPLICANT MOVED TO MEETING ROOM INSTEAD	130.50
48617	18/09/2017	TELSTRA CORPORATION LTD	RENT & CALLS	4260.18
48618	20/09/2017	SHIRE OF CAPEL	FUEL	344.25

48619	21/09/2017	TELSTRA CORPORATION LTD	AUG 17 LANDLINE	2258.47
48620	27/09/2017	AQWEST	WATER CONSUMPTION	955.45
48621	27/09/2017	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	54.90
48622	27/09/2017	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	96.00
48623	27/09/2017	BOYANUP GENERAL STORE	BFB TRAINING REFRESHMENTS	322.95
48624	27/09/2017	COURIER AUSTRALIA INTERNATIONAL	FREIGHT ON EMERGENCY MANAGEMENT TABARDS	11.62
48625	27/09/2017	SHIRE OF CAPEL	PAYROLL DEDUCTIONS	3362.38
48626	27/09/2017	LGRCEU	PAYROLL DEDUCTIONS	205.00
48627	27/09/2017	SYNERGY	ELECTRICITY	5035.35
835	06/09/2017	BOYANUP ANTIQUE COLLECTORS GROUP	HALL BOND REFUND	150.00
836	06/09/2017	BUNBURY REFORMED EVANGELICAL CHURCH	HALL BOND REFUND	150.00
837	06/09/2017	FATHER NOE NAVARRETE APAEZ	HALL BOND REFUND	150.00
838	06/09/2017	CARLY HAY	HALL BOND REFUND	500.00
839	06/09/2017	MATTHEW POWELL	REFUND APPLICATION	61.65
840	13/09/2017	BARBARA ADAMS	HALL BOND REFUND	150.00
841	13/09/2017	BUILDING & CONSTRUCTION IND TRAINING FUND	BCTIF LEVY COLLECTED AUG 17	6745.48
842	13/09/2017	SHIRE OF CAPEL	BCITF COMMISSION COLLECTED-AUG 17	132.00
843	13/09/2017	BUNBURY REFORMED EVANGELICAL CHURCH	HALL BOND REFUND	150.00
844	27/09/2017	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	AUG BSL LEVY COLLECTED	6133.24
845	27/09/2017	SHIRE OF CAPEL	AUG BSL COMMISSION COLLECTED	160.00
846	27/09/2017	MATTHEW JUDKINS	BOND REFUND	150.00
				1,049,181.13

05.09.17	SHIRE OF CAPEL PAYROLL PAYMENTS	\$181,833.24
19.09.17	SHIRE OF CAPEL PAYROLL PAYMENTS	\$155,476.85
27.09.17	SHIRE OF CAPEL PAYROLL PAYMENTS	3397.62

\$337,310.09

06.09.17	TRANSFER from MUNICIPAL ACCOUNT	\$900,000.00
12.09.17	TRANSFER from MUNICIPAL ACCOUNT	\$3,000,000.00

\$3,900,000.00

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 25 October 2017 have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and services and as to prices, computations, and costings and the amounts shown are due for payment.

P.F. Heedy.

CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATIONS – 15.5

That Council receives:

- 1 The Schedule of Accounts covering vouchers 835-846, EFT25074 to EFT25120, EFT25159 to EFT25262, CHQ48603 to CHQ48627 totalling \$1,049,181.13 during the month of September 2017;**
- 2 Payroll payments for the month of September 2017, totalling \$337,310.09; and**
- 3 Transfers to and from investments as listed.**

16 COMMUNITY SERVICES REPORTS

16.1 Parking Amendment – Dalyellup District Centre

Location:	Tiffany Centre, Dalyellup (SE frontage of Dalyellup District Centre)
Applicant:	Shire of Capel
File Reference:	LE.LL.11
Disclosure of Interest:	Nil
Date:	6.10.17
Author:	Manager Emergency & Ranger Services, Dean Freeman
Senior Officer:	Executive Manager Community Services, M Plume
Attachment:	Map – Permit Parking Area – Dalyellup District Centre

IN BRIEF

To adopt a Permit Parking area at the Dalyellup District Centre to enable the use of the parking area to be monitored to ensure its availability for the purpose intended.

RECOMMENDATION

That Council, in accordance with provisions of the Shire of Capel Parking and Parking Facilities Local Law 2016 adopts the Permit Parking Area Dalyellup District Centre as attached to this agenda.

BACKGROUND / PROPOSAL

Background

Permit Parking Areas, for the holders of a disability parking permit issued by the National Disability Service were established as part of the Dalyellup District Centre. Seven (7) Permit Parking Area bays were established on private property and a drop off/pick up bay was established within the Portobello Road reserve.

The Shire's Community Rangers, when patrolling this area have noticed many drivers either parking in the Permit Parking Area without the required permit, or if they are holders of the required permit, then parking long term as opposed to just the intended drop off/pick up facility as intended.

The matter of formalising the Portobello Road drop off/pick up bay was considered by Council at the September 2017 meeting. Council is now asked to consider formally adopting the permit parking bays on the adjoining private property to enable the correct use of these bays to be managed.

Proposal

It is considered that to enable this permit parking area to be available for the purpose intended, the Shire's Community Rangers need to have the appropriate measures in place to enable enforcement of the relevant statutes. These appropriate measures are the formalisation of the permit parking area in accordance with the Shire of Capel Parking and Parking Facilities Local Law 2016, and ensuring that the signage meets the requirements of the Road Traffic Code 2000.

STATUTORY ENVIRONMENT

In relation to parking control amendments or the adoption of new parking controls, the Shire of Capel Parking and Parking Facilities Local Law 2016 requires the following process:

Part 2 – Parking stalls and parking stations

2.1 Determination of parking stalls and parking stations

- (1) The local government may by resolution constitute, determine and vary and also indicate by signs –
 - (a) parking stalls;
 - (b) parking stations;
 - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
 - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
 - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
 - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a resolution under this clause, it shall erect signs to give effect to the resolution

Local Government (Parking for People with Disabilities) Regulations 2014 and the Road Traffic Code 2000 are also relevant to this matter in establishing the penalties involved as well as the standards/signage for permit parking areas.

POLICY IMPLICATIONS

There are no current Council Policies that are relevant to this matter.

RISK IMPLICATIONS

There is a possible low level of risk (reputational) if Council adopts the officer's recommendation as there may be some backlash at Council by drivers who currently illegally park in this area. It is considered this potential backlash would be more than offset by the community's understanding of, and support for the principles of universal access.

FINANCIAL IMPLICATIONS

Budget

While there are some minor costs to be incurred in the installation of the signage required, it is considered these can be accommodated within existing budget allocations. There is also possible future income from parking infringement notices however it is hoped that this will not be significant due to community acceptance of the parking restrictions.

Long Term

Although an asset (the signs) is being created, these signs, along with every other sign in the Shire have a finite life but are replaced on an "as needs" basis and within current budget maintenance allocations for this purpose.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this matter.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2031

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

Strategic Outcome:

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

CONSULTATION

This matter and potential solutions have been considered by officers from the Shire's Community Rangers Services.

Shire officers have also consulted with the owners of the Dalyellup District Centre who are very supportive of the need to regulate parking in these bays to ensure the bays are available for their intended users.

As the matter before Council is primarily a procedural matter to formally adopt an arrangement which has been in place for some time, no further consultation is considered necessary.

COMMENT

The permit parking bays associated with the Dalyellup District Centre were provided in accordance with the planning approvals for the Centre. These bays are located on private property and are not currently policed by the Shire. Staff have approached the managers of the Dalyellup District Centre enquiring whether they would want the Shire to enforce the relevant legislation on their land. They are very supportive of the Shire taking on this role.

In arriving at the recommendation to Council on this matter, the following process has taken place:

- Problem identified – this problem was identified by direct observation of driver behaviour by Shire staff. Non-compliant vehicles, as well as vehicles displaying the required parking permit have been observed parking long term in this parking area.
- Facts of the situation assessed/clarified – Officers have noticed a variety of different vehicles misusing this parking area.
- Risk Assessment – the risks associated with the current situation were considered to establish what level of action should be undertaken. Officers have considered that there is a reputational risk if the Shire does not enforce parking standards which have been specifically installed to assist certain members of our community.
- Consideration of solution options – Other than non-enforcement, there are no alternative solutions available.
- Consider whether restrictions, signage or road side marking are necessary – the existing signage does not meet the requirements of the Local Government (Parking for People with Disabilities) Regulations 2014. Arrangements will be made for new signage to be installed.
- Consider the risks associated with the proposed solution – Other than potential reputational risks to the Shire through non – enforcement, there are no direct risks associated with the proposed solution.
- Is public consultation warranted – As this matter is to formalise a current "informal arrangement", it is considered that no public consultation is required.
- Enforcement – given the principle involved in the provision of these parking areas, it is considered that Shire Officers will infringe any vehicle not displaying a disability parking permit. In the event that a vehicle not displaying a permit is infringed but the driver of the vehicle is the holder of the required permit, the driver is able to make a written

request to the Shire, including a copy of their ACROD permit, to have the infringement notice withdrawn.

Council could consider not adopting the Officer’s Recommendation on this matter. The matter is considered however to be based on the principle of supporting universal access and that the enforcement of permit parking areas is a standard part of the normal business of a local government in expanding/developing communities.

VOTING REQUIREMENTS

Simple majority

OFFICER’S RECOMMENDATION – 16.1
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That Council, in accordance with provisions of the Shire of Capel Parking and Parking Facilities Local Law 2016 adopts the Permit Parking Area at the south eastern frontage of the Dalyellup District Centre as attached to this agenda.

16.2 Policy Review – Section 8, Community Services

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	09.10.17
Author:	Executive Manager Community Services, M Plume
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	Policy Manual – Section 8, Community Services

IN BRIEF

- Policies at the Shire of Capel are reviewed every 2 years.
- A review of Section 8 – Community Services has resulted in some minor changes.

RECOMMENDATION

That Council endorses the changes to Section 8, Community Services of the Shire of Capel Policy Manual described in this item and shown in the Attachment.

BACKGROUND / PROPOSAL

Background

The *Local Government Act 1995* requires Council to determine the local government's policies.

The Shire of Capel Policy 2.1 (Policy Manual) requires that these policies be reviewed by the end of every second year.

The policies relevant to Community Services (Section 8 of the Manual) have been reviewed in 2017 to assess whether they remain relevant, reflect legislative changes, current trends and follow best practice. This review examined eight Policies.

Proposal

Council to consider the biennial review of Section 8 of the Shire of Capel Policy Manual and adopt the proposed recommendations.

STATUTORY ENVIRONMENT

The role of Council is defined under section 2.7 of the *Local Government Act 1995*. Section 2.7(2)(b) states that Council is to determine the local government policies.

POLICY IMPLICATIONS

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

RISK IMPLICATIONS

The proposed policy amendments reduce Council risk by clarifying various policy statements and reducing the possibility of misinterpretation.

FINANCIAL IMPLICATIONS

Budget

Whilst all the reviewed Policies state that Council will commit an annual budget allocation to investing in the Policies, there will be no additional costs as these Policies will be funded in the context of the Shire's current expenditure.

Long Term

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

SUSTAINABILITY IMPLICATIONS

Community Service Policies assist in guiding Council to achieve acceptable and sustainable social outcomes. This is done through the recognition of community, preservation of history, the provision of funding opportunities for community groups and ensuring appropriate consultation and communication across the Shire by the organisation.

STRATEGIC IMPLICATIONS

Shire of Capel Community Strategic Plan 2013 -2031

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

Strategic Outcomes:

- 1.1 Ensure continuous improvement of the organisation.
- 1.5 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.
- 2.2 Encourage community engagement and participation.
- 2.3 Preserve and protect the character of the communities.
- 2.4 Enhance community safety through community awareness and participation programs.

CONSULTATION

There was consultation between the Shire's Community Development Team, Librarian and the Executive Managers on this matter.

COMMENT

The changes proposed to Community Services Policies as a result of this review are relatively minor.

It should be noted that Policies 8.1 Community Recognition, 8.5 Community Consultation and 8.6 Disability Access & Inclusion remain unchanged. Proposed changes are detailed below (with the exception of minor typographical and editorial corrections). The Attachment comprises the Policies under review. Suggested deletions are ~~struck through~~ and proposed amendments and insertions are shown in **bold**.

Policy 8.2 Local Studies Collection

- All references to Manager of Library Services to be changed to Librarian.
- Sentence relating to oral histories as being acquitted under the ongoing project to record the Shire's history has been removed.

Policy 8.3 Minor Community Grants Scheme

- Sentence regarding unused funding to be allocated to a second round has been added in the Introduction.

Policy 8.4 Arts, Culture & Heritage

- Re-written to improve clarity.

Policy 8.7 Acceptance and Treatment of Donations

- Additional dot point added to the Conditions of Acquisition stating that the Donator must consult with the Shire prior to project development.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION – 16.2
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That Council endorses the changes to Section 8, Community Services of the Shire of Capel Policy Manual described in this item and shown in the Attachment.

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