

# Shire *of* Capel

## AGENDA

### ORDINARY COUNCIL MEETING

Wednesday 27 September 2017

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

#### **REMINDERS:**

**12noon** Lunch & Councillor/CEO Liaison Meeting

**2.00pm** Photo shoot for Councillors and EMT

**2.30pm** Briefing: Tim Partridge, AMD

**3.00pm** Briefing: T Steinbrenner, Capel CWA

**3.30pm** Round the Table Discussion



*Experience the*  
Shire of Capel



Forrest Road, Capel  
PO Box 369, Capel

T 9727 0222  
F 9727 0223

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



## **ATTENTION/DISCLAIMER**

This agenda has yet to be dealt with by the Council. The Recommendations shown as the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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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, 27 SEPTEMBER 2017 COMMENCING AT 4.30PM.



P F Sheedy  
CHIEF EXECUTIVE OFFICER

20 September 2017

# AGENDA

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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)**

Apology: Cr S Baxi

**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](http://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**

8.1 Ordinary Council Meeting – 23 August 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](http://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](mailto: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](mailto: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](mailto: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

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### 13.1 Policy Review – Section 1, Councillors

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Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	11.09.17
Author:	Chief Executive Officer, P Sheedy
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	Policy Manual – Section 1

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#### **IN BRIEF**

- Policies at the Shire of Capel are reviewed every 2 years
- A review of Section 1 – Councillors has resulted in some minor changes and transfer of one policy out of this section into Section 3, Staff.

#### **RECOMMENDATION**

**That Council endorses:**

1. **The changes to Section 1 of the Shire of Capel Policy Manual described in this item and shown in the Attachment; and**
2. **The addition of text into Delegation 151 of the Shire of Capel Delegations Manual authorising the Chief Executive Officer to endorse an ‘Approved Lawyer’ for the purpose of Policy 1.5.**

#### **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 Councillors (Section 1 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 has examined 10 Policies.

##### **Proposal**

Council to consider the bi-annual review of Section 1 of the Shire of Capel Policy Manual and adopt the proposed recommendations.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 s2.7

##### **2.7 Role of council**

- (1) The council –
  - (a) governs the local government’s affairs; and
  - (b) is responsible for the performance of the local government’s functions

- (2) Without limiting subsection (1), the council is to –
  - (a) oversee the allocation of the local government’s finances and resources; and
  - (b) determine the local government’s 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**

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

**Long Term**

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

**SUSTAINABILITY IMPLICATIONS**

These Policies assist in the sound management of Council’s financial resources, governance procedures and financial systems. This assists Council in creating positive social and environmental impacts in the community.

**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 Chief Executive Officer, Governance Officer and officers at the Department of Local Government, Sport and Cultural Industries on this matter.

**COMMENT**

The changes proposed to Councillors Policies as a result of this review are relatively minor. All Shire of Capel policies underwent a major review and restructure in 2013 and there were significant amendments, alterations and deletions at that time.

Proposed changes are detailed below (with the exception of minor typographical and editorial corrections). Attachment 1 comprises the Policies under review. Suggested deletions are ~~struck through~~ and proposed amendments and insertions are shown in **bold**.



## **Throughout**

- The term 'Elected member' replaced by the word 'Councillor'
- The word 'staff' replaced by the word 'Employee(s)'.
- Chief Executive Officer referred to as 'CEO' after the first use of the full title in each Policy.
- Every Policy has had the review date altered from 2017 to 2019.

### **Policy 1.1 Media contact**

- Re-written to improve clarity and provide links to appropriate sections of the *Local Government Act 1995*.
- Specific references to social media added.

### **Policy 1.2 Publications - Councillors**

- Outdated documents removed from the list, some additional documents added
- Noted when documents are available on Shire of Capel website

### **Policy 1.3 Travel expenses**

- Sentence noting seat upgrades to business class may be considered on long flights has been removed.
- Additional clarity provided concerning use of a car to travel when journey would normally be by air.
- Receipts and completed claim forms now required by Shire staff prior to reimbursement of any Councillor travel expenses.

### **Policy 1.4 Code of Conduct**

- Previously removed OC0703/17

### **Policy 1.5 Legal representation**

- References to incorrectly numbered internal clauses corrected
- Duplicated text removed
- The definition for 'Approved lawyer' makes reference to the CEO approving certified practitioners of law under delegated authority. Delegation 151 to be amended to reflect this.

#### ***Existing Delegation 151***

The Chief Executive Officer is delegated authority to approve applications from Councillors or Officers for financial support for legal services in cases where a delay in approval of an application will be detrimental to the legal rights of the applicant.

#### ***Suggested amendment Delegation 151***

The Chief Executive Officer is delegated authority to:

- Approve applications from Councillors or Officers for financial support for legal services in cases where a delay in approval of an application will be detrimental to the legal rights of the applicant; and
- Endorse an approved lawyer who is a certified practitioner under the *Legal Profession Act 2008* or that person's legal firm to represent the Councillor or Officer.

### **Policy 1.6 Conference and training expenses**

- Some Policy Statements re-worded to improve clarity
- Text included to address situations where a Councillor request to attend a conference/training session is not supported by the CEO.
- Sentence noting seat upgrades to business class may be considered on long flights has been removed.
- Duplicated text removed
- Receipts and completed claim forms now required by Shire staff prior to reimbursement of any expenses

### **Policy 1.7 Disruptive behaviour at Council meetings**

- Minor editorial changes only.

**Policy 1.8 Honorary Freeman**

- Minor editorial changes only.

**Policy 1.9 Councillor retirement gifts**

- Policy statements 1 and 2 placed in reverse order to improve clarity.

**Policy 1.10 Designated Senior Employees**

- Moved to Section 3 of the Policy Manual (Council staff). Renumbered 3.26.

**Policy 1.11 Council functions and events**

- Minor editorial changes only.

**VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATION – 13.1</b>
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**That Council endorses:**

1. **The changes to Section 1 of the Shire of Capel Policy Manual described in this item and shown in the Attachment; and**
2. **The addition of text into Delegation 151 of the Shire of Capel Delegations Manual authorising the Chief Executive Officer to endorse an 'Approved Lawyer' for the purpose of Policy 1.5 Legal Representation.**

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## 13.2 Local Government Act 1995 Review

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Location:	Whole of Shire
Applicant:	Western Australian Local Government Association (WALGA)
File Reference:	ICR29853
Disclosure of Interest:	Nil
Date:	10.09.17
Author:	Chief Executive Officer, PF Sheedy
Senior Officer:	Chief Executive Officer, PF Sheedy
Attachments:	Submission on the WALGA Discussion Paper

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### **IN BRIEF**

A submission has been prepared by the Chief Executive Officer (attachment) that outlines the Local Government Act (LG Act) 1995 issues raised by the Western Australian Local Government Association (WALGA) for inclusion in the first round of discussions with the Minister for Local Government, comment by the Chief Executive Officer (CEO) and a proposed Council position on each issue raised by WALGA.

### **RECOMMENDATION**

**That Council endorses the 'Shire of Capel Submission on the WALGA Discussion Paper – Review of the Local Government Act 1995' dated September 2017 as detailed in the attachment and it be forwarded to the Western Australian Local Government Association and Local Government Professionals Australia WA.**

### **BACKGROUND / PROPOSAL**

#### **Background**

The Minister for Local Government, Hon David Templeman wrote to the Association on 14 June 2017 to announce the commencement of the review of the *Local Government Act 1995*. The correspondence is outlined below:

*'Due to the scope of the likely amendments and my desire to see early progress, I have decided that the work will be undertaken in two phases:*

*The first will focus on modernising Local Government, with the policy work and consultation to be completed in 2017 with a Bill in 2018. Key topics in this phase will be increasing elector participation, electronic disclosure (making information more readily available), simplifying the disclosure of gifts and some reducing red tape provisions.*

*The theme for the second phase is delivering for the community, with the policy work and consultation to be completed in 2018 with a Bill in 2019. Key themes for this phase will be improving behaviour and relationships, increasing community participation, enabling local government enterprises, improving financial management and reducing red tape '*

The following are the issues that the Minister's office has put forward:

#### **Phase 1: 'Modernising local government' - 2017**

- Increasing participation in local government elections
- Strengthening public confidence in local government elections
- Making information available online
- Restoring public confidence (includes the gift provisions)
- Reducing red tape

- Regional Subsidiaries.

#### Phase 2: 'Services for the community' - 2018

- Increasing community participation
- Improving financial management
- Improving behaviour and relationships
- Reducing red tape.

The Minister has invited WALGA and Local Government Professionals WA to participate in a reference group on the review. The Minister's office has advised that there may be some flexibility as to what issues are to be considered in Phase 1 or Phase 2.

#### **Proposal**

In July 2017, State Council considered and adopted the following Consultation Process:

- An Infopage will be distributed to Local Governments including a Discussion Paper on issues that have been identified over the last 8 years including advocacy positions resolved by the sector. This will include a request for Local Governments to submit additional items for consideration in the Act review process. Councils can submit individually or collectively through their Zone.
- WALGA to hold Zone/regional group forums on the Act/Regulatory amendment suggestions. Can be held in-conjunction with a Zone meeting or separately.
- Finalise feedback and provide recommendations on legislative and regulatory change through a State Council agenda item that would go through the Zones.

The Discussion Paper draws on a number of resources upon which WALGA's proposals for Act amendment are based. These resources represent long-standing positions on Act amendments that were developed by the Sector and Sector representatives.

These are as follows:

1. **WALGA Advocacy Positions:** A document representing a collation of WALGA's advocacy positions determined by formal State Council resolutions, inclusive of motions passed at the Association's Annual General Meeting.
2. **WALGA Zone Proposals:** This Discussion Paper attempts to capture WALGA Zone resolutions requesting WALGA seek amendment to the Local Government Act.
3. **Local Government Reform Steering Committee Report May 2010:** Proposals developed by the Legislative Reform Working Group. Some proposals have already been implemented through Local Government Act amendments since 2010, with the remaining recommendations presented in this Paper for consideration.

All positions are up for review as part of this process. In addition WALGA welcomes any other item to be brought forward.

WALGA will conduct a comprehensive consultation process to provide Member Local Governments with as much opportunity as possible to contribute.

During August and September 2017, WALGA will hold Zone and Regional Group forums on the Local Government Act Review. Local Governments can choose to contribute in conjunction with a Zone/Regional Group meeting, separately by lodging a Council endorsed submission, or both.

The final collated feedback will be prepared as a State Council Agenda Item for Zone consideration during the November/December 2017 round of Zone meetings. State Council will ultimately determine its position at its meeting of 6 December 2017.

Council endorsed submission on the issues raised in this Discussion Paper, as well as any other relevant matters, can be forwarded by Friday 20 October 2017 to: James McGovern, Manager Governance - [jmcgovern@walga.asn.au](mailto:jmcgovern@walga.asn.au) or 9213 2093.

### **Local Government Priorities**

The following key issues have previously been brought to the attention of WALGA and identified as priorities, and will form part of the consultation process with the sector on Act amendments:

- a) Gifts
  - Exempt gifts received in a genuinely personal capacity
  - Gift declarations threshold to commence at \$500.00 with no upper limit
  - Gift provisions to apply to Elected Members and CEO only.
- b) Regional Subsidiaries
  - Amend Regulations to permit borrowings
  - Amend Regulations to permit dealing in land transactions
  - Amend Regulations to permit trading undertakings.
- c) Rating Exemptions:
  - Charitable Purposes provisions
  - Rate Equivalency Payments of Government Trading entities.
- d) Financial Management Issues:
  - Borrowings
  - Investments\*
  - Fees and Charges
  - Financial ratios.

(\* Regulation 19C(2)(b) of the Financial Management Regulations was amended on 12 May 2017 to permit fixed term deposits to be invested for up to 3 years,)

- e) Administration:
  - Electors' General Meetings to be optional
  - Designated Senior Officer section to be reviewed
  - Public Notices (modernisation of the Act to acknowledge electronic means)
- f) Functions of Local Governments:
  - Tender Thresholds
  - Establish Council Controlled Organisations (Local Government Enterprises)
  - Regional Council provisions (review of compliance requirements)
- g) Poll Provisions relating to amalgamations and boundary adjustments.
  - The poll provisions contained in Schedule 2.1 of the Local Government Act should be extended to provide any community whose Local Government is undergoing a boundary change or amalgamation with the opportunity to demand a binding poll of electors.

### **Sector Principles**

Key foundations of the Act, which the sector would like considered, relate to the retention of the 'general competence' principle and consideration of a size and scale compliance regime. The Act review will incorporate regulatory amendments.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Local Government (Regional Subsidiaries) Regulations 2017

Local Government (Administration) Regulations 1996

Local Government (Rules of Conduct) Regulations 2007

Local Government (Financial Management) Regulations 1996

### **POLICY IMPLICATIONS**

Policy 2.30 'Related Party Disclosures' would be impacted if the proposal in the Discussion Paper to seek an exemption from the implementation AASB124- Related Party Disclosures was supported by the Minister and endorsed by Parliament.

### **RISK IMPLICATIONS**

Risk implications are based on a risk matrix that takes into consideration the Consequences (insignificant, minor, moderate, major or catastrophic) and Likelihood (almost certain, likely, possible, unlikely and rare) as a result of a decision or action taken.

With many of the proposed Local Government Act changes proposed in the Discussion Paper being administration matters the risk implications to the council, employees and community would be assessed as low risk.

However with proposed changes that relate to finances that could impact directly on the community (removing the setting of fees and charges from legislation), removing rate exemption from charitable organisations, government entities and under State Agreement Acts, the risks could be considered to be high in that the community and charitable organisation are possibly (Likelihood) going to consider that this is just a revenue raising exercise by local governments which could have minor to moderate consequences from a community relationship point of view.

There is also a possibility that the removal of the annual electors meeting, as a statutory requirement, will possibly (Likelihood) not be seen favourably by some members of the community and there may be some minor consequences resulting in a moderate risk to the organisation from a public relations and community engagement perspective.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The preparation of the submission on the WALGA Discussion Paper will have no implications in the current 2017/18 budget and any changes to the Local Government Act would not be finalised until after the 30 June 2018.

#### **Long Term**

Depending on the level of changes agreed to by the State Government from the Discussion Paper there is the potential for both positive and negative long term financial implications some of which are detailed below:

- The removal of the need for state-wide public advertising would reduce advertising costs.
- Compulsory training of elected members would see the need for the allocation of increased funds annually and the amount would depend on whether the State Government provided any subsidies for training and where the training is held.
- Raising the tender threshold will reduce the amount of administration required to manage large projects.

- The ability to set fees and charges that reflect the cost of providing the service would improve the financial position of the Shire as would the ability to raise additional rates from exempt organisations.

### **SUSTAINABILITY IMPLICATIONS**

The ability to raise additional revenue whether from fees and charges or rates would have a positive financial sustainability implication, whilst additional costs for such matters as elected member training would have a negative implication.

Changing the Regional Subsidiaries legislation, allowing the formation of Council Controlled Organisations and allowing local governments to use freehold land as security against borrowings, has the potential to provide positive economic sustainable implication.

### **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 – 2031

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

Strategic Outcomes:

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

### **CONSULTATION**

WALGA is proposing to undertake consultation with local governments via zone and regional group forums and receiving submissions on their Discussion Paper and the preparation of the Shire of Capel submissions allows for consultation by Council staff and elected members.

### **COMMENT**

Given that this will be the most comprehensive review of the Local Government Act since its commencement in July 1996 it is important that all local governments take the opportunity to raise as many pressing issues as possible for discussion with the Minister for Local Government to ensure that changes are made to the Act to allow local governments the flexibility they need to provide an efficient and cost effective service to their communities in a sustainable manner.

Whilst the Discussion Paper seeks to address a number of issues across a whole range of local government areas the following matters are considered to be some of the key issues that require additional consideration by Council.

#### **Method of Election of Mayor/President**

As indicated in the Discussion Paper there was very strong support at the Local Government Convention snap poll for the community to elect the Mayor/President. In past submissions this Council has strongly advocated for the local government (Council) to retain the right to elect the Mayor/ President and so the submissions support this position.

#### **Elected Member Training**

In a submission in 2015 Council indicated its support for the introduction of mandatory training for elected members with some consideration for existing elected members with a reduction in the annual allowance where the training has not been completed by the required time.

The Discussion Paper also raises the issue of candidates being required to undertake training prior to nominating for Council but the submission does not support this proposal.

### **Standing Down When Contesting State or Federal Election**

The submission supports elected members seeking to contest state or federal elections being required to take leave of absence from the Council, applying from the issue of Writs.

### **Tender Threshold**

The proposal is to increase the tender threshold from the existing \$100,000 to \$250,000, which would reduce the need to prepare detailed tender specifications etc. for all amounts under the threshold. Employees would still be required to comply with Council's Purchasing Policy and Procedure that would require three written quotations.

The submission supports the increase as it will assist in improving administration efficiencies.

### **Conducting of Postal Elections**

The WALGA Discussion Paper supports an amendment to the LG Act to allow local governments to undertake postal election. The Council submission supports this position subject to the Returning Officer not being an employee or elected member of the local government conducting the postal voting election.

### **Voluntary Voting**

The Discussion Paper advocates for the retention of voluntary voting in local government elections and the submission by Council supports this position.

### **Senior Employees**

The Discussion Paper advocates for the deletion of section 5.37(2) of the LG Act that currently requires the Chief Executive Officer is to inform the Council of any decision to employ or dismiss a senior employee and more importantly section 5.37(2) goes onto say 'the council may accept or reject the CEO's recommendation *but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*'

Currently there is a conflict between section 5.41 (g) which indicates that the CEO is responsible for the appointment and dismissal of other employees and this section (5.72). Also there is no direction in the LG Act as to what happens if a Council rejects a CEO recommendation to employ or dismiss a senior employee. The submission by Council supports the removal of section 5.37(2).

### **Gifts and Contributions to Travel**

The Discussion Paper advocates for only one section for declaring gifts and travel are considered as a gift, the gift provisions only apply to elected members and the CEO, that gifts relating to genuinely personal capacity be exempt and that gifts only above \$500 have to be declared.

The Code of Conduct now covers elected members, CEO and all employees, so other employees will be captured under these provisions in regards to receiving and declaring gifts. The submission by Council supports the proposal by WALGA.

### **Repayment of Advance Annual Payments**

The Discussion Paper proposal to allow for the recovery of elected member annual allowances and fees where the person ceases to hold office during the period of the repayment is supported in the submission.



**Fees and Charges**

The proposal to remove the setting of some fees and charges in legislation (dog registration fees, town planning fees and building permit fees) to allow a local government to set a fee that reflects the cost of providing the service is supported in the submission.

**Restrictions of Borrowings**

The Discussion Paper suggests an amendment to the LG Act to allow for local government to use freehold land, in addition to its general fund, as security when borrowing and this is supported in Council submissions

**Rate Exemptions**

The Discussion Paper outlines a number of areas where the levying of rates is currently exempt (charitable organisations, LandCorp, government trading entities and state agreement acts) and recommends that legislation be amended to allow for rating to occur or the payment of rate equivalent amounts. The Council submission supports this stance.

**Stand Down Provisions**

The Minister for Local Government has strongly indicated his desire to amend legislation to allow for the standing down or dismissal of individual elected members rather than having to dismiss the whole Council, as is currently the only option. WALGA is supportive of this position and the Discussion Paper outlines how this may operate, which is supported in the Council submission.

**Number of Electors**

Throughout the Discussion Paper there are a number of areas where it is proposed that the number of electors required to call special meetings, seek a poll etc. be increased from the current 100 or 5% whichever is fewer to 500 or 5% whichever is fewer.

Finally the WALGA Discussion Paper has been provided under separate cover, rather than as an attachment to this agenda item.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER'S RECOMMENDATION – 13.2**

**That Council endorses the 'Shire of Capel Submission on the WALGA Discussion Paper – Review of the Local Government Act 1995' dated September 2017 as detailed in the attachment and it be forwarded to the Western Australian Local Government Association and Local Government Professionals Australia WA.**

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### **13.3 Regional Waste Facility – Management Order Reserve 14076 Goodwood Road, Capel**

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Location:	Goodwood Road, Capel
Applicant:	Shire of Capel
File Reference:	WM.PL.3
Disclosure of Interest:	Nil
Date:	12.09.17
Author:	Chief Executive Officer, PF Sheedy
Senior Officer:	Chief Executive Officer, PF Sheedy
Attachments:	Map of Locality

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#### **IN BRIEF**

As the Department of Primary Industries and Regional Development is seeking evidence of Council's approval for the development of a Regional Waste facility at site 16 Goodwood Road, Capel (Reserve 14076), which cannot be given at this time as it has not been advertised for public comment, it has been determined that the next best option is for Council to formally seek the vesting of the reserve from the Minister for Planning, Lands and Heritage.

#### **RECOMMENDATION**

**That Council writes to the Minister for Planning, Lands and Heritage seeking a Management Order, with the power to lease, for Reserve 14076, for the purpose of Waste Management and Natural Resources.**

#### **BACKGROUND / PROPOSAL**

##### **Background**

July 2014 refers:

Council at its meeting on 16th July in part resolved (Minute OC0721)

*'That Council resolves:*

2. *Support points 4 and 5 of the City of Bunbury decision from its meeting on 8 May 2014, being:*
  - 4) *Arrange a meeting of all interested local government and the South West Development Commission to seek interest in the development of a South West Regional Waste Management Strategy;*
  - 5) *Subject to the level of interest in relation to point 4, funding be sought for the appointment of a project officer/consultant to coordinate the development of a strategy, site investigations and alternative solutions.' and direct its delegates (President and CEO) attending the Bunbury Wellington Group of Councils meeting on 21 July 2014 to vote accordingly.*

September 2014:

The BWGOC engaged Talis Group to commence the process of identifying alternative suitable sites for use as a Regional Waste Facility. A number of sites were subsequently identified and then went through an extensive criteria analysis and assessment process by Talis to the point reached today where site 16 Goodwood Road was identified and agreed upon by the South West Regional Waste Group as being the most suitable site and Talis have been further engaged to progress detailed assessments and approvals to the development of the site.

March 2017 refers:

Between 2014 and 2017 there have been numerous requests to the Department of Regional Development (DRD) for approval to amend the Financial Assistance Agreement scope and timeframe to expend the CLGF funds. Following a further request for an extension of time to expend the funds in late 2016 a letter was received from DRD in March 2017 which in part advised as follows:

*'As you may be aware that in delivering the CLGF program, DRD is required to fulfil certain compliance requirements. To meet this compliance, recipients of CLGF are required to provide quarterly and annual project reports over the life time of the project until the audited Final Report is accepted by DRD.*

*Hence DRD has adopted the policy to conclude the CLGF program by 31 December 2017, by which time all CLGF initiatives must be acquitted.*

*DRD is concerned that very little expenditure on the project has occurred. It would be most appreciated if you could please provide DRD with an update on the progress of the project and advise if the project is scheduled to be completed by June 2017.*

*Given that it may take some time to acquire a new site, I would encourage the Group to find an alternative proposal to optimise this funding opportunity for the benefit of the community, and to ensure the funds are spent within the required timeframe. DRD may consider an alternative approach to use the project funding, provided that it aligns with the scope of the project as approved by State Cabinet and that the Group confirms that it would be completed by 31 December 2017.'*

March 2017 refers:

At the meeting of the BWGOC held on 27 March 2017 the following was resolved:

*That BWGC:*

- 1. Continue studies on Goodwood Road;*
- 2. Prepare a Report in chronological order of amendments and agreements;*
- 3. Seek to allocate funding to the first cell on Stanley Road;*
- 4. Arrange a meeting with Mayors and Shire President's with the proposal;*
- 5. Provide a response back to DRD.*

May 2017 refers:

Council at its meeting on 24 May 2017 (Minute OC0508) resolved:

*That:*

- 1. Council supports the reallocation of the CLGF Funds of \$4,561,000, previously allocated the Bunbury Harvey Regional Group of Councils, to purchase and develop a Regional Waste Facility to:
  - a) Progressing the South West Regional Waste Site (including Project Officer cost for three (3) years) - \$1,461,000; and*
  - b) Development of a new lined cell at the Stanley Road Bunbury Harvey Regional Council Waste Site - \$3,100,000.**
- 2. If there is no support at the Bunbury Wellington Group of Councils special meeting on 29 May 2017 for point 1 above (option 1) or it is not approved by the Department of Regional Development, then the President be authorised to consider alternatives provided at the meeting on 29 May 2017 or subsequent BWGOC meetings and support a position that will see a positive outcome for Bunbury Wellington Group of Council Local Governments.*

August 2017 refers:

The South West local governments have agreed to fund the undertaking a spring 2017 flora and fauna survey of Reserve 14076 which will identify if there are any significant flora and fauna issues on the reserve which supports or challenges the comments provided by the state government agencies.

### **Proposal**

A letter from DRD in June 2017 requested further information from the BWGOC which was required by 21 August 2017 and one of the requirements was for the Group to show evidence of Council approvals for site 16, Goodwood Road, Capel as a Regional Waste Facility.

In order to meet this requirement it was determined that the Shire of Capel should formally seek the vesting of the unallocated Crown Reserve 14076.

Despite the potential opposition from the Department of Mines and Petroleum and Department of Biodiversity, Conservation and Attractions to the site being utilised as a Regional Waste Facility it is proposed to formally resolve to seek the approval of the Minister for Lands for Reserve 14076 to be vested in the Shire of Capel for Waste Management and Natural Resources.

### **STATUTORY ENVIRONMENT**

Land Administration Act 1997

### **POLICY IMPLICATIONS**

There are no current Shire policies relevant to this matter.

### **RISK IMPLICATIONS**

Whilst there have been preliminary objections by the Department of Mines and Petroleum and Department of Biodiversity, Conservation and Attractions to the site being used for a waste facility the risk of Council being given management responsibility for a large uncleared site that may not then be permitted to be used as future waste site is considered to be low.

This conclusion is based on the assumption that it is expected that any objections to the vesting of the reserve to the Shire of Capel will be dealt with as part of the application for management process and if it is considered that these objections are valid then it is expected that the vesting would not proceed. Conversely if the vesting is approved it would be assumed that its use as a waste site can proceed.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

The request to seek vesting of the reserve will not have any impact on the 2017/18 budget as there are no costs associated with this request other than some employee time (CEO) in progressing the matter.

#### **Long Term**

In the short term until the Regional Group of Local Governments is formed, that will manage and operate the Regional Waste Facility, Council will be responsible for management of the reserve (i.e. fire management, removal of rubbish etc.).

## **SUSTAINABILITY IMPLICATIONS**

The establishment of a regional waste facility that will provide increased opportunities for recycling, composting of organics and investigation into waste to energy will assist in reducing waste being dumped, reducing the impact on the environment and also assist in reducing the waste costs to the community.

## **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:

- 1.3 Develop, support and implement innovative solutions
- 1.5 Ensure the effective management of Council’s resources

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

Strategic Outcome:

- 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.

## **CONSULTATION**

There has been ongoing consultation with DRD over several years and discussion at BWGOC meetings on numerous occasions on the allocation of the CLGF Regional Waste Facility funding.

A teleconference between the seven (7) BWGOC Chief Executive Officers occurred on Wednesday 10 May 2017 to discuss the recommendation from the BWGOC meeting held on 27 March 2017.

Further consultation has taken place with DRD following the special meeting of the BWGOC called for Thursday 29 May 2017 at which the Mayor and Presidents of the seven (7) BWGOC voted on Council resolution OC0508 from 24 May 2017, as DRD required a written response by 31 May 2017.

On the 14 July 2017 a deputation of Presidents and Chief Executive Officers attended a meeting with officers from the Minister for Primary Industries and Regional Development office to see if a further extension of time to expend the funds could be agreed to.

## **COMMENT**

The development of a Regional Waste Facility utilising CLGF funds commenced in 2012 but with the unsuccessful negotiations by the Regional Group to pursue its first option, it was required to consider alternative options which was determined to be the investigation of a suitable ‘Green fields in the South West. This has required the engagement of a consultant with the initial identification of thirty six (36) sites which eventually was narrowed down to the preferred site, being site 16 Goodwood Road, Capel. This has taken a considerable period of time and unfortunately has resulted in numerous requests to the (DRD) for approval to amend the Financial Assistance Agreement scope and timeframe to expend the CLGF funds.

With the change of state government at the March 2017 election the incoming Labour government have taken the opportunity to review all outstanding CLGF funds still not expended and the South West Group has been caught up in this process to the point where DRD have given a deadline of 31 December 2017 for all funds to be expended and the 21 August 2017 whereby the BWGOC were required to provide additional information to support the proposed change of use of the CLGF funds (Council decision May 2017 OC0508).

A letter from DRD in June 2017 required the BWGOC to provide further information to support the Groups alternative proposal (Council decision May 2017 OC0508), with one of the requirements being evidence of approval from the local government, in which site 16 is located, of approval of the use of the land for this purpose of a Regional Waste Facility. As a formal application has not been made to the Shire of Capel for approval of this site as a waste facility the BWGOC considered that the next best option would be for the Shire of Capel to seek vesting of the reserve from the Minister for Planning, Lands and Heritage.

Letters to Department of Mines and Petroleum and Department of Biodiversity, Conservations and Attractions seeking comment on the proposed use of reserve 14076 as a Regional Waste Facility has resulted in opposition by both departments on the basis that:

- The proposed area is covered by an exploration licence;
- A Strategic Mineral Resource Protection Area covers approximately 40% of the reserve;
- There is also Regionally significant Basic Raw Material (gravel) covering 70% of the reserve;
- There is evidence of significant remnant vegetation on the site; and
- The site is a potential food source and breeding habitat for endangered species.

The South West Group of Councils are proposing to undertake a spring flora and fauna survey and a 'Viability Assessment of a Prospective Waste Landfill Site' study which will advise and inform of the viability of the site and identify if other work to be undertaken to address concerns raised by the state government departments.

Finally the South West Group acknowledge that seeking approval for any 'Green Fields' reserve site in the South West has the potential to be opposed by some state government agencies for various reasons and especially conservation, when it will involve clearing of existing vegetation. It is expected that any application for vesting of the site will again seek comment from various state government agencies and potentially take 1-2 years to progress by which time the viability assessment study and flora and fauna survey will be completed to help inform the South West Group and state government departments on the validity of the objections.

### **VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATIONS – 13.3</b>
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**That Council writes to the Minister for Planning, Lands and Heritage seeking a Management Order, with the power to lease, for Reserve 14076, for the purpose of Waste Management and Natural Resources.**

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### **13.4 Ocean Forest Lutheran College – Expression of Interest Purchase**

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Location: Dalyellup  
Applicant: Shire of Capel  
File Reference: CP.AC.2  
Disclosure of Interest: Nil  
Date: 13.09.17  
Author: Chief Executive Officer, PF Sheedy  
Senior Officer: Chief Executive Officer, PF Sheedy  
Attachments: Nil

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#### **IN BRIEF**

Council to complete and lodge the 'Expression of Interest Form (Phase Two)', on or before the 29 September 2017 and if shortlisted, commence negotiations with the Ocean Forest Lutheran College (OFLC) owners and agent on options.

#### **RECOMMENDATION**

**That the Chief Executive Officer be authorised to complete, sign and lodge an 'Expression of Interest Form (Phase Two)' in regards to the proposed sale of the Ocean Forest Lutheran College land and buildings, prior to the due date of 29 September 2017.**

#### **BACKGROUND / PROPOSAL**

##### **Background**

May 2017 refers:

Council received written advice from the OFLC that the school would close at the end of 2017.

July 2017 refers:

Council received an 'Expression of Interest Sale of Ocean Forest Lutheran College' document that detailed the proposed sale of the OFLC Dalyellup site and provided details of the proposed sale process and timeframes.

August 2017 refers:

The Shire of Capel submitted a 'Phase One' Expression of Interest by the deadline of 18 August 2017 registering the Shire's interest in being considered for the purchase of the land and buildings at Dalyellup.

On 21 August 2017 Council received advice from the consultant handling the sale, PLA Consulting, to advise that the Shire of Capel has been invited to proceed to Phase Two of the Expressions of Interest for the sale of Ocean Forest Lutheran College.

At Council meeting on 23 August 2017 it was resolved (Minute OC0806):

*'That Council, as required by section 6.8 (1)(b) of the Local Government Act 1995, authorises unbudgeted expenditure of up to \$13,000 to allow the Chief Executive Officer to obtain two valuations for the Ocean Forest Lutheran College land and buildings at Lot 1431, 133 Norton Promenade, Dalyellup.'*

September 2017 refers:

Councillors and staff undertook a site visit of the OFLC to assess and view all the facilities at the College.

### **Proposal**

In order to progress to the final stage and be in a position to negotiate a suitable outcome with the owners of the OFLC, whether that is purchase, lease, partial lease or a combination of these, Council is required to complete the 'Expression of Interest Form (Phase Two)' on or before the 29 September 2017.

So the intention is to submit the Expression of Interest (EOI) by the due date of 29 September 2017 and if successful in being shortlisted, undertake further due diligence and commence negotiations with the agent and owners of the OFLC.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 section 3.1

#### **3.1. General function**

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

### **POLICY IMPLICATIONS**

There are no existing policies relevant to this item.

### **RISK IMPLICATIONS**

Acquiring and/or leasing the site both have high risks associated with it from a financial perspective. Annual operating costs given the size of the facility and the amount of buildings would place some financial pressure on the organisation in the short to long term and the risk would be that other services may need to be reduced or removed to fund this facility.

An offer to lease now and purchase later also has a high risk of funds not been available at the time of purchase from loan funds, Shire Reserve funds or external grants.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

Depending on whether Council is shortlisted and negotiations are undertaken there may be some additional expenditure incurred in the 2017/18 financial year.

Income from the OFLC as a contribution towards the operating costs of the two ovals has already been reduced in the 2017/18 budget anticipating contributions only until the 31 December 2017.

#### **Long Term**

Long term financial implications very much depend on the outcome of the final selection process and negotiations with the OFLC as to whether the Shire proceeds with purchase, a lease of all facilities or only part of the facilities (i.e. ovals).



Acquisition of the whole facilities would provide the opportunity to explore options of leasing or hiring out parts of the facilities to generate income to offset some of the costs.

### **SUSTAINABILITY IMPLICATIONS**

The OFLC land and buildings offers an opportunity for increased social engagement with the ability to utilise various parts of the facilities for a library and various community activities.

However there is substantial cost involved in a possible purchase and/or operating or leasing of the existing facilities either completely or partly which will require some significant reductions to other areas to ensure that the Shire remains sustainable in the long term.

There are no immediate environmental implications that have to be considered or addressed.

### **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:

- 1.3 Develop, support and implement innovative solutions.
- 1.4 Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation.
- 1.5 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.

### **CONSULTATION**

There has been consultation with the OFLC staff on the current facilities, the consultant managing the sale of the property, Councillors, Executive Managers and Managers on a range of options that could be pursued in the best interests of the Shire.

Should purchase and or leasing of the facilities be undertaken then it is expected that there would be further levels of consultation with the community in regards to use of the facilities.

### **COMMENT**

The first priority for the Council is to secure ongoing management and use of the two existing ovals and basketball and tennis courts which are pivotal to the Shire being in a position to provide adequate recreation playing spaces for the current community.

Whilst the purchase of the whole site, being land and buildings would potentially be a priority option to pursue, the Shire would not be in a position to outlay funds for purchase for several years, given borrowing restrictions and the Shire's current sustainability being put at immediate risk. There are also some question marks about the ability of the Shire to fund a full purchase in the future without substantial grant funds and an increase in the level of reserve funds from developer contributions.

The very tight timeframe for the finalisation of the sale process indicated in the EOI document, being the end of October 2017, does not provide the opportunity for Council to explore other

options such as external funding (state and federal grants), co-location by other organisations, use by community groups etc. that may generate some additional income to offset some of the capital and/or operating cost.

Given the need for confidentiality on some of the information relevant to the position that the Shire will take on this matter, I propose to provide additional financial information at the upcoming Councillor/CEO Liaison meeting.

Finally it is imperative that the Shire of Capel remains as an ongoing party in the negotiations for the possible sale or lease of the OFLC facilities and to achieve this, Council is required to lodge the 'Expression of Interest Form (Phase Two)' by the due date of 29 September 2017 and then see if it progresses to one of the shortlisted parties which will allow for further discussion with the agent and owners of the OFLC.

**VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATION – 13.4</b>
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**That the Chief Executive Officer be authorised to complete, sign and lodge an 'Expression of Interest Form (Phase Two)' in regards to the proposed sale of the Ocean Forest Lutheran College land and buildings, prior to the due date of 29 September 2017.**

**14 ENGINEERING AND DEVELOPMENT SERVICES REPORTS****14.1 Structure Plan Amendment - Dalyellup Beach Estate – Modification No. 14 – Lot 9105 Harewoods Road (Dalyellup Boulevard), Dalyellup**


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Location:	Dalyellup
Applicant:	Calibre Consulting on behalf of Dalyellup Beach Estate Pty Ltd
File Reference:	LP.LS.13
Disclosure of Interest:	Nil
Date:	12.09.17
Author:	Senior Strategic Planning Officer, M J Wansborough
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1. Structure Plan Amendment 2. Dalyellup Beach Estate Local Structure Plan (February 2015)

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**IN BRIEF**

The proposed Structure Plan amendment provides the basis for future residential subdivision of the remaining portion of land in the Dalyellup Beach Estate including the Surf Club Precinct. The Structure Plan Amendment seeks to remove the requirement for a tourist precinct and to facilitate 144 residential lots along with areas for Regional Open Space, Public Open Space, drainage and a Community Purposes site intended for use by the Dalyellup Beach Surf Life Saving Club.

The final decision on whether to approve an amendment to a 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 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 to the Dalyellup Beach Estate Local Structure Plan at Lot 9105 Harewoods Road (Dalyellup Boulevard), 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**

December 1999

The WAPC endorsed the Dalyellup Beach Estate Local Structure Plan (DBELSP).

October 2006

Separate proposal to clear native vegetation for the development of Stages 13 and 16 of the Dalyellup Beach Estate in accordance with the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) was approved subject to conditions.

May 2008

The WAPC endorsed a consolidation of the DBELSP incorporating various modifications since the plan was originally approved.

February 2015

The WAPC endorsed minor Modification No. 12 to the DBELSP 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.

28 July 2017

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

23 August 2017

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

13 September 2017

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

### Proposal

The subject land is located within the south western corner of the Dalyellup Beach Estate and is defined by residential development to the east and north, with foreshore areas to the west and Regional Open Space to the south.

The subject land is part of the Quindalup dune system that runs north-south through the area. The subject land is vegetated and highly undulating with heights ranging from 5.0m AHD to an elevation of 35.0m AHD at a couple of points along the ridge line.

The beach car park, beach access and toilet block are outside the subject area with the current Surf Club sea containers encroaching into part of Lot 9105. The subject land is bisected by Dalyellup Boulevard which provides access to the beach car park.



—●— SUBJECT LAND

The proposal seeks to amend the approved structure plan as follows:

- The identified Tourism Precinct is to be removed;
- A defined Community Purpose site is to be added, with the intention that this is for a Dalyellup Beach Surf Club facility;

- A revised residential layout with additional residential lots provided in place of the Tourism Precinct;

The proposal will provide:

- 142 residential lots at R20 and R30 and one grouped housing lot at R80 densities to result in a total of approximately 170 dwellings;
- 2.05ha of Regional Open Space covering land located within the foreshore area;
- 6.54ha of public open space/drainage/community purpose; and
- A road link between Norton Promenade and Dalyellup Boulevard.

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

- Structure Plan report;
- Flora and Vegetation Survey;
- Fauna Assessment;
- Water Management Plan;
- Coastal Assessment;
- Bushfire Management Plan;
- Transport Assessment Report;
- Landscape Strategy Plan;
- Foreshore Management Plan;
- Servicing and Infrastructure Review;
- Geotechnical Report; and
- Earthworks and Staging Plan.

## **STATUTORY ENVIRONMENT**

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

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 Beach Estate Local Structure Plan (February 2015).
- Shire of Capel Corporate Business Plan (July 2016).

#### **Dalyellup Beach Estate Local Structure Plan (DBELSP)**

The subject land is identified in the DBELSP as 'undeveloped land' although the land uses of 'Residential R20', 'Residential R30' and 'Tourist Precinct' are identified 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, community facilities and fire management.

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.

The Structure Plan proposes that a portion of the site be created as Regional Open Space that will need to be confirmed by the WAPC. The agency to be responsible for vesting and ongoing management of the proposed Regional Open Space has not yet been determined.

### **SUSTAINABILITY IMPLICATIONS**

The Structure Plan has the following potential sustainability implications:

- Achievement of a balance between urban development and remnant vegetation retention, bushfire management and habitat protection;
- The need to manage proposed Regional/Public Open Space and development interface;
- Development of land with a range of residential densities and associated housing product that will contribute to housing choice; and
- 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 newspaper 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 Norton Promenade and Dalyellup Boulevard).

**COMMENT**

**Structure Plan format and content**

The Structure Plan is considered to be in a format with sufficient information and content to address the applicable planning framework and specific issues affecting the site for advertising to occur.

**Design, residential density and open space**

The Structure Plan incorporates sufficient information on the proposed local road network and broad subdivision layout for advertising to occur. The Structure Plan proposes residential densities ranging from R20/R30 consistent with densities within the Dalyellup area and the designation of the site for potential urban development. One residential lot is identified for grouped dwellings at Residential R80 which would allow for a significantly denser form of residential development than elsewhere within the Dalyellup Beach Estate. The applicant indicates that the intention is to allow for apartment or townhouse development which will also appeal to the potential holiday home market while adding built form interest to the precinct.

A significant portion of the subject land is proposed for Regional and Local Open Space, much of which is expected to be maintained in a vegetated state. Open space vesting, management and maintenance will be considered in further detail through the assessment process.

**Removal of Tourist Precinct**

In their submission, the applicant argues that there is no longer a requirement for a significant tourist facility in this locality in economic terms and the developable area is significantly constrained by coastal and bushfire setbacks and due to vegetation retention.

They suggest that the most appropriate future use of this location is as a local beach primarily to serve the residents of Dalyellup with supporting uses including the proposed surf club development as well as local amenities such as walking paths. The loss of the tourism precinct element will be considered in further detail through the assessment process.



### **Community Purposes site**

The structure plan provides for a Community Purposes site with the intention that this will provide a permanent space for the Dalyellup Beach Surf Life Saving Club and associated community facilities such as café, toilet block, picnic area, etc. as required.

### **Flora and fauna impacts**

The Structure Plan includes flora and fauna assessments with efforts made in the design to preserve and complement the natural characteristics of the site through retention, rehabilitation, fauna linkages, open space network and landscaping. The significant vegetated bushland areas through the core of the structure plan amendment area will be retained and enhanced for their long term protection.

### **Bushfire management**

The Structure Plan Amendment includes a Bushfire Management Plan (BMP) that will require detailed assessment and approval prior to final approval.

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 the proposed R80 residential cell is impacted by a significant fire management setback over approximately 50% of the site. The applicant proposes a Local Development Plan to cover this area as a condition of the structure plan amendment, to ensure passive uses such as parking and landscaping occur in this buffer, with buildings outside.

### **Coastal matters**

The structure plan amendment is supported by an assessment of coastal processes which recommends an erosion allowance of 39m and a coastal processes setback of 149m, as well as a Coastal Foreshore Management Plan which sets out to guide the management and use of the foreshore in this part of Dalyellup.

### **Water management**

The Structure Plan includes a Water Management Plan that will require further detailed assessment including referral to the Department of Water prior to referral of the Structure Plan to Council following advertising.

### **Traffic assessment and connection to the Local Road Network**

The Structure Plan amendment includes a traffic assessment and proposes a link road between Norton Promenade and Dalyellup Boulevard in order to 'close the loop' in this corner of Dalyellup. The applicant indicates that the anticipated volume of traffic can be accommodated by the proposed local road network, based on the provision of appropriate intersection treatments, such as roundabouts.

### **Earthworks and finished levels**

Subdivision to create residential lots and roads as proposed by the Structure Plan amendment will require substantial earthworks and retaining walls due to the complex topography of the underlying dune system. Structure plans by their definition are generally not required to include details of earthworks and retaining, however given the nature of the site, the applicant has provided further details on earthworks and finished levels that will be further assessed prior to referral of the Structure Plan to Council following advertising.

### **Servicing**

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

A waste water pump station is proposed in the corner of the Public Open Space on the north side of Dalyellup Boulevard. This will link the proposed sewerage reticulation into the existing main constructed within Dalyellup Boulevard.

### **Community facilities development contribution**

Contributions to community facilities will be expected from subdivision in accordance with the Draft Development Contribution Plan and Scheme Amendment No. 65.

### **Conclusion**

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

### **VOTING REQUIREMENTS**

Simple majority

<b>OFFICER RECOMMENDATION – ITEM 14.1</b>
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**That Council advertises the draft amendment to the Dalyellup Beach Estate Local Structure Plan for Lot 9105 Harewoods Road (Dalyellup Boulevard), 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.**

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## 14.2 Proposed Road Closure – Fennell Road

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Location	Capel
Applicant:	Iluka Resources Pty Ltd
File Reference:	ICR25534
Disclosure of Interest:	Nil
Date:	02.08.17
Author:	Manager Operations, S Faber
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachment:	Location Map

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### **IN BRIEF**

An application was received from Iluka Resources requesting continuation of the closure of Fennell Road for an additional period of 3 years.

The applicant is required to carry out remediation works from adjacent processing activities within the Fennell Road reserve. The previous closure approval by Council ended 31 July, 2017.

### **RECOMMENDATION**

**That Council approves the closure of Fennell Road for a period of three years from 28 September 2017 to 28 September 2020 for the purpose of remediation of the road reserve by Iluka Resources subject to conditions.**

### **BACKGROUND / PROPOSAL**

#### **Background**

11 June 2009:

Correspondence (DW48582) was received from Iluka Resources stating, in part:

*'...our ongoing environmental monitoring program has discovered elevated radiation levels adjacent to the Capel Dry Plant, primarily in the road and rail reserve to the east of the plant.'*

*As per WA regulatory requirements, these findings have been reported to:*

1. State Mining Engineer;
2. Radiological Council; and
3. Department of Environment and Conservation – Contaminated Sites Act 2003.

Iluka Resources stated it had developed a remediation plan which involved clearing the native vegetation, removal of the contaminated material to Yoganup extended tails disposal site, backfilling with neutral fill to the original contours and re-instatement of required infrastructure and rehabilitation.

Iluka Resources requested that it be provided with a lease from the Shire of Capel for the road reserve area adjacent to Fennell Road, from Gavins Road to Weld Road, as part of the remediation plan.

01 July 2009:

Following receipt of Iluka's correspondence, the Shire advised (DW50185):

*'...that the remediation of Fennell Road reserve cannot be conducted under a lease arrangement as this is not possible for road reserves. Depending on the extent of work required, there appears to be two options:*

1. *Under section 3.50 of the Local Government Act 1995, the Shire of Capel can temporarily close the road for up to four (4) weeks at a time; or*
2. *Close the road for greater than four (4) weeks at a time under section 3.50 of the Local Government Act 1995 subject to consulting utility providers, state agencies, adjoining residents etc.'*

25 November 2009:

Council, after due consideration at its 25 November 2009 Ordinary Council Meeting (OC1124/09), resolved to:

*'temporarily close the portion of Fennell Road, Capel as shown on Figure 1 in accordance with Section 3.50 of the Local Government Act 1995, for a period of up to two (2) years, to 30 November 2011 subject to the following conditions:*

1. *Iluka Resources Limited to fund all advertising and application costs associated with the temporary road closure;*
2. *Iluka Resources Limited to provide a security bond equal to the estimated total value of road reinstatement costs to be lodged with the Shire of Capel prior to any road closure or associated activity taking place within any road reserve. The total value of road reinstatement costs is to be determined by a suitably qualified independent agency and the cost breakdown for the road is to be provided to the Shire of Capel; and*
3. *Iluka Resources Limited to make written application to Council if the period of the road closure needs to be extended.'*

04 December 2009:

WML Consultants calculated a construction cost valuation for Fennell Road of \$42,750.

18 December 2009:

Iluka Resources provided a Bank Guarantee of \$42,750 with an expiry date of 18 December 2011.

05 July 2012:

In line with Condition 3 of Council's resolution (OC1124/09), Iluka Resources made formal written application:

*"Fennell Road was classified by the DEC under the Contaminated Sites Act 2003 as "Contaminated, Remediation Required" on 27 November 2009. A specific investigation and reporting process is dictated by this Act. Iluka has used the remediation of adjacent private land to develop expertise in the contaminated sites assessment process for low level radionuclide contamination. The private land is the first site in WA with low level radionuclide contamination to be subjected to the contaminated sites process. Due to the untested nature of this process, the time frame has been longer than expected.*

*In relation to remediation of Fennell Road, the following process is required:*

- *Conduct a Preliminary Site Investigation (completed);*
- *Develop a Sampling and Analysis Programme (in progress);*
- *Conduct a Detailed Site Investigation, leading to a Site Management Plan;*
- *Conduct remediation works;*
- *Validate the remedial works (further sampling); and*
- *Obtain a Mandatory Auditors Report from the auditor to recommend reclassification of the land.*

*Iluka Resources requests approval to extend the temporary road closure for an additional 2 years. To continue restriction of public access until the remediation process specified above*

*is completed, Iluka will continue to support the conditions as outlined in the Council's correspondence on 30 November 2009."*

There was no report taken to Council to consider extension of the road closure at this time.

23 January 2013:

On 23 January 2013 Iluka Resources lodged a second \$42,750 Bank Guarantee as security in the case of any remediation works being necessary on Fennell Road itself. The Bank Guarantee provided by Iluka expired 1 January, 2015.

20 August 2014:

Council, after due consideration at its 20 August 2014 Ordinary Council Meeting (C0810/14), resolved to:

*'extend the existing closure of Fennel Road, in accordance with Section 3.50 of the Local Government Act 1995, for a further period of up to three (3) years, to 31 July 2017.*

8 March 2017:

The Manager Operations wrote to Iluka Resources requesting an update on the progress of the remediation works on Fennel Road as the road closure approval end date was approaching (31 July, 2017). Iluka responded with a request to meet with Shire representatives to discuss the status.

Iluka representatives Mr Garry Green and Mr Neil Foster met on 20 March, 2017 with the Shire's Chief Executive Officer, Executive Manager Engineering and Development Services and the Manager Operations.

Mr Green indicated that Iluka Resources had been trying to combine the remediation works on Fennell Road with the remediation of the adjacent rail reserve. Unfortunately, Iluka Resources had not been successful in negotiations with the owner of the rail reserve the Public Transport Authority (PTA). Given the lack of support from the PTA, remediation works had not commenced. It was agreed that Iluka Resources would present a letter of proposal to the Shire for consideration.

1 May 2017:

Correspondence (ICR25146) was received from Iluka Resources noting that it had reached agreement with the adjoining land owner regarding the timing of remediation works and requesting a final three year extension of the road closure. Iluka Resources also committed to reinstatement of the Bank Guarantee, although this has not yet been received.

June 2017:

The Executive Manager Engineering and Development Services and Manager Technical Services met with Mr Garry Green and Mr Neil Foster from Iluka Resources where discussions were held with relation to the remediation progressing, agreed outcomes and the request for the continued closure of Fennell Road. It was agreed that:

- Iluka would review and upgrade current fencing arrangements suitable for the continued closure;
- Iluka will undertake clearing subject to a clearing permit, to open up the site for plant;
- Iluka will then undertake the removal of material as part of a bigger rehab project including the adjacent railway land, and the Capel Plant;
- The road formation will be stripped back and the seal removed;
- The existing road formation (nominally 4m wide) will be retained (unless affected by the rehabilitation works);

- The finished formation will be left level and graded, and any defects will be made good, to a walking track standard;
- The road reserve will be kept closed through the placement of bollards / fencing to be determined with the Shire;
- The driveway to the house near Weld Road will be upgraded in consultation with the property owner / tenant to a gravel / road base standard; and
- The site will be left neat and tidy.

### **Proposal**

This item proposes that Council consider a further closure of Fennell Road, Capel for a period of three years so that Iluka Resources may complete the road reserve remediation.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995, section 3.50

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

- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare the local government is to –
- (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare, where, when and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
  - (b) give written notice to each person who-
    - (i) is a prescribed person for the purposes of this section; or
    - (ii) owns land that is prescribed for the purposes of this section; and
  - (c) allow a reasonable time for submissions to be made and consider any submissions made.

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

### **POLICY IMPLICATIONS**

There are no current Shire Policies relevant to this matter.

### **RISK IMPLICATIONS**

The Risk Implication is low.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

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

## **Long Term**

There will be some minimal staff resources required to oversee and administer the conditions set out in the officer's recommendations. It is estimated that staff resources would be between 10-20 hours in total.

As the proposal recommends the reinstatement to a path level as part of the remediation works there will be some long term maintenance required to maintain the path and fencing infrastructure provided by the proponent. It is estimated that this would be approximately \$2,000-\$3,000 per annum to provide resources for ongoing maintenance.

## **SUSTAINABILITY IMPLICATIONS**

The proposal to provide a walking trail after the completion of the remediation works will provide social benefits to the community. The removal of the mining operation contaminants from the road reserve provides a long term environmental improvement with the road reserve.

Reducing the road to a walking trail will reduce the Shire's maintenance costs once it is open to the public.

## **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013-31.

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

Strategic Outcome:

4.8 Support the retention of the mining industry

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 Effectively manage the Shire's assets and resources.

## **CONSULTATION**

There has been ongoing consultation with Iluka Resources (details contained in Background). Public consultation has occurred as required under the *Local Government Act 1995*, (section 3.50 - Closing certain thoroughfares to vehicles) where it was advertised to give local public notice of the proposed order giving details of the proposal involved in a road closure consideration. The Shire received two submissions, standard response from Western Power (ICR23367) with no objections and the other from a resident (ICR26093) as follows.

*"Can I make a suggestion please?*

*Could the closure be applicable only to motor vehicles and that it remain accessible for foot and cycle traffic.*

*It actually used to make quite a nice loop walk for local residents and it would be nice to have this access again.*

*Many thanks,"*

## **COMMENT**

Fennell Road has been closed to public access since 2009. Iluka Resources have since 2009 endeavored to carry out their obligations to remediate the site as required by the *Contaminated Sites Act 2003*. Challenges with other adjoining reserve authorities have led to the long delays experienced which has made it difficult to meet the statutory obligations.

Recent correspondence with Iluka Resources indicates that it has now reached an agreement with other parties to enable the remediation to progress. It is, however, required that the road remain closed to allow for the remediation to take place.

It should be noted that the reinstatement works originally agreed by Council in 2009 (OC1124/09) and supported by WML Consultants (4065/Capel Plant Road Construction Costs, 4 December 2009) was for the road to be reinstated to its original condition. This was for Iluka Resources to reconstruct Fennell Road to a 3m wide sealed surface. There were several unknowns at the time of the report and the report recommended that if the sub-base was not suitable that reconstruction of the sub-base may be required.

Recent internal discussions involving Shire Officers has shown that the need to reinstate Fennell Road back to its previous condition provides no benefit to the Shire's road network. It was agreed that rather than the reconstruction of the road to its former condition that Iluka be required to reinstate the section remediated to an informal path status. One public submission received through the advertising period supported this outcome.

It should be noted that Iluka Resources owns the property at 57 Weld Road; this property appears in the conditions of approval.

### **VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATION – 14.2</b>
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**That Council approves the closure of Fennell Road for a period of 3 years from 28 September, 2017 to 28 September, 2020 for the purpose of remediation of the road reserve by Iluka Resources subject to the following conditions:**

- **Iluka Resources will review and upgrade current fencing arrangements, the road reserve be kept closed through the placement of suitable bollards/fencing to be determined with the Shire;**
- **Iluka Resources undertake vegetation clearing subject to an approved clearing permit;**
- **Iluka Resources remove contaminated material from the site as part of the rehabilitation project including the adjacent railway land and the Capel Processing Plant;**
- **The road formation be stripped back and the seal removed from site where remediation works are required to remove contaminated material;**
- **The existing road formation (nominally 4m wide) will be retained (unless affected by the rehabilitation works);**
- **The finished formation will be reinstated where effected by the remediation works, left level and graded, and any defects will be made good, to a walking track standard;**
- **The Fennell Road driveway to 57 Weld Road be upgraded by Iluka Resources in consultation with the property owner/tenant to a gravel/road base standard;**
- **The site will be left neat and tidy; and**
- **Iluka Resources will reinstate a bank Guarantee of \$42,750.00 to cover the cost of constructing the walking track.**



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### **14.3 Support for Dedication – Intersection of Bussell Highway and Tuart Drive**

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Location:	Intersection of Bussell Highway and Tuart Drive, Ludlow
Applicant:	Main Roads Western Australia
File Reference:	RO.DC.3
Disclosure of Interest:	Nil
Date:	25.08.17
Author:	Manager Technical Services, K McKeachie
Senior Officer:	Executive Manager Engineering and Development Services, J Gick
Attachments:	1 Locality Plan – Intersection of Bussell Highway and Tuart Drive
	2A Main Roads Land Dealing drawing 201502-0791
	2B Main Roads Land Dealing drawing 201502-0792
	3 Aerial View – Intersection of Bussell Highway and Tuart Drive showing affected land reserves

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#### **IN BRIEF**

Main Roads Western Australia seeks support from the Shire of Capel to dedicate existing land reserves at the intersection of Bussell Highway and Tuart Drive as road.

#### **RECOMMENDATION**

**That Council supports the dedication of the land contained in Main Roads Land Dealing Drawings 201502-0791 and 201502-0792 as road under Section 56 of the Land Administration Act (1997).**

#### **BACKGROUND / PROPOSAL**

##### **Background**

Main Roads Western Australia is in the process of completing the actions required to finalise land dealings at the intersection of Bussell Highway and Tuart Drive.

Previous road realignment work carried out in 1994 built over land that is designated as 'Railway' and 'Closed Road'. Main Roads seeks to normalise the dedication of a portion of the affected reserve in order to support appropriate management of the land going forward.

The Public Transport Authority has provided its support for the excision of land from the rail reserve for road dedication purposes.

##### **Proposal**

To satisfy the statutory requirements of Section 56 of the Land Administration Act (1997) Main Roads request Councils' support for the future dedication of the land being acquired for road purposes.

The area of land affected by the dedication will comprise 25,097m<sup>2</sup>.

#### **STATUTORY ENVIRONMENT**

Land Administration Act (1997)

Section 56 Dedication of land as road states that:

- (1) If in the district of a local government —
  - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or

- (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
    - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
    - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so; or
  - (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,  
and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
- (2) If a local government resolves to make a request under subsection (1), it must —
- (a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
- (a) subject to subsection (5), by order grant the request; or
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
- (a) unallocated Crown land or, in the case of a private road, alienated land; and
  - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

### **POLICY IMPLICATIONS**

There are no current Shire Policies relevant to this matter.

### **RISK IMPLICATIONS**

The Risk Implication of this proposal is low.

Main Roads will indemnify Council against all costs and charges in respect to the dedication action.

### **FINANCIAL IMPLICATIONS**

#### **Budget**

There are no financial implications relevant to the current budget arising from this matter.

## **Long Term**

There are no long term financial implications relevant to the Shire of Capel arising from this matter. The land in question is already held in reserve under the management of the Public Transport Authority and therefore does not contribute to the Shire's revenues or expenses.

## **SUSTAINABILITY IMPLICATIONS**

This proposal represents a rationalisation of existing land uses to regularise the ownership of land to which historical improvement has already occurred.

Acceptance of Main Road's request for support therefore does not raise any new sustainability implications.

Rejection of Main Road's request for support may require Main Roads to undertake a re-alignment of the existing Bussell Highway including the existing Tuart Drive intersection.

Any such realignment would require breaking new ground in the northern extent of the existing road reserve, and the application of additional resources in the form of gravel for sub-base and bitumen for road surfacing. The creation, carting and laying of road base and surfacing materials are known contributory sources of CO<sup>2</sup> and limitation of their use where possible was noted as a desirable outcome by the Carbon Storage Taskforce report *'National Carbon Mapping and Infrastructure Plan – Australia'* tabled to the Western Australian Parliament in September 2009.

The proposed future duplication of Bussell Highway will include the affected land reserves. On completion, the duplication will improve traffic flows into the South West and its construction will generate economic activity, some of which may contribute to the Capel district.

## **STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan 2013 – 2031

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.
- 5.5 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.

## **CONSULTATION**

Internal consultation with respect to Main Roads request for support for dedication of existing reserve lands at the intersection of Bussell Highway and Tuart Drive has included:

- Executive Manager Engineering and Development Services; and
- Manager Planning Services.

Shire Officers are satisfied that the acquisition by Main Roads of the nominated portions of reserve land at the intersection of Bussell Highway and Tuart Drive is appropriate and acceptable.

## **COMMENT**

Main Roads' request for support for dedication of the affected portion of reserve land at the intersection of Bussell Highway and Tuart Drive arises as a consequence of historical upgrade and realignment of the Bussell Highway.

The Bussell Highway is a strategic route of State significance, connecting the City of Bunbury to the City of Busselton, bypassing the townsites of Dalyellup, Gelorup and Capel along its route and providing access to the tourism and agricultural centres of Margaret River and the South West. This link is considered vital to the social and economic development of the Shire of Capel, particularly given the projected future increases in road traffic expected to arise from regional developments such as the Busselton Margaret River Regional Airport.

This proposal is considered a low-risk solution to preserving the status-quo on a major regional infrastructure asset.

**VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATION – 14.3</b>
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**That Council supports the dedication of the land contained in Main Roads Land Dealing Drawings 201502-0791 and 201502-0792 as road under Section 56 of the Land Administration Act (1997).**

## 15 CORPORATE SERVICES REPORTS

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### 15.1 Policy 2.32 – Fraud and Corruption

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Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	12.09.17
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Policy 2.32 Fraud & Corruption

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#### **IN BRIEF**

- The most recent Regulation 17 Audit report noted that the Shire of Capel does not have a policy addressing fraud and corruption, and suggested the development of such a policy should be considered.
- The attached draft policy has therefore been developed for endorsement by Council.

#### **RECOMMENDATION**

**That Council endorses 'Policy 2.32 – Fraud & Corruption' for inclusion in the Shire of Capel Policy Manual.**

#### **BACKGROUND / PROPOSAL**

##### **Background**

AMD Chartered Accountants have conducted financial audits at the Shire of Capel for some years. Their audit scope was broadened in 2014 after the introduction of Regulation 17 to the *Local Government (Audit) Regulations 1996*. This regulation concerns risk management, internal controls and legislative compliance, and the Chief Executive Officer is required to review and report on the appropriateness and effectiveness of systems and procedures in this area every 2 years.

AMD conducted their first Regulation 17 Audit in 2014, and a second audit in 2016. In both of those audits, they identified what they believed to be gaps in the Shire of Capel Policy Manual, and made some suggestions as to how those gaps could be managed. One of those suggestions was that the Shire develop a 'Fraud and Corruption Policy'.

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

##### **Proposal**

Council to consider and adopt the attached draft Fraud and Corruption Policy.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 s2.7

##### **2.7 Role of council**

- (1) The council –
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions

- (2) Without limiting subsection (1), the council is to –
- (a) oversee the allocation of the local government’s finances and resources; and
  - (b) determine the local government’s policies.

**POLICY IMPLICATIONS**

A new Policy will be included in the Corporate Services section of the Policy Manual.

**RISK IMPLICATIONS**

This policy will enhance and contribute to Council’s existing management of the risk of fraud and corruption.

**FINANCIAL IMPLICATIONS**

**Budget**

There are no financial implications relevant to this matter.

**Long Term**

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

**SUSTAINABILITY IMPLICATIONS**

Policies assist in the sound management of Council’s financial resources, governance procedures and financial systems. This assists Council in creating positive social and environmental impacts in the community.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2013-31

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

Strategic Outcomes:

- 1.1 Ensure continuous improvement of the organisation;
- 1.4 Provide efficient and effective financial management to ensure the long term financial sustainability of the organisation; and
- 1.5 Ensure the effective management of Council’s resources.

**CONSULTATION**

There was consultation between the Governance Officer and Managers on this matter, and an initial draft of the Policy was provided for managerial review. Fraud and corruption policies from other local government bodies were examined for relevancy and content.

**COMMENT**

A number of policies from other local governments were reviewed prior to the development of the draft Shire policy. The Fraud and Corruption Control Framework developed by the (then) Department of Local Government and Communities in 2015 also provided direction on this matter. The Fraud and Corruption Policy has been written to provide consistency with the new Shire of Capel Code of Conduct.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER'S RECOMMENDATION – 15.1**

**That Council endorses 'Policy 2.32 – Fraud & Corruption' for inclusion in the Shire of Capel Policy Manual.**

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## 15.2 Cat and Dog Local Laws

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Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	06.09.17
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	1. Amended draft Shire of Capel Cats Local Law 2017 2. Amended draft Shire of Capel Dogs Local Law 2017

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### **IN BRIEF**

- Draft cat and dog local laws were developed in early 2017 and circulated for public and departmental comment in March of this year;
- The (then) Department of Local Government and Communities required changes of such breadth that the draft local laws were amended and then readvertised for further comment (as per s3.13 of the *Local Government Act 1995*);
- The second comment period is now complete. The only submissions received were from the Department of Local Government, Sport and Cultural Industries, and they suggested relatively minor editorial alterations only; and
- This item recommends that Council make the *Shire of Capel Cats Local Law 2017* and the *Shire of Capel Dogs Local Law 2017*.

### **RECOMMENDATION**

#### **That Council:**

- 1. Endorses the attached draft local laws and makes the:**
  - **Shire of Capel Cats Local Law 2017; and**
  - **Shire of Capel Dogs Local Law 2017**

**by absolute majority.**
- 2. Authorises the Chief Executive Officer to carry out the remaining processes required to make the local laws above in accordance with section 3.12(5) and 3.12(6) of the *Local Government Act 1995*.**
- 3. Endorses affixing the Common Seal to both local laws by the President and Chief Executive Officer.**

### **BACKGROUND / PROPOSAL**

#### **Background**

22.03.17, OC0311

Council considered a draft proposed *Shire of Capel Cats Local Law 2017* and *Shire of Capel Dogs Local Law 2017*, and then authorised the Chief Executive Officer to commence the local law making process.



The draft laws were advertised for the purpose of inviting public submissions as per the requirements of the *Local Government Act 1995* (the Act). Copies of the draft laws were also sent to the Minister for Local Government for comment, again in accordance with the Act.

Council requested that the Chief Executive Officer provide a further report for consideration at the end of the submission period.

*28.06.17, OC0608*

Submissions received from the Department of Local Government and Communities during the consultation period suggested that alterations to both draft local laws were required.

Section 3.13 of the Act requires that if submissions received during the consultation process result in significant amendments to a draft local law, the local law making process must begin again with the 'new' drafts.

Accordingly, OC0608 recommended that Council authorise the Chief Executive Officer to recommence the local law making process and advertise both the amended drafts for the purpose of public comment.

Only two submissions were received during the second period of public comment, both from the Department of Local Government, Sport and Cultural Industries. Both submissions noted that only minor, generally editorial changes were required this time.

### **Proposal**

This item proposes that Council endorse the two draft local laws attached to this item (Attachment 1 and 2) and make the *Shire of Capel Cats Local Law 2017* and the *Shire of Capel Dogs 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.
- (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.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

\* Absolute majority required.

- (8) In this section —  
**making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Cat Act 2011

**79. Local Laws**

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

Dog Act 1976

**49. Local laws**

A local government may make local laws –

- (a) for its district and any other area that is to be regarded, for the purposes of this Act, as being within that district; and
- (b) in accordance with Subdivision 2 of Division 2 or Part 3 of the *Local Government Act 1995*; and
- (c) for the purposes permitted by section 51.

**POLICY IMPLICATIONS**

There are no Policy implications for this matter.

**RISK IMPLICATIONS**

There is very little risk associated with this recommendation. Local laws assist Council in maintaining appropriate governance over matters of municipal concern.

**FINANCIAL IMPLICATIONS**

**Budget**

There is an advertising cost associated with providing state wide and local notice of Council’s intention to make local laws, and gazettal of those laws when made. Funds are allocated in the budget for statutory advertising.

**Long Term**

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

**SUSTAINABILITY IMPLICATIONS**

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

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

**STRATEGIC IMPLICATIONS**

Shire of Capel Strategic Community Plan (2013 – 2031)

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

Strategic Outcome:

1.1 Ensure continuous improvement of the organisation.

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

Strategic Outcome:

2.3 Preserve and protect the character of the communities.

## **CONSULTATION**

The Department of Local Government, Sport and Cultural Industries provided comment on both draft local laws, as below. All the comments below have been incorporated into the drafts attached to this report.

### *Cats Local Law*

- 4 minor editorial changes suggested.

### *Dogs Local Law*

1. *Definition of fit and proper person*

*The current definition of a fit and proper person in clause 1.5 defines a fit and proper person as essentially a person that is not a fit and proper person. The Shire may like to consider re-wording the definition to ensure it reflects the intention of the Shire, or re-name the defined term to "not a fit or proper person".*

2. *Clause 3.1 – Dogs to be confined*

*Section 33GA(2) of the Dog Act provides that a dangerous dog must be confined whenever it is not tethered or leashed and under the direct control of an adult.*

*This section provides for a maximum penalty of \$10,000. Since the penalty is twice the maximum penalty which a local law can impose, local governments are required to enforce the penalty directly under the Act rather than via a local law.*

*Clause 3.1(3) already accounts for this; therefore, the penalty in subclause (2) for a dangerous dog may be deleted.*

3. *Clause 4.9 – Compliance with conditions of approval*

*This clause provides that a person must comply with the conditions of a kennel licence.*

*The Act and the Regulations already provide the following penalties for failing to comply with a kennel licence:*

- (a) An unmodified penalty of \$5000;*
- (b) A daily penalty of \$100; and*
- (c) A modified penalty of \$200.*

*These penalty amounts apply, irrespective of whether the offence involves a dangerous dog or not. It is suggested that the penalties in clause 4.9 and Schedule 3 should be amended to ensure consistency with the penalties in the Act and Regulations.*

4. *Minor edits*

*Clause 1.5: insert one line space between the definitions fit and proper person and local government.*

**COMMENT**

The procedure for making local laws is detailed in the *Local Government Act 1995* (the Act) and is a prescribed process. Failure to follow the correct procedure creates a risk that the Joint Standing Committee on Delegated Legislation (JSCDL) may recommend to Parliament that the local law be disallowed.

Section 3.12 of the Act is summarised as follows:

1. Presiding person is to give notice to the Council meeting of the purpose and effect of the proposed local laws in the prescribed manner;
2. State-wide and local public notice to be given for a period of not less than 6 weeks inviting submissions on the proposed local law;
3. Copies of the proposed laws and public notices sent to relevant Ministers for comment;
4. Consideration of submissions, Council to make the local law if no significant changes result from submissions;
5. New local law published in the *Government Gazette*, supporting information sent to Joint Standing Committee on Delegated Legislation; and
6. State-wide notice provided that the local law has been made.

The first submission period allowing consideration of the draft cat and dog local laws closed on 06 May 2017. There were a small number of submissions received from the general public, and comments were received from the (then) Department of Local Government and Communities on both the draft proposed laws.

The changes requested by the Department resulted in amendments of such significance that the local law making process had to recommence (OC0608, 28.06.17).

The amended draft laws were readvertised for the statutory period, with the second comment period closing on 25 August 2017. There were only two submissions received, both from the Department of Local Government, Sport and Cultural Industries. The draft local laws attached to this item incorporate the suggested minor amendments, and have the following Purpose and Effect.

Purpose	Effect
<b>Cats Local Law 2017</b>	
To provide Council with measures in addition to those under the <i>Cat Act 2011</i> to control the keeping of cats.	To control the number of cats that can be kept, the manner of their keeping and reduce nuisance to the community.
<b>Dogs Local Law 2017</b>	
To extend the control over dogs which exists under the <i>Dog Act 1976</i> .	To make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs.

**VOTING REQUIREMENTS**

Absolute majority

<b>OFFICER'S RECOMMENDATION – 15.2</b>
--

**That Council:**

**1. Endorses the attached draft local laws and makes the:**

- **Shire of Capel Cats Local Law 2017; and**
- **Shire of Capel Dogs Local Law 2017**

**by absolute majority.**

**2. Authorises the Chief Executive Officer to carry out the remaining processes required to make the local laws above in accordance with section 3.12(5) and 3.12(6) of the *Local Government Act 1995*.**

**3. Endorses affixing the Common Seal to both local laws by the President and Chief Executive Officer.**

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### 15.3 Waste Local Law – Undertaking to Parliament

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Location: Whole of Shire  
Applicant: Shire of Capel  
File Reference: ICR31400  
Disclosure of Interest: Nil  
Date: 25.08.17  
Author: Governance Officer, A Handley  
Senior Officer: Executive Manager Corporate Services, S Stevenson  
Attachments: Nil

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#### **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 template provided on the WALGA website and used by the Shire was missing crucial clauses concerning '*Objection and appeal rights*'; and
- 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 (the Committee) on Delegated Legislation 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.

#### **RECOMMENDATION**

##### **That Council:**

**1. Resolves to make the following undertakings to the Joint Standing Committee on Delegated Legislation:**

- **Amend the *Shire of Capel Waste Local Law 2016* to include an express '*Objection and appeal rights*' clause consistent with the current WALGA model;**
- **Make any consequential amendments resulting from inclusion of this clause;**
- **Confirm that the local law will not be enforced in a manner contrary to the undertakings given;**
- **Complete the undertakings within 6 months of the date on the Letter of Undertaking;**
- **Where the local law is made publicly available, whether in hard copy or electronic form, ensure it is accompanied by a copy of these undertakings.**

and

**2. Requests the President to:**

- **Confirm these undertakings in writing to the Joint Standing Committee on Delegated Legislation; and**
- **Provide the Committee with a copy of the relevant Minutes.**

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

*OC0117, 25 January 2017:*

The *Interpretation Act 1974* s42 notes the authority of each House of Parliament to review subsidiary legislation and pass a resolution disallowing that legislation if appropriate. There is a considerable amount of delegated legislation made throughout the State, and Parliament has appointed a Standing Committee to undertake this overseeing role on its behalf.

The Joint Standing Committee on Delegated Legislation (the Committee) reviews all regulations, rules, bylaws, local laws and other subsidiary legislation subject to s42 of the *Interpretation Act 1984*, and has the authority to recommend to Parliament that any of them be disallowed if appropriate.

Council made the Shire of Capel Waste Local Law 2016 in January 2017, and as required, sent all documentation regarding the process to the Committee for review.

*ICR31400, 22.08.17:*

The Shire of Capel received a letter from the Committee (confidential under Parliamentary privilege) noting use by the Shire of the WALGA waste local law template that has since been amended. WALGA amended the template when the Shire of Capel law making process using the original template was almost complete. The original template was missing critical clauses concerning objection and appeal rights. Although Part 9, Division 1 of the *Local Government Act 1995* applies to any decision made by a local government, the Committee prefers that statutory appeal rights be addressed overtly in local laws.

Accordingly, the Committee resolved to give a Notice of Motion to the Legislative Council recommending disallowance of the *Shire of Capel Waste Local Law 2016*. The Notice of Motion does not however constitute the actual passing of a resolution to disallow the law. To avoid disallowance, the Committee has requested a Letter of Undertakings from Council by 6 October 2017 that addresses the following items:

- The *Shire of Capel Waste Local Law 2016* will be amended to include the requested objection and appeal rights within 6 months of the date of the Letter of Undertakings;
- All consequential amendments arising from the undertaking will be made;
- The local law will not be enforced in a manner contrary to the undertaking; and
- Where the local law is made publicly available, whether in hard copy or electronic form, it will be accompanied by a copy of the undertakings.

The Shire of Capel is not alone in having used the incomplete template provided by WALGA, and a number of other local governments have recently found themselves in a similar position.

**Proposal**

This item proposes that Council resolves to provide the undertakings requested by the Joint Standing Committee on Delegated Legislation concerning the *Shire of Capel Waste Local Law 2016*.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**3.12 Procedure for making local laws**

- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —

- (a) stating the title of the local law; and
  - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

### **POLICY IMPLICATIONS**

There are no policy implications for this matter.

### **RISK IMPLICATIONS**

Council may choose not to provide the requested undertakings, 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. There is allowance made in the Budget for this process.

#### **Long Term**

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 will assist Council in managing a variety of health and environmental issues.

### **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 Committee.



**COMMENT**

Correspondence from the Committee on this matter is confidential and subject to Parliamentary privilege, and the letter has not been included as an attachment to this item. Should the contents of the letter need to be discussed, the Council meeting must be closed to the public.

The Committee also advises that the letter from the Shire of Capel to the Committee providing the undertakings should be signed by the Shire President, given that under the Local Government Act 1995 s2.8(1)(d), the '*Mayor or President speaks on behalf of the local government*'.

**VOTING REQUIREMENTS**

Absolute majority

<b>OFFICER'S RECOMMENDATION – 15.3</b>
--

**That Council:**

**1. Resolves to make the following undertakings to the Joint Standing Committee on Delegated Legislation:**

- **Amend the *Shire of Capel Waste Local Law 2016* to include an express '*Objection and appeal rights*' clause consistent with the current WALGA model;**
- **Make any consequential amendments resulting from inclusion of this clause;**
- **Confirm that the local law will not be enforced in a manner contrary to the undertakings given;**
- **Complete the undertakings within 6 months of the date on the Letter of Undertaking;**
- **Where the local law is made publicly available, whether in hard copy or electronic form, ensure it is accompanied by a copy of these undertakings.**

and

**2. Requests the President to:**

- **Confirm these undertakings in writing to the Joint Standing Committee on Delegated Legislation; and**
- **Provide the Committee with a copy of the relevant Minutes.**

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## 15.4 Delegation - Health (Miscellaneous Provisions) Act 1911

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Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	14.09.17
Author:	Governance Officer, A Handley
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

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### **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*.
- A local government may appoint a person to be its deputy and discharge its powers and functions under the Act.

### **RECOMMENDATION**

**That Council authorises the Executive Manager Engineering & Development Services, Manager Building & 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.**

### **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 authorise the Executive Manager Engineering & Development Services, Manager Building & Health Services and Principal Environmental Health Officer 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.

### **POLICY IMPLICATIONS**

There are no policy implications for this item.

### **RISK IMPLICATIONS**

Delegation of powers under the *Health (Miscellaneous Provisions) Act 1911* to the Executive Manager Engineering & Development Services, Manager Building & Health Services and Principal Environmental Health Officer 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**

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

### **SUSTAINABILITY IMPLICATIONS**

The powers conferred by the *Health Act (Miscellaneous Provisions) 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 to the Executive

Manager Engineering & Development Services, Manager Building & Health Services and Principal Environmental Health Officer.

**VOTING REQUIREMENTS**

Simple majority

<b>OFFICER'S RECOMMENDATION – 15.4</b>
--

**That Council authorises the Executive Manager Engineering & Development Services, Manager Building & 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.**

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## 15.5 Accounts Due and Submitted for Authorisation

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Location: Capel  
 Applicant: Shire of Capel  
 File Reference: N/A  
 Disclosure of Interest: Nil  
 Date: 14.09.17  
 Author: Finance & Accounts Payable Officer, H Tu  
 Senior Officer: Executive Manager Corporate Services, S Stevenson  
 Attachments: Nil

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### **IN BRIEF**

Adoption of accounts to be paid.

### **RECOMMENDATION**

**That Council authorises the Schedule of Accounts covering vouchers EFT25121 to EFT25158, a total of \$234,894.19 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:

EFT25121	27/09/2017	ARROW BRONZE	2X CAST BRONZE PLAQUE PLUS FREIGHT	581.56
EFT25122	27/09/2017	COLLINS BOOKSELLERS BUNBURY	7 X BOOK VOUCHERS FOR SCHOOL AWARDS 2017 (6X \$50, 1X \$100)	400.00

EFT25123	27/09/2017	BUNBURY MOWER SERVICE	SERVICE STIHL BRUSHCUTTER	169.50
EFT25124	27/09/2017	B & B STREET SWEEPING	3 X CULVERT TO BE JETTED STARTING AT BUS STOP AND NEXT 2 DRIVEWAYS SOUTH	1551.00
EFT25125	27/09/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	AUGUST 17 VARIOUS SUPPLIES	442.50
EFT25126	27/09/2017	HEATLEYS SAFETY & INDUSTRIAL	12X GARDENING GLOVES	48.84
EFT25127	27/09/2017	WINC AUSTRALIA PTY LTD	2017/2018 STATIONERY	70.27
EFT25128	27/09/2017	CARBONE BROS PTY LTD	275 TONNE LIMESTONE	4991.25
EFT25129	27/09/2017	DISCOUNT AUTO PARTS	5 LITRES ENGINE OIL	110.59
EFT25130	27/09/2017	DELL AUSTRALIA PTY LTD	25X NEW DESKTOP COMPUTERS	37114.00
EFT25131	27/09/2017	LD TOTAL	REMOVE GRAFFITI FROM ROAD ON NORTON PROMENADE, INSTALL AND SUPPLY 11X 45L TREES ON VERGE OF ECLIPSE BEND, REMOVAL OF GRAFFITI FROM 3X VARIOUS LOCATIONS	5307.50
EFT25132	27/09/2017	LANDGATE	GROSS RENTAL VALUATION & RURAL UNIMPROVED VALUATION	895.23
EFT25133	27/09/2017	MCLEODS BARRISTERS AND SOLICITORS	BOYANUP SALEYARDS LEASE	1991.84
EFT25134	27/09/2017	SOUTHERN LOCK & SECURITY	SUPPLY OF 6 PADLOCK AND 3X PENDANTS TO 3X LIBRARY AND A WIRELESS MODULE	2442.00
EFT25135	27/09/2017	SCS SAND & PLANT HIRE	REPAIRS TO DAMAGED ROLLER FLASHING LIGHT	874.50
EFT25136	27/09/2017	SPENCER MOTORS	SERVICE FOR CP747	405.58
EFT25137	27/09/2017	TOTALLY WORKWEAR	3X STAFF UNIFORMS	695.40
EFT25138	27/09/2017	TELSTRA BUSINESS CENTRE BUNBURY	LIFEPROOF CASE FOR IPHONE 6S	120.00
EFT25139	27/09/2017	WORK CLOBBER BUNBURY	1X STAFF UNIFORM	195.87
EFT25140	27/09/2017	LANDMARK OPERATIONS LIMITED	ROUNDUP	228.40
EFT25141	27/09/2017	WESTERN AUSTRALIAN TREASURY CORPORATION	4X LOANS: LOAN NO. 72, 74, 71, 73	106902.09
EFT25142	27/09/2017	BUNBURY MACHINERY	NEW SAW	1399.00
EFT25143	27/09/2017	WINC AUSTRALIA PTY LTD	2017/2018 STATIONERY	134.55
EFT25144	27/09/2017	CARBONE BROS PTY LTD	79.17 TONNE GRAVEL	1401.31

EFT25145	27/09/2017	DEPARTMENT OF PREMIER & CABINET	GAZETTE ADVERTISING BASIS OF RATE APPROVAL UV TO GRV	87.90
EFT25146	27/09/2017	DATA #3	MICROSOFT SOFTWARE ASSURANCE RENEWAL, FORRTIGATE AND ADDITIONAL MAILBOXES SUBSCRIPTION RENEWAL	27356.48
EFT25147	27/09/2017	GLOBE AUSTRALIA PTY LTD	LARVICIDE ORDER - 112 X 18KG BARMAC	16632.00
EFT25148	27/09/2017	GRACE RECORDS MANAGEMENT	RECORDS STORAGE AND DESTRUCTION FOR 2017/18- AUG 17	1012.62
EFT25149	27/09/2017	SOUTHERN HYDRAULIC SERVICES	REPAIR HYDRAULIC HOSE ON MAINTENANCE TRUCK	323.30
EFT25150	27/09/2017	JETLINE KERBING CONTRACTORS	REPAIR 3X PANELS AT DALYELLUP BLVD	2178.00
EFT25151	27/09/2017	LD TOTAL	SPRAYING OF FOOTPATHS AND ADJACENT KERBS	5500.00
ELEFT25152	27/09/2017	MCLEODS BARRISTERS AND SOLICITORS	SAT MATTER NO. DR156/2017: HOUSE V SHIRE OF CAPEL	6185.39
EFT25153	27/09/2017	MARKETFORCE	4X VARIOUS ADVERTISEMENT	1805.65
EFT25154	27/09/2017	PRESTIGE PRODUCTS- BUSSELTON	AUGUST 17 SUPPLIES	279.07
EFT25155	27/09/2017	SCS SAND & PLANT HIRE	8 DAYS ROLLER HIRE	1672.00
EFT25156	27/09/2017	SONIC HEALTHPLUS PTY LTD	4X PRE EMPLOYMENT MEDICALS	1045.00
EFT25157	27/09/2017	IT VISION	RELOCATE AND UPDATE SYNERGY MAPPING	825.00
EFT25158	27/09/2017	THE PRINT SHOP	7300 LETTERHEADS & 7300 DLX ENVELOPES	1519.00
				234,894.19

Accounts due and submitted for authorisation are as follows:

OUTSTANDING CREDITORS AS AT 31 August 2017: \$96,370.65

#### CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for 27 September 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. Steady.*

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



**VOTING REQUIREMENTS**

Simple majority

**OFFICER'S RECOMMENDATIONS – 15.5**

**That Council authorises the Schedule of Accounts covering vouchers EFT25121 to EFT25158, a total of \$234,894.19 for payment.**

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## 15.6 Accounts Paid During the Month of August 2017

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Location: Capel  
Applicant: Shire of Capel  
File Reference: N/A  
Disclosure of Interest: Nil  
Date: 14.09.17  
Author: Finance & Accounts Payable Officer, H Tu  
Senior Officer: Executive Manager Corporate Services, S Stevenson  
Attachments: Nil

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### **IN BRIEF**

Authorisation of accounts paid during the month.

### **RECOMMENDATION**

That Council receives:

- 1 **The Schedule of Accounts covering vouchers 820-834, EFT24828 to EFT24862, EFT24929 to EFT25073, CHQ48567 to CHQ48602 totalling \$728,631.38 during the month of August 2017;**
- 2 **Payroll payments for the month of August 2017, totalling \$332,110.29; 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 August 2017 are as follows:

EFT24828	02/08/2017	A PLUS TRAINING SOLUTIONS PTY LTD	TRIM AND CUT FALLEN TREES TRAINING	1870.00
EFT24829	02/08/2017	ASSURED AUTOMOTIVE	1 X REPLACEMENT BATTERY FOR CAPEL 2.4 HINO FIRE TRUCK	180.00
EFT24830	02/08/2017	TRISSET BOSS PTY LIMITED	2000 X LASER CHEQUES	935.00
EFT24831	02/08/2017	BUSSELTON REFRIGERATION & AIR CONDITIONING	REPLACE FAN MOTOR IN AIR CONDITIONER DALYELLUP COMMUNITY CENTRE, PRESSURE CLEAN AIR CON UNIT AT DALYELLUP LIBRARY, REPLACE BELT AND PULLEY AT BOYANUP HALL AND GENERAL AIR CON MAINTENANCE FOR JUNE	3505.17
EFT24832	02/08/2017	CARDNO (WA) PTY LTD	PROVISION FOR THE DETAILED DESIGN OF CAPEL CIVIC PRECINCT STAGE 3 & 3A	2227.78
EFT24833	02/08/2017	BUSSELTON FLORIST	SYMPATHY FLOWERS	80.00
EFT24834	02/08/2017	STAPLES AUSTRALIA PTY LTD	2017/2018 STATIONERY	1550.56
EFT24835	02/08/2017	CROSS SECURITY SERVICES	ALARM SYSTEM MONITORING DALYELLUP SPORTS PAVILION AND SHIRE OFFICES	400.40
EFT24836	02/08/2017	DALYELLUP NETBALL CLUB INC	KIDSPORT VOUCHERS	2480.00
EFT24837	02/08/2017	ELECTRICAL EXPERTS	EMERGENCY / EXIT LIGHTING UPGRADE FOR CAPEL COUNTRY CLUB	2609.20
EFT24838	02/08/2017	GOLDEN WEST PLUMBING & DRAINAGE	REPLACE TWO TAPS AT THE DEPOT TOILET AND HOOK UP WATER LINE AT BOYANUP HALL	495.00
EFT24839	02/08/2017	GHD PTY LTD	GROUNDWATER MONITORING & LIAISON	9515.00
EFT24840	02/08/2017	GEOVET BUSSELTON	2016/2017 POUND CONTRACT - JUNE 17	38.50
EFT24841	02/08/2017	GISSA INTERNATIONAL PTY LTD	A-SPEC AS-CON SPECIFICATION ANNUAL MAINTENANCE FEE AND EXPANSION TO INCLUDE O-SPEC (FOR OPEN SPACES)	4724.24
EFT24842	02/08/2017	GIRL GUIDES WA INC	KIDSPORT VOUCHERS	352.00
EFT24843	02/08/2017	HOUGH EARTHMOVING PTY LTD	EMERGENCY SHOULDER REPAIRS	264.00
EFT24844	02/08/2017	INSIGHT CCS PTY LTD	CALL CENTRE CHARGES JUNE 2017	386.11
EFT24845	02/08/2017	ISUBSCRIBE	16X MAGAZINE SUBSCRIPTIONS FOR SHIRE LIBRARIES FOR 12 MONTHS	1306.80

EFT24846	02/08/2017	LD TOTAL	SUPPLY AND INSTALL SECURING BOLTS FOR AFL GOALS AND REPLACE BROKEN ARM ON BUTTERFLY PRESS AT LUTHERAN OVAL, REPLACE RUBBER BUFFER ON ROWING MACHINE AT SOUTH PARK	1061.50
EFT24847	02/08/2017	MAKER & CO	CONSULTANCY - REVITALISED ECONOMIC ALLIANCE	7287.50
EFT24848	02/08/2017	PJ & EV PAGE	MONTHLY FLOOR POLISHING BOYANUP HALL - JUNE 2017	70.00
EFT24849	02/08/2017	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 25/7/17	49912.00
EFT24850	02/08/2017	RURAL CINEMA	FILM SCREENING AS PART OF MENTAL HEALTH ACT BELONG COMMIT YOUTH CONNECTORS WORKSHOP	1400.00
EFT24851	02/08/2017	SPENCER SIGNS	SUPPLY AND INSTALL	4711.74
EFT24852	02/08/2017	SOUTH WEST TREE SAFE	REMOVE TREE ON JILLEY ROAD ON 45 DEGREE ANGLE - FALLING TOWARDS POWER LINE, REMOVE FALLEN TREE BOYANUP WEST RD, HURST RD AND THOMAS ST BOYANUP AND REMOVE LARGE HANGER FROM TREE TUART DRIVE	2145.00
EFT24853	02/08/2017	SOUTHERN LOCK & SECURITY	PADLOCKS AND KEYS 2X LOCKS	978.40
EFT24854	02/08/2017	SOS OFFICE EQUIPMENT	METERBILLING FOR SHIRE AND LIBRARY PHOTOCOPIERS	2113.29
EFT24855	02/08/2017	SELECTUS	PAYROLL DEDUCTIONS	1773.80
EFT24856	02/08/2017	SPRAYMOW SERVICES	SLASH JOSHUA LAKE PUBLIC OPEN SPACE	1485.00
EFT24857	02/08/2017	SJ TRAFFIC MANAGEMENT PTY LTD	DAY TRAFFIC MANAGEMENT - GELORUP RISE	970.20
EFT24858	02/08/2017	TOTALLY WORKWEAR	UNIFORM ALLOWANCE	209.65
EFT24860	02/08/2017	RAY TINK ROOFING	SUPPLY AND INSTALL GUTTER TO CAPEL PLAYGROUPOVER SAND PIT	808.50
EFT24861	01/08/2017	IINET	INTERNET SERVICES FOR MAY AND JUNE 2017	109.39
EFT24862	01/08/2017	WESTNET PTY LTD	CAPEL ADMINISTRATION	254.88
EFT24863		-EFT24894	SYNERGY ERROR - CANCELLED	0.00
EFT24895		-EFT24928	PAYMENT ALREADY APPROVED BY COUNCIL, PLEASE REFER TO AGENDA ON 23.08.2017	0.00
EFT24929	08/08/2017	FUJI XEROX AUST PTY LTD	PHOTOCOPIER LEASE FOR BOYANUP AND CAPEL LIBRARIES	132.00
EFT24930	09/08/2017	ANZ - LENDING PROCESSING	ANZ BANK AUDIT CERTIFICATE 30/6/2017	70.00

EFT24931	09/08/2017	BUNBURY MOWER SERVICE	10L 2 STROKE OIL, OUTER EDGE DISCS, SPARK PLUGS FOR WHIPPER SNIPPERS CHAINSAWS AND BLOWERS	348.00
EFT24932	09/08/2017	BUSSELTON REFRIGERATION & AIR CONDITIONING	CARRY OUT REPAIRS TO AIR CONDITIONER AT CAPEL SENIORS CENTRE	1226.50
EFT24933	09/08/2017	BLACKWOODS	1 X PAIR OF FIRE FIGHTING BOOTS - ELGIN BFB	266.65
EFT24934	09/08/2017	BENDIGO BANK BUSINESS CREDIT CARD	JULY CREDIT CARD TRANSACTIONS: 14.7.17 – JOSEPHINE'S RESTAURANT - \$19.50 - REGIONAL WASTE SITE MEETING 25.7.17 - ADVANCED HEARING - \$105.00 - PRE EMPLOYMENT AUDIO TEST 28.7.17 - FAT BIRDIE - \$69.00 - CS MEETING 30.7.17 - CARD FEE - \$4.00	197.50
EFT24935	09/08/2017	BUNBURY TRUCKS	SERVICE - 120,000KM - CP9477	2260.55
EFT24936	09/08/2017	STAPLES AUSTRALIA PTY LTD	2017/2018 STATIONERY	122.85
EFT24937	09/08/2017	CAPEL NEWSAGENCY	LIBRARY NEWSPAPERS AND SHIRE STATIONERY	128.83
EFT24938	09/08/2017	DMC CLEANING	CONTRACT CLEANING OF SHIRE BUILDINGS	9938.50
EFT24939	09/08/2017	EDGE TOURISM AND MARKETING	BUNBURY GEOGRAPHE GROWTH PLAN - PROJECT TECHNICAL OFFICER CONTACT 1 JULY 2017 TO 31 MARCH 2018	9350.00
EFT24940	09/08/2017	CHLOERISSA EADIE	YOUTH STRATEGY AND THEATRE WORKSHOP MATERIALS REIMBURSEMENT	95.31
EFT24941	09/08/2017	THE FAT BIRDIE	CATERING FOR LEMC MEETING AND LIAISON MEETING	140.00
EFT24942	09/08/2017	A INGRAM	BOOKSTOCK PURCHASES- 28 ITEMS	399.90
EFT24943	09/08/2017	JOHN PHILLIPS CONSULTING	CEO ANNUAL APPRAISAL 2017 CONSULTANCY AND SUPPORT	2750.00
EFT24944	09/08/2017	JULIES LAWNMOWING	MOWING OF BOYANUP MUSEUM GROUNDS AND BOYANUP HALL JUNE AND JULY	395.00
EFT24945	09/08/2017	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	WALGA MEMBERSHIPS	34198.52
EFT24946	09/08/2017	BUSINESS SOUTH WEST	GENERAL SPONSORSHIP FOR BUSINESS SOUTH WEST 2017/18	7150.00

EFT24947	09/08/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA NSW	LGMA PERFORMANCE EXCELLENCE PROGRAM 2017/18 BENCHMARKING YR2	6545.00
EFT24948	09/08/2017	SARAH LOCKYER	REFUND OF PET CREMATION COSTS	240.00
EFT24949	09/08/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	LGMA PROFESSIONAL WOMEN'S FORUM - SPONSORSHIP & DELEGATES	1600.00
EFT24950	09/08/2017	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICE - CHURCH CARPARK, BOYANUP SALEYARDS AND FETTLERS PARK	1731.27
EFT24951	09/08/2017	PRESTIGE PRODUCTS-BUSSELTON	VARIOUS CLEANING AND KITCHEN PRODUCTS	123.53
EFT24952	09/08/2017	RTW STEEL FABRICATION	REPAIR, REPLACE AND INSTALL SIGN RACK ON GRADER	335.50
EFT24953	09/08/2017	RESPONSIVE ENVIRONMENTS PTY LTD	PRESENTATION AND WORKSHOP ON INFRASTRUCTURE FUNDING AND FINANCE	2200.00
EFT24954	09/08/2017	SOUTH WEST TREE SAFE	REMOVE AND PRUNE TREES ON PENN ST, PAYNE RD, SKATE PARK, CAPEL DVE A	3520.00
EFT24955	09/08/2017	CAPEL FRESH IGA	TRAINING REFRESHMENTS	8.65
EFT24956	09/08/2017	TOTALLY WORKWEAR	16/17 UNIFORM ALLOWANCE	237.60
EFT24957	09/08/2017	TELSTRA BUSINESS CENTRE BUNBURY	LIFEPROOF CASE FOR IPHONE 6S	120.00
EFT24958	09/08/2017	RAY TINK ROOFING	REPAIR LEAK ON CAPEL COMMUNITY CENTRE ROOF	165.00
EFT24959	09/08/2017	WORK CLOBBER BUNBURY	VARIOUS PPE	1272.93
EFT24960	09/08/2017	WESTRAC EQUIPMENT	SETS (4 BLADES) OF 12' BLADES FOR 120M MOTOR GRADER P0119	1175.12
EFT24961	16/08/2017	AMITY SIGNS	8 X RURAL STREET NUMBER PLATES	162.80
EFT24962	16/08/2017	AUSTRALIA POST	17/18 POSTAGE AND FREIGHT	1995.68
EFT24963	16/08/2017	CLAIRE ANDERSON	REIMBURSEMENT OF MEDIATION & DISPUTE RESOLUTION TRAINING	3300.00
EFT24964	16/08/2017	SANDRO AGRIZZI FARM MACHINERY PTY LTD	NEW BRUSHES WITH NUTS AND BOLTS FOR P0038	1069.30
EFT24965	16/08/2017	AUSTRALASIAN PERFORMING RIGHT ASSOC LTD	QUARTERLY FEE FOR BOYANUP, CAPEL AND GELORUP HALL AND SHIRE MUSIC ON HOLD	143.38
EFT24966	16/08/2017	BOC LIMITED	12KG DRY ICE	19.27
EFT24967	16/08/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS SUPPLIES	55.11

EFT24968	16/08/2017	BUNBURY HARVEY REGIONAL COUNCIL	ORGANICS DISPOSAL WASTE FROM DOMESTIC THIRD BIN, STANLEY RD DISPOSAL AND REGIONAL WASTE EDUCATION PROGRAM	6081.45
EFT24969	16/08/2017	BRANDICOOT	SHIRE OF CAPEL MONTHLY WEBSITE SUBSCRIPTION 2017 - 2018	238.00
EFT24970	16/08/2017	BLUE'S TOWING	VEHICLE IMPOUND EXPENSE	88.00
EFT24971	16/08/2017	BP AUSTRALIA	DISTILLATE JULY 2017	9629.55
EFT24972	16/08/2017	STAPLES AUSTRALIA PTY LTD	2017/2018 STATIONERY SUPPLIES	1509.79
EFT24973	16/08/2017	CAPEL HARDWARE & FARM SUPPLIES	MISCELLANEOUS HARDWARE	1149.87
EFT24974	16/08/2017	CAPEL BOWLING CLUB	PART PAYMENT OF MAJOR COMMUNITY GRANT - CAPEL BOWLING CLUB	20000.00
EFT24975	16/08/2017	CORY CROMBIE	SPORTS PARTICIPATION SCHEME GRANT 2017/18	400.00
EFT24976	16/08/2017	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	701.96
EFT24977	16/08/2017	DISCOUNT AUTO PARTS	REPLACEMENT OF LEFT SIDE HEAD LIGHT	10.00
EFT24978	16/08/2017	BUNBURY FLOWER PLACE	BABY BASKET - S MAHMUD	81.00
EFT24979	16/08/2017	W & L FOWLER	SPORT PARTICIPATION SCHEME GRANT 17/18 FOR JOSHUA FOWLER	300.00
EFT24980	16/08/2017	GHD PTY LTD	GROUNDWATER MONITORING	7859.50
EFT24981	16/08/2017	HOUGH EARTHMOVING PTY LTD	UNDERTAKE EARTHWORKS/SAND PAD PREPARATION AND SHED APRON/APPROACH FOR ELGIN BUSH FIRE BRIGADE EXTENSION ON 31/7/17 AS DISCUSSED	1056.00
EFT24982	16/08/2017	INVARIION RAPIDPLAN PTY LTD	RAPID PLAN ANNUAL LICENCE RENEWAL	412.50
EFT24983	16/08/2017	SOUTH WEST ISUZU	40,000KM SERVICE CP855	1250.00
EFT24984	16/08/2017	KELLI JONES	SPORTS PARTICIPATION SCHEME GRANT 2017/18	300.00
EFT24985	16/08/2017	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION WALGA	REGISTRATION TO CLIMATE CHANGE, RISK & LIABILITY FORUM ON 4 AUGUST 2017	66.00
EFT24986	16/08/2017	LD TOTAL	BOYANUP COMMUNITY CENTRE SWING AREA REPLACEMENT	10235.50
EFT24987	16/08/2017	LEIGH BARRETT HERITAGE ADVISORY SERVICES	MUNICIPAL HERITAGE INVENTORY REVIEW	4216.95
EFT24988	16/08/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	ATTENDANCE AT LG PROFESSIONALS WOMEN'S FORUM	1051.00
EFT24989	16/08/2017	DEPARTMENT OF LOCAL GOVERNMENT,	YOUTH EXPENSE - POINT WALTER CAMP DEPOSIT	830.00



		SPORT & CULTURAL INDUSTRIES		
EFT24991	16/08/2017	PROTECTOR FIRE SERVICES	CARRY OUT MONTHLY TESTING OF FIRE DETECTION SYSTEM AT CAPEL LIBRARY AND BOYANUP COMM CENTRE	1376.10
EFT24992	16/08/2017	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING 8/8/17-\$53,266.00	53266.00
EFT24993	16/08/2017	SOUTH WEST TREE SAFE	REMOVE VARIOUS TREES AND BRANCHES	1650.00
EFT24994	16/08/2017	STEWART & HEATON CLOTHING CO PTY LTD	2 PAIRS OF G113 FIREFIGHTING GLOVES	36.01
EFT24995	16/08/2017	SOS OFFICE EQUIPMENT	METERBILLING - DPP405 - SERIAL NO 003615 BOYANUP LIBRARY	6.34
EFT24996	16/08/2017	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID TRAINING	1664.00
EFT24997	16/08/2017	RAY TINK ROOFING	REPAIR LEAK IN ROOF AT CAPEL SPORTS PAVILION, OVER LADIES TOILET	777.70
EFT24998	16/08/2017	JOHN TRELA	SPORTS PARTICIPATION SCHEME GRANT 2017/18	400.00
EFT24999	16/08/2017	ANITA SCOTT	SPORTS PARTICIPATION SCHEME GRANT 2017/18	200.00
EFT25000	16/08/2017	ZARBELLIKA	GIS CONSULTING - JUNE 2017	3553.00
EFT25001	21/08/2017	CALTEX AUSTRALIA	JULY FLEET FUEL	2674.76
EFT25002	23/08/2017	AUSQ TRAINING	BWTM & TC RE-ACCREDITATION AND BASIC WORKSITE TRAFFIC MANAGEMENT	678.00
EFT25003	23/08/2017	A & L PRINTERS	BIN CALENDARS FOR 2017/18 SEASON AND OTHER MATERIALS INCLUDING FLYER, STICKERS AND BOOKLETS	13490.40
EFT25004	23/08/2017	BUNBURY REGIONAL ENTERTAINMENT CENTRE	2017-18 CONTRIBUTION TO BREC AS PER ADOPTED BUDGET 2017-18	11000.00
EFT25005	23/08/2017	BOYANUP BOTANICAL	8X SHRUBS/TREES FOR PLANTING ON WAKE DRIVE VERGE	144.74
EFT25006	23/08/2017	BUNBURY GEOGRAPHE CHAMBER OF COMMERCE AND INDUSTRY	BUNBURY GEOGRAPHE GIFT	5500.00
EFT25007	23/08/2017	BUNBURY JUNIOR FOOTBALL COUNCIL	KIDSPORT VOUCHERS	1280.00
EFT25008	23/08/2017	BUNBURY BMX CLUB INC	KIDSPORT VOUCHERS	313.55
EFT25009	23/08/2017	CAPEL HORSE & PONY CLUB	KIDSPORT VOUCHERS	580.00
EFT25010	23/08/2017	CAPEL WOLVES FC	KIDSPORT VOUCHERS	1260.00

EFT25011	23/08/2017	CAREY PARK FOOTBALL SPORTING AND COMMUNITY CLUB INC.	KIDSPORT VOUCHERS	380.00
EFT25012	23/08/2017	DALYELLUP DOCKERS FOOTBALL CLUB	KIDSPORT VOUCHER	85.00
EFT25013	23/08/2017	DOMINOS	YOUTH CONNECTORS WORKSHOP	38.70
EFT25014	23/08/2017	FOREST ADVENTURES SOUTH WEST PTY LTD	INZONE JULY SCHOOL HOLIDAY PROGRAM	610.00
EFT25015	23/08/2017	GRIFFIN VALUATION ADVISORY	VALUATION OF LAND & BUILDING ASSETS 30 JUNE 2017	9795.34
EFT25016	23/08/2017	HOLCIM (AUSTRALIA) PTY LTD	11.85 TONNE CRACKER DUST	194.88
EFT25017	23/08/2017	HARVEY FARM SERVICE	CHUTE X 2, WHEEL AND AXLE FOR MOWER P0095	577.74
EFT25018	23/08/2017	ELIZABETH ILLINGWORTH	SPORTS PARTICIPATION SCHEME	400.00
EFT25019	23/08/2017	LD TOTAL	REPLACEMENT SECTIONS OF MATTING FOR CRICKET PITCHES ON LUTHERAN OVALS	4024.90
EFT25020	23/08/2017	MARIST JUNIOR FOOTBALL CLUB	KIDSPORT VOUCHERS	370.00
EFT25021	23/08/2017	MOUNTS BAY WATERS APARTMENT HOTEL	ACCOMMODATION FOR CONFERENCE AUGUST 3	1645.00
EFT25022	23/08/2017	VODAFONE HUTCHISON AUSTRALIA PTY LTD	17/18 VODAFONE MESSAGING FOR BFB	149.29
EFT25023	23/08/2017	PROFESSIONAL CABLING	INSPECT CABLING BETWEEN CAPEL ADMINISTRATION AND CAPEL LIBRARY	407.00
EFT25024	23/08/2017	SPENCER SIGNS	MOONDAR PARK SIGN	93.50
EFT25025	23/08/2017	STEANN PTY LTD	KERBSIDE HARDWASTE PICKUP	50000.00
EFT25026	23/08/2017	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	FIRST AID TRAINING-FOR 12 STUDENTS ON 7/8/17	1152.00
EFT25027	23/08/2017	SONIC HEALTHPLUS PTY LTD	PRE EMPLOYMENT MEDICAL	220.00
EFT25028	23/08/2017	TOTALLY WORKWEAR	17/18 UNIFORM ORDER	415.80
EFT25029	23/08/2017	CAPEL CWA	EVENT SPONSORSHIP AGREEMENT	5000.00
EFT25030	28/08/2017	ANZ BUSINESS BANKING	REPAYMENT OF LOAN NO. 59	11168.02
EFT25031	30/08/2017	APH CONTRACTORS PTY LTD	1 X SEMI TRAILER LOAD OF SAND - TO ELGIN BUSH FIRE BRIGADE SHED	286.00
EFT25032	30/08/2017	AMITY SIGNS	8X VARIOUS SIGNS	277.20
EFT25033	30/08/2017	AMPAC DEBT RECOVERY	OUTSTANDING SWIMMING POOL INVOICES DEBT RECOVERY	17.68
EFT25034	30/08/2017	ASSURED AUTOMOTIVE	ANNUAL PRE-SEASON DFES B LEVEL SERVICE	3728.25
EFT25035	30/08/2017	BUNBURY MOWER SERVICE	2 X NEW CHAINS , REPAIRS TO POLE SAW	240.00

EFT25036	30/08/2017	B & B STREET SWEEPING	CLEAN OUT 4 PITS ON THE CORNER OF MAYNARD AND JULES	1606.00
EFT25037	30/08/2017	CLEANAWAY	17/18 WASTE, RECYCLING & ORGANIC COLLECTION-JULY 17	83659.99
EFT25038	30/08/2017	EASIFLEET MANAGEMENT	2017/18 NOVATED LEASE - CEO	753.86
EFT25039	30/08/2017	BUNBURY FLOWER PLACE	FLOWERS	80.00
EFT25040	30/08/2017	GOLDEN WEST PLUMBING & DRAINAGE	REPLACE FILTERS IN STAFF KITCHEN AND CHAMBERS KITCHEN	761.75
EFT25041	30/08/2017	SOMMAH MARSHALL & KIAYA FISHER	CROSSOVER CONTRIBUTION	300.00
EFT25042	30/08/2017	GEOVET BUSSELTON	POUND CONTRACT-JULY 17	1290.05
EFT25043	30/08/2017	HANSON CONSTRUCTION MATERIALS PTY LTD	25 TONNES OF SCALPS @ \$22.10 PER TONNE AS PER QUOTE 14/7/17	621.16
EFT25045	30/08/2017	INSIGHT CCS PTY LTD	ANNUAL ORDER - AFTERHOURS CALL CENTRE SERVICE FOR RANGER SERVICES	303.17
EFT25046	30/08/2017	ISA TECHNOLOGIES	16GB SERVER RAM - DR SITE	632.17
EFT25047	30/08/2017	STATE LIBRARY OF WESTERN AUSTRALIA	LOST AND DAMAGED ITEMS FROM STATE LIBRARY STOCK	550.00
EFT25048	30/08/2017	LANDGATE	LAND PARCEL, RURAL AND GROSS RENTAL VALUATION	2195.87
EFT25049	30/08/2017	THE LOUCORP FAMILY TRUST	EMPLOYEE RELATIONS INVESTIGATION	297.00
EFT25050	30/08/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	WOMEN'S FORUM BE BOLD FOR CHANGE	870.00
EFT25051	30/08/2017	MUIR'S MANJIMUP	60,000KM SERVICE - CP1125	1441.28
EFT25052	30/08/2017	MOVE MY FREIGHT PTY LTD	MANAGER BUILDING & HEALTH RELOCATION EXPENSE - INTERSTATE RELOCATION	6997.49
EFT25053	30/08/2017	NIGHTGUARD SECURITY SERVICE PTY LTD	ALARM RESPONSE FOR VARIOUS LOCATIONS FOR JULY 17	3769.99
EFT25054	30/08/2017	FULTON HOGAN INDUSTRIES PTY LTD	PALLET EZI STREET BAGS (48X 20KG)	1795.20
EFT25055	30/08/2017	PRESTIGE PRODUCTS-BUSSELTON	VARIOUS SUPPLIES FOR JULY	516.34
EFT25056	30/08/2017	PERTH MANAGEMENT SERVICES	RENTAL AND VARIABLE OUTGOINGS FOR DALYELLUP LIBRARY SEP 17	1552.77
EFT25057	30/08/2017	PROMOTE YOU	UNIFORM EMBROIDERY	122.10
EFT25058	30/08/2017	PUBLIC LIBRARIES WESTERN AUSTRALIA INC	PLWA CONFERENCE FOR 4 STAFF	1785.00

EFT25059	30/08/2017	AUSTRALIA TAXATION OFFICE	PAYG WITHHOLDING-22/8/17-\$48725	48725.00
EFT25060	30/08/2017	SKATEBOARDING WA	SKATEBOARDING WA WORKSHOPS	4272.40
EFT25061	30/08/2017	SOUTH WEST TREE SAFE	REMOVE LEANING TREE - JUNCTION ST, BOYANUP - 15/8/17	2750.00
EFT25062	30/08/2017	STRUCETERRE	SITE CLASSIFICATION AND PROVISION OF WIND CLASSIFICATION AND PROVIDE A REPORT IN ACCORDANCE WITH AS2870 AND AS4055	1464.10
EFT25063	30/08/2017	CAPEL FRESH IGA	DRAMA CLUB SNACKS	8.64
EFT25064	30/08/2017	SOUTHERN LOCK & SECURITY	REPAIR OR REPLACE LOCK FOR CAPEL SPORTS PAVILION	217.75
EFT25065	30/08/2017	SHADE WEST	AUDIT/INSPECT AND REPAIR (MISSING TURNBUCKLES) ON SHADE SAILS AT PEPPERMINT GROVE BEACH COMMUNITY CENTRE	198.00
EFT25066	30/08/2017	SOUTHERN ATU SERVICES	AEROBIC TREATMENT UNIT MAINTENANCE - DALYELLUP	428.10
EFT25067	30/08/2017	SOUTH WEST ZONE WA LOCAL GOVERNMENT ASSOCIATION	SWZ WALGA ANNUAL FEES 2017/18	600.00
EFT25068	30/08/2017	VILLAGE CARPET CARE	ORDER FOR CLEANING CHAIRS	59.00
EFT25069	30/08/2017	WORK CLOBBER BUNBURY	PAIR OF WORK BOOTS AND VARIOUS PPE	1028.68
EFT25070	30/08/2017	RF & DJ WELLS	SECURE BOYANUP BOWLS CLUBROOMS AFTER BREAK-IN, CARRY OUT REPAIRS AS REQUIRED	1199.00
EFT25071	30/08/2017	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	701.96
EFT25072	30/08/2017	SELECTUS	PAYROLL DEDUCTIONS	2341.84
EFT25073	31/08/2017	FUJI XEROX AUSTRALIA PTY LTD	PHOTOCOPIER RENTAL AND SERVICE AGREEMENT FOR SHIRE COPIER	1369.61
48567	02/08/2017	ASHDOWN INGRAM	PRECO LED STROBE LIGHT & CABLE TIES	301.68
48568	02/08/2017	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	54.90
48569	02/08/2017	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	96.00
48570	02/08/2017	CITY OF BUNBURY	REMOVE PAINTED OUT GRAFFITI FROM KERB LINE	108.46
48571	02/08/2017	COURIER AUSTRALIA INTERNATIONAL	POSTAGE AND FREIGHT LIBRARIES	52.37
48572	02/08/2017	SHIRE OF CAPEL	PAYROLL DEDUCTIONS	3228.00
48573	02/08/2017	IINET	INTERNET HARDWARE FREIGHT	10.00
48574	02/08/2017	LGRCEU	PAYROLL DEDUCTIONS	205.00

48575	02/08/2017	SYNERGY	ELECTRICITY	6761.35
48576	02/08/2017	WATER CORPORATION	WATER USAGE	447.28
48577	02/08/2017	SHIRE OF CAPEL	PETTY CASH REIMBURSEMENT - SHIRE AND DALYELLUP LIBRARY	377.35
48578	09/08/2017	COURIER AUSTRALIA INTERNATIONAL	POSTAGE AND FREIGHT LIBRARIES	96.92
48579	09/08/2017	DALYELLUP COLLEGE	SPONSORSHIP AT 2017 YEAR 12 PRESENTATION & AWARD CEREMONY	200.00
48580	09/08/2017	SHIRE OF DARDANUP	ANNUAL CONTRIBUTION BWGC 2017-2018	550.00
48581	09/08/2017	MIRANDA GERSON	CROSSOVER CONTRIBUTION DALYELLUP	400.00
48582	09/08/2017	BUCKTHOUGHT M	RATES REFUND	1021.08
48583		CANCELLED		0.00
48584	09/08/2017	SYNERGY	ELECTRICITY	679.20
48585	09/08/2017	TELSTRA CORPORATION LTD	17/18 LANDLINE JULY	4275.15
48586	16/08/2017	SHIRE OF CAPEL	CAPEL LIBRARY PETTY CASH	81.70
48587	16/08/2017	SYNERGY	ELECTRICITY	29821.15
48588	16/08/2017	WATER CORPORATION	WATER USAGE	1128.21
48589		CANCELLED		0.00
48590	23/08/2017	COURIER AUSTRALIA INTERNATIONAL	POSTAGE AND FREIGHT	65.07
48591	23/08/2017	SHIRE OF CAPEL	DALYELLUP LIBRARY PETTY CASH RECOUP	30.60
48592	23/08/2017	SYNERGY	ELECTRICITY	2349.65
48593	42970	WATER CORPORATION	WATER USAGE	1680.57
48594	42977	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	54.90
48595	42977	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	96.00
48596	42977	CITY OF BUNBURY	CONTRIBUTION TO REGIONAL TOURISM MARKETING & DEVELOPMENT MANAGER 2017/18	11000.00
48597	42977	COURIER AUSTRALIA INTERNATIONAL	POSTAGE AND FREIGHT LIBRARIES	66.55
48598	42977	SHIRE OF CAPEL	REFRESHMENT	355.65
48599	42977	LGRCEU	PAYROLL DEDUCTIONS	246.00
48600	42977	PUZEY CS & J	RATES REFUND FOR ASSESSMENT A2009	722.15
48601	42977	SYNERGY	ELECTRICITY	5692.15
48602	42977	SHIRE OF CAPEL	PAYROLL DEDUCTIONS	3188.00
820	42949	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	JULY 17 BSL LEVY COLLECTED	5402.35
821	02/08/2017	SHIRE OF CAPEL	JULY 17 BSL COMMISSION COLLECTED	125.00
822	02/08/2017	FORREST DIVISION WOMEN'S COMMITTEE	BOND REFUND	150.00
823	02/08/2017	ANITA SCOTT	BOND REFUND	500.00

824	09/08/2017	DIVINE GRACE ESTRELLA	HALL BOND REFUND	150.00
825	09/08/2017	JADE MILLS	HALL BOND REFUND	100.00
826	10/08/2017	OCEAN FOREST LUTHERAN COLLEGE PARENTS & FRIENDS	HALL HIRE BOND REFUND	1000.00
827	16/08/2017	TAREN DELANEY	HALL BOND REFUND	100.00
828	16/08/2017	PRATHAP KUMAR KALIARAJ	HALL BOND REFUND	150.00
829	16/08/2017	E & M VANDERVEEN	BOND REFUND	1500.00
830	23/08/2017	BUILDING & CONSTRUCTION IND TRAINING FUND	JULY 17 BCITF LEVY COLLECTED	4226.59
831	23/08/2017	SHIRE OF CAPEL	JULY 17 BCITF COMMISSION COLLECTED	74.25
832	23/08/2017	DEANNE CHATT	BOND REFUND	150.00
833	23/08/2017	ANNELINE ENSLIN	BOND REFUND	150.00
834	23/08/2017	TIMOTHY JOHN MCDOUGALL	BOND REFUND	150.00
				728,631.38

08.08.17	SHIRE OF CAPEL PAYROLL PAYMENTS	\$ 171,899.65
22.08.17	SHIRE OF CAPEL PAYROLL PAYMENTS	\$ 160,210.64
		<u>\$ 332,110.29</u>
16.08.17	TRANSFER from MUNICIPAL ACCOUNT	\$ 600,000.00
18.08.17	TRANSFER from MUNICIPAL ACCOUNT	\$ 650,000.00
29.08.17	TRANSFER from MUNICIPAL ACCOUNT	\$ 1,100,000.00
31.08.17	TRANSFER from MUNICIPAL ACCOUNT	\$ 300,000.00
		<u>\$ 2,650,000.00</u>

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 27 September 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

<b>OFFICER'S RECOMMENDATIONS – 15.6</b>
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**That Council receives:**

- 1 The Schedule of Accounts covering vouchers 820-834, EFT24828 to EFT24862, EFT24929 to EFT25073, CHQ48567 to CHQ48602 totalling \$728,631.38 during the month of August 2017;**
- 2 Payroll payments for the month of August 2017, totalling \$332,110.29; and**
- 3 Transfers to and from investments as listed.**

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## **15.7 Financial Statements for 31 August 2017**

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Location: Capel  
Applicant: Shire of Capel  
File Reference: N/A  
Disclosure of Interest: Nil  
Date: 11.09.17  
Author: Manager Finance, A Mattaboni  
Senior Officer: Executive Manager Corporate Services, S Stevenson  
Attachments: Financial Statements for August 2017

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### **IN BRIEF**

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

### **RECOMMENDATION**

**That Council adopts the financial statements for the period ending 31 August 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.

### **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 31 August 2017, Council’s net current assets position was a surplus of \$14,047,346. The forecast 2017/18 year end net current asset position is a surplus of \$165,598.

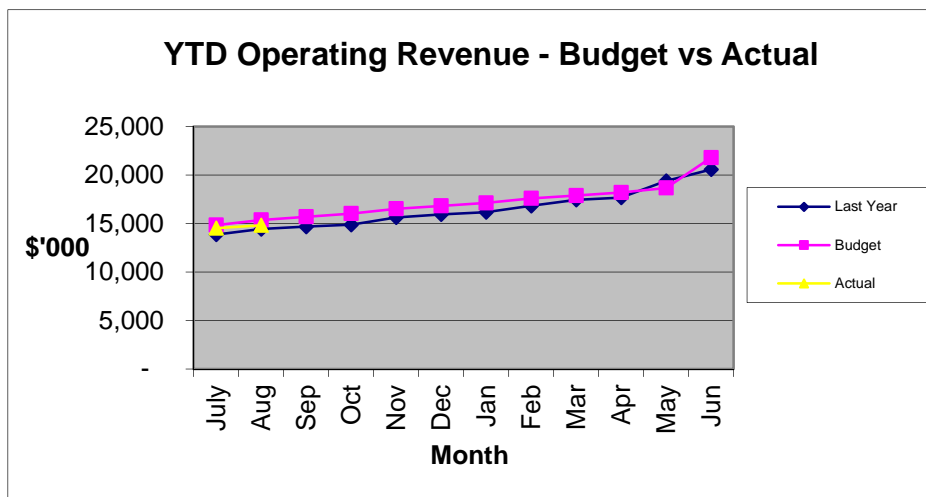
The 2016/17 year end net current asset position is a surplus of \$220,906. This amount may vary to the final surplus (deficit) as accounts are finalised for the 2017 financial year. The 2016/17 forecast net current asset position used for the 2017/18 budget was a surplus of \$61,802.

Compared to the annual budget approximately 87% of Operating Revenue has been invoiced and 9% 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.

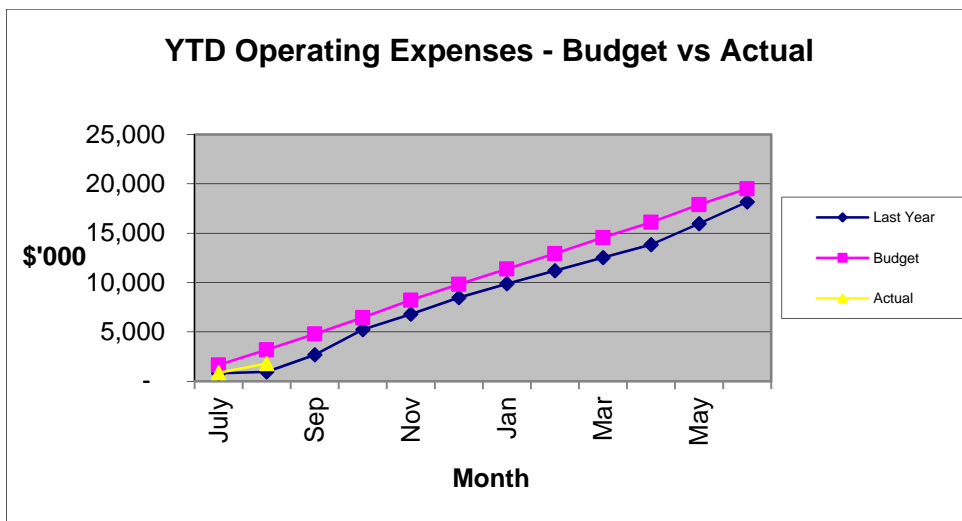
A comparison of employee costs shows that 14% of the annual budget has been spent. Leave liability expenses have been calculated.

Fixed asset depreciation has not been calculated for the months of July and August 2017 pending the update of the fair value of all assets as at 30 June 2017.

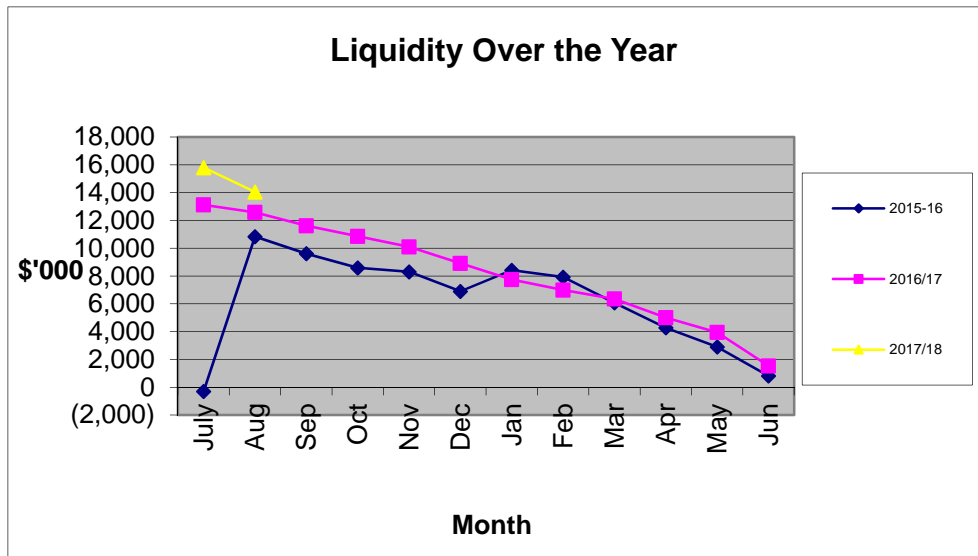
The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. Last year’s actual is also included for comparative purposes.



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

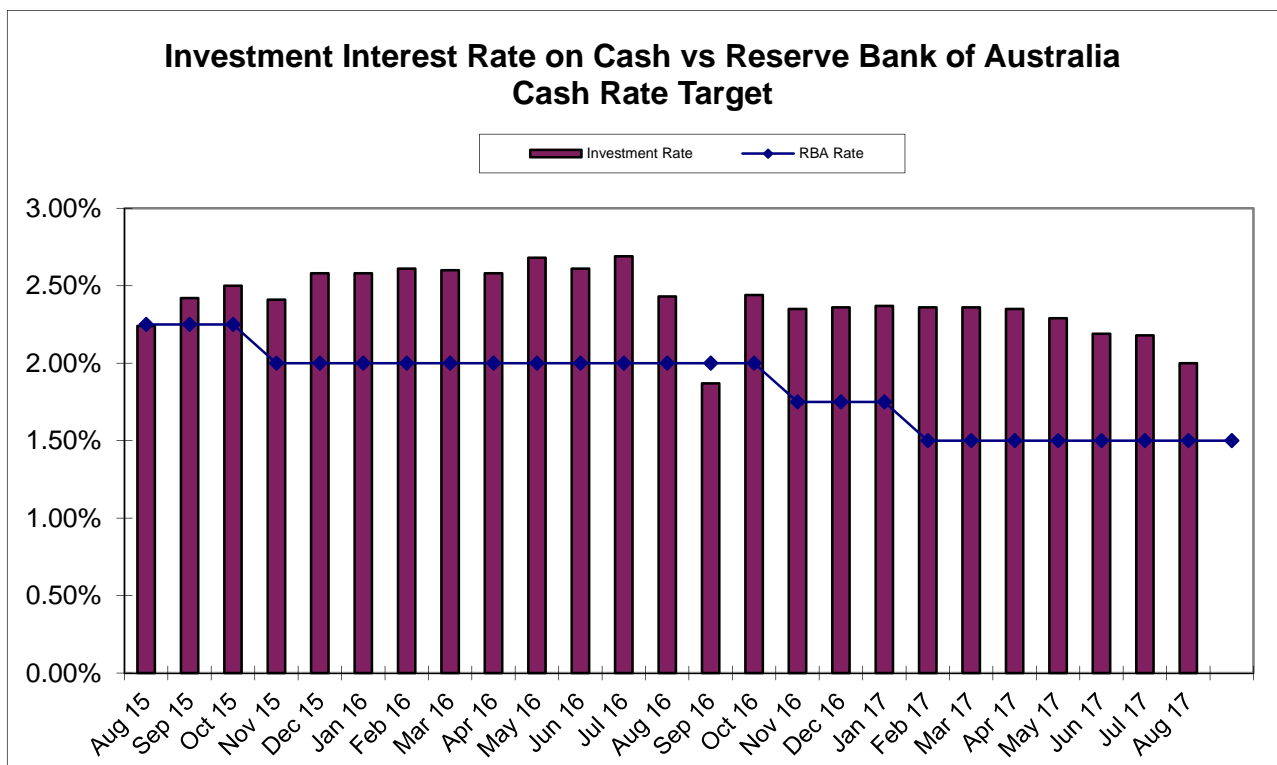


The liquidity graph compares the current year’s net current assets position against that of the two previous years.



Council’s municipal cash and investments position has increased by \$2,964,030 compared to July 2017. The Municipal cash position is an amount of \$16,291,997 of which \$12,214,351 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.

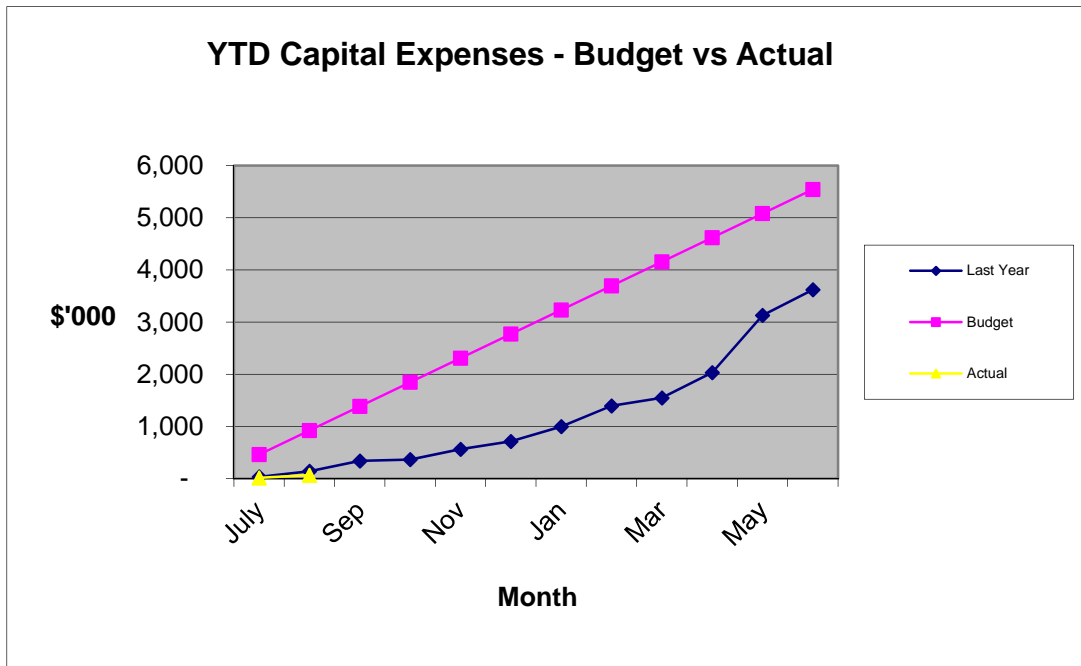
Total interest earned year to date is \$28,600 which is below the year to date budget of \$69,419. The average investment rate of return has decreased to 2.00% which exceeds the Reserve Bank’s cash reference rate of 1.50%. The Reserve Bank Board on 5 September 2017 made no change to their target cash rate of 1.50%. The Shire has term deposits maturing from September 2017 to November 2017, investment terms ranging from 90 days to 182 days and interest rates from 2.35% to 2.55%.



Capital works expenditure of \$52,761 was incurred during the month on:

- \$46,626 Trails master plan,
- \$1,331 Capel Civic Precinct - toilets,
- \$1,785 Elgin Fire Brigade site works, and
- \$3,019 PC replacement programme.

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.

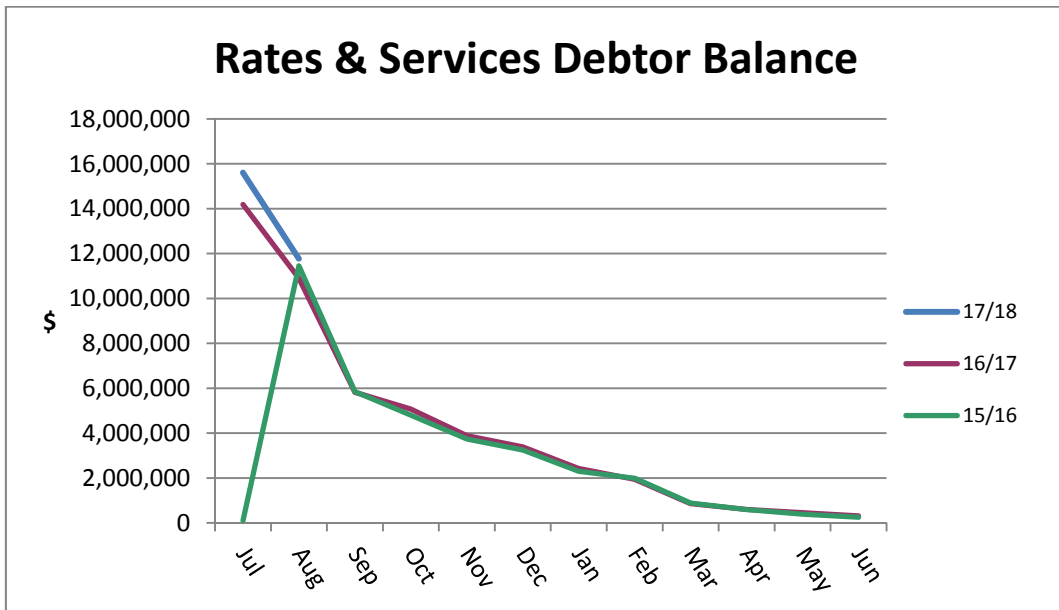


Council’s financial ratios are disclosed in Note 14.

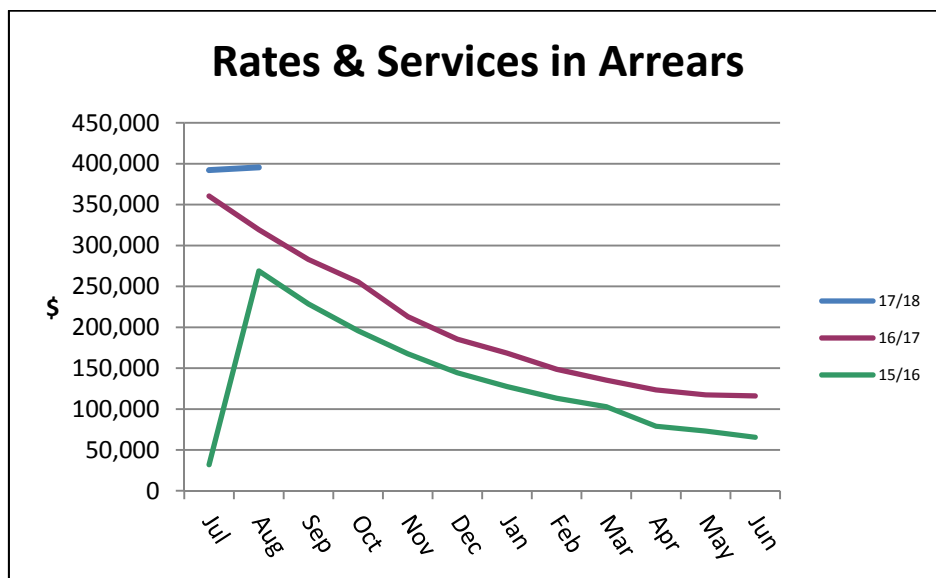
The following graph illustrates Council’s current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.



The following graph 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 31 August 2017.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER'S RECOMMENDATION – 15.7**

**That Council adopts the financial statements for the period ending 31 August 2017 as attached.**

## 16 COMMUNITY SERVICES REPORTS

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### 16.1 Parking Amendment – Portobello Road, Dalyellup

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Location:	Portobello Road, Dalyellup (SW corner of Dalyellup District Centre)
Applicant:	Shire of Capel
File Reference:	LE.LL.11
Disclosure of Interest:	Nil
Date:	12.09.17
Author:	Manager Emergency & Ranger Services, D Freeman
Senior Officer:	Executive Manager Community Services, M Plume
Attachments:	Map – Permit Parking Area – Portobello Road, Dalyellup

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#### **IN BRIEF**

To adopt a Permit Parking area in Portobello Road Dalyellup 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 at the south western corner of the Dalyellup District Centre, Portobello Road, Dalyellup.**

#### **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 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.

##### **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 Rangers, Planning and Engineering Services.

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**

There are many parking bays associated with the Dalyellup District Centre, however, in accordance with the planning requirements in force at the time, only 7 of these are set aside as Permit Parking Areas. These bays are located on private property and are not currently policed by the Shire. Staff have however made an initial approach to the managers of the Dalyellup District Centre enquiring whether they would want the Shire to enforce the relevant legislation on their land.

The intention of the Portobello Road Permit Parking Area is to provide a facility for the dropping off and picking up of Permit holders only, with the driver of the vehicle then parking elsewhere in the precinct.

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 initially, Shire Officers will infringe any vehicle not displaying a disability parking permit. After that, for the first week or so, Shire staff would initially provide an "educational presence" for disability parking permit holders, but after that time, it would be expected that alternative enforcement measures would be implemented.



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

<b>OFFICER’S RECOMMENDATION – 16.1</b>
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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 western corner of the Dalyellup District Centre, Portobello Road, Dalyellup.**

- 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**