

Shire *of* Capel

MINUTES

ORDINARY COUNCIL MEETING
Wednesday, 26 July 2017



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Shire of Capel



Forrest Road, Capel
PO Box 369, Capel

T 9727 0222
F 9727 0223

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



SHIRE OF CAPEL

ORDINARY COUNCIL MEETING – 26.07.17

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SHIRE OF CAPEL

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, FORREST ROAD, CAPEL ON WEDNESDAY, 26 JULY 2017 COMMENCING AT 4.35PM.

PRESENT:	President Councillor	MT Scott SH Baxi BW Bell BW Hearne PK McCleery SV Schiano JA Scott BH Smith PF Sheedy S Stevenson JM Gick A Coulson AD Evans
	Chief Executive Officer Executive Manager Corporate Services Executive Manager Engineering & Development Services Coordinator Engineering Development Minute Secretary	
APOLOGIES:		Nil
LEAVE OF ABSENCE:	Councillor	GJ Norton (OC0501)
OBSERVERS:	Journalist, South Western Times Manager Planning Services Senior Planning Officer Administration Officer, Planning	E Ace K Muste K Henry V Davies
MEMBERS OF PUBLIC:		15

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Mr Rob Darlow, Spokesperson for the Roseclif Park Community Group: "The action of excavating the sand at the site has a low potential to create respirable dust therefore the risk of any health effects from crystalline silica appear to be virtually nil." Seeing as there has been no mention of a site specific report by a suitably qualified expert, can you please explain how you came to this conclusion and what your sources of information were?

Mr Jason Gick, Executive Manager Engineering & Development Services (EME&DS): Shire officers researched crystalline silica to determine under what circumstances it presents as a risk to human health. Officers found throughout the literature that silica had to be inhaled as a very fine dust (being less than 10um) and in concentrations of 0.1mg/m³ for it to be harmful. The most common way that such fine dust can be formed is through mechanical disturbance by drilling, blasting, crushing or sieving. As there is no proposal to mechanically disturb the sand at Lot 1 apart from loading onto trucks, the risk of creating respirable silica dust appears low.

Furthermore, the Department of Mines and Petroleum were also contacted for advice and the advice received was that the quantity of silica dust being present at Lot 1 would be the same as any beach environment and associated health risks were negligible.

The sources of information were:

- Department of Mines and Petroleum – telephone contact (04/05/2017)
- Australian Institute of Occupational Hygienists – Position paper on Respirable Crystalline Silica (AIOH Exposure Standards Committee, February 2009)
- Hanson Silica Sand Safety Data Sheet (01/07/2015)
- Workplace Health and Safety Queensland – Silica – Identifying and managing crystalline silica dust exposure. (Department of Justice and Attorney-General, January 2013)
- World Health Organisation – Concise International Chemical Assessment Document 24 – Crystalline Silica, Quartz (F. Rice WHO 2000).

Mr Darlow: What proposed measures will be put in place to measure dust prior to the start of and during the sand excavation operations?

EME&DS: The measures used to determine if dust is being lifted from the site is by way of visual inspection by Shire officers. This is due to the classification of the site being low risk and in accordance with the Department of Environmental Regulation Dust Guidelines.

Mr Darlow: Is there a limit on annual extraction rates to ensure truck movements don't increase to an unacceptable level, if so how will this be monitored?

EME&DS: The applicant's proposal indicates an expected annual extraction rate of about 17,000m³ with a maximum truck movement of 10 per day. Any approval granted will be conditional on the development proceeding in accordance with the proposal documents.

If the applicant wishes to increase production in the future, a formal request will need to be submitted for consideration by the Shire and Main Roads.

Ms Kathy Thomson, 391 Brookdale Road, Boyanup: What constitutes running a business on rural zoned land?

EME&DS: A business that is a form of development or land use that is defined or potentially a use not listed within the Shire's Town Planning Scheme.

Ms Thomson: If an earthmoving company was running its business from a rural zoned property please outline the process required for approval through the Shire.

EME&DS: It would be necessary to first determine the scale of the business. The use may be classified as a Commercial Vehicle (a Use not listed) or Transport Depot ('X' use not permitted). An application for a Use not listed would need to be advertised and determined by Council. An application for a 'Transport Depot' in the Rural zone cannot be approved by Council.

Ms Thomson: Who would approve it if it was a transport depot, if it was approved?

EME&DS: The use of transport depot is not permitted so it cannot be approved.

Ms Thomson: If an earth-moving company was parking its low-loader sometimes carrying large earth-moving equipment at a property on a regular basis (every night) and have workers driving clearly marked work vehicles to and from this address on a regular basis (every day including weekends) would these activities be classified as running a business from this property? If so what compliance measures would the Shire adopt?

EME&DS: The activities described would be classed as operating a business from a property and would be subject to compliance action.

Ms Thomson: Taking into account this type of earthmoving low-loader is an extra wide vehicle especially when loaded and the narrow crest on Brookdale Road, have the Shire made any plans to bring forward work to widen the crest on the road and make it safer for road users? If not, will the Shire bring these works forward?

EME&DS: The upgrade works on the section of road mentioned ('the crest') are currently scheduled for 2018/19 and have already been brought forward from 2020/21. The Shire has no plans to bring these works further forward.

Mr Brian Hastie, 1253 Bussell Highway, Stratham: I refer to my questions put to Council in regards to the property at 51 Roberts Road in Stratham being used as a scrap metal yard at the Ordinary Council Meeting held on Wednesday 28 June 2017, and ask the following questions:

Since 28 June 2017 has a site visit been undertaken by the Shire to ascertain what environmental impacts that the above type of activity is having on the above property and surrounding properties?

EME&DS: No.

Mr Hastie: Has the Shire written or approached the property owner in regards to not having the appropriate development approval for non-rural use of the property?

EME&DS: Not at this time.

Mr Hastie: Has the CSC written to any surrounding property owners since this matter has been brought to the attention of the Council to ascertain if they agree or disagree with this type of activity occurring at 51 Roberts Road Stratham?

EME&DS: The Shire has had communications with some adjoining property owners over the last 6 months.

Mr Hastie: Has the CSC written to the owner of 51 Roberts Road, Stratham advising a development application needs to be lodged with the CSC?

EME&DS: No.

Mr Hastie: Has the CSC made representation to the Department of Environmental Regulation (DER) to ascertain if 51 Roberts Road, Stratham and surrounding properties are classed as contaminated sites from previous mining activities?

EME&DS: No.

Mr Hastie: Why is the CSC allowing the type of activity occur at 51 Roberts Road, Stratham when it is quite obvious the property owner has a complete disregard for any Council by-laws and any statutory laws that compel a person to make the proper applications and abide by same.

EME&DS: The Council is not allowing the activity described, and is investigating the non-compliant nature of it.

Mr Hastie: Has the CSC made any endeavours to ascertain if any of the best practice waste drains are in place to prevent petrols, oils and lubricants (POL) from seeping into the ground water? If not why not?

EME&DS: No, as the Shire is still investigating the matter.

Mr Hastie: What attempts have been made by the CSC in regards to investigation occupational and safety compliance at this site?

EME&DS: None. The Shire is not responsible for third party occupational health and safety compliance.

Mr Hastie: In regards to any on-going investigation in regards to non-compliance and as the matter is being investigated by the CSC how long will this investigation take before it is finalised and what recommendations will Council staff make to Council in regards to:

- A: Closing the scrap yard down; and
- B: prosecuting the owner for non-compliance?

EME&DS: The Shire cannot speculate on the outcome of any investigations.

OC0701 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Smith, Seconded Cr McCleery

That Councillors J Scott and S Baxi are granted a Leave of Absence from the Ordinary Council meeting to be held on 23 August 2017.

Carried 8/0

VOTING REQUIREMENTS

Simple majority

DECLARATIONS OF INTEREST Nil

NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS Nil

OC0702 CONFIRMATION OF MINUTES

Moved Cr McCleery, Seconded Cr Schiano

That the Minutes of the Ordinary Council meeting held on 28 June 2017 be confirmed.

Carried 8/0

VOTING REQUIREMENTS

Simple majority

ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

The Chairperson introduced Ms Emily Ace, a journalist with the "South Western Times" and welcomed her to the Council meeting. He also reminded Councillors to hand in their Annual Returns before the end of August 2017.

PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr Rob Darlow, Spokesperson for the Roseclif Park Community Group, gave a presentation on Item 14.1 Extractive Industry – Lot 1 South Western Highway, North Boyanup.

The President thanked Mr Darlow for his presentation.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

QUESTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

CHIEF EXECUTIVE OFFICER REPORTS

OC0703 (13.1) Code of Conduct and Statement of Business Ethics

Location: Whole of Shire
 Applicant: Shire of Capel
 File Reference: ICR26504
 Disclosure of Interest: Nil
 Date: 22.06.17
 Author: Chief Executive Officer, P Sheedy
 Senior Officer: Chief Executive Officer, P Sheedy
 Attachment: 1. Draft Code of Conduct
 2. Draft Statement of Business Ethics

MATTER FOR CONSIDERATION

Council to consider rescinding Policies 1.4 and 3.20 (Codes of Conduct), and adopting a new Code of Conduct along with a Statement of Business Ethics.

BACKGROUND / PROPOSAL

Background

In August 1996 Council adopted (OC0842) Policies 12.4 and 13.27, Codes of Conduct for Councillors and Employees respectively as required by s5.103 of the *Local Government Act 1995*. This section of the Act requires that local government adopt a code of conduct to be observed by council members, committee members and employees. The *Local Government (Rules of Conduct) Regulations 2007* and *Local Government (Administration) Regulations 1996* prescribe additional information on conduct for elected members and staff respectively, with the Administration regulations also specifying particular content that must be included in a Code of Conduct.

The Policies were renumbered in 2014, and became Policy 1.4 – Code of Conduct (Elected Members) and Policy 3.20 – Code of Conduct (Employees).

The Shire of Capel took part in the Department of Local Government and Communities Better Practice Review in June 2016. The resulting report identified areas where the Shire of Capel is considered to be demonstrating 'better practice' along with areas identified for further development. The Better Practice Review examined Governance, Planning and Regulatory Functions, Planning for the Future, Assets and Finance, Workforce Planning and Human Resources Management, and Community and Consultation.

Three areas for further development in the field of Governance were identified. The Departmental report stated that the Act is quite specific in requiring a local government to '*develop a code of conduct*'. The Act does not permit the development of more than one code of conduct differentiating between employees and Elected Members. The Better Practice Report recommended that the Shire of Capel address three areas.

- *Code of Conduct (1)*
 Develop a Code of Conduct for elected members, employees and committee members as a standalone document and also publish it on the Shire's website.

- *Code of Conduct (2)*
Consider requiring elected members and committee members to provide formal written acknowledgement of the Code of Conduct (as currently applies to employees).
- *Statement of Business Ethics*
Consider developing a statement to guide contractors and suppliers on expected standards and conduct required for dealing with the Shire and undertaking business on its behalf (i.e. a Business Ethics Statement).

Proposal

Accordingly, this item proposes that Council rescind Policies 1.4 and 3.20 (Code of Conduct for Elected Members and Employees respectively) and endorse two new standalone replacement documents – the Shire of Capel Code of Conduct (Attachment 1) and the Shire of Capel Statement of Business Ethics (Attachment 2).

STATUTORY ENVIRONMENT

Local Government Act 1995

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.

5.103. Codes of conduct

- (1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.
- [(2) deleted]
- (3) Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.

POLICY IMPLICATIONS

Two Policies will be deleted from the Shire of Capel Policy Manual.

FINANCIAL IMPLICATIONS

Budget

There are no budget implications from this item.

Long Term

There are no long term financial implications for this policy.

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

A Code of Conduct provides Councillors, Committee Members and Employees of the Shire of Capel with consistent guidelines for an acceptable standard of professional conduct. It addresses the broader issue of ethical responsibility and encourages transparency and accountability.

A Code of Conduct provides clear guidelines for the standards of behaviour and ethical and accountable decision-making expected of the Shire of Capel by the community.

STRATEGIC IMPLICATIONS

Shire of Capel Strategic Community Plan 2013-31:

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

1.1 Ensure continuous improvement of the organisation.

CONSULTATION

There was consultation between Shire of Capel officers at a number of levels as the draft Code of Conduct and Statement of Business Ethics were being developed. The draft Code was also sent to the Public Sector Commission for comment.

COMMENT

Many local governments have traditionally had two Codes of Conduct, one for Elected Members and one for employees. This is because although the *Local Government Act 1995* (s5.103) states that every local government is to prepare or adopt a code of conduct to be observed by elected members, committee members and employees, there are two different sets of Regulations that are relevant in this matter.

The *Local Government (Rules of Conduct) Regulations 2007* apply only to elected members, and prescribe general principles that guide the behaviour of Councillors, along with provisions for their disclosure of interests, receipt of gifts and acceptance of contributions to travel. The *Local Government (Administration) Regulations 1996* address behavioural and conduct issues for employees, and make specific requirements in terms of the management of gifts. The Administration regulations also prescribe specific clauses that must be included in a Code of Conduct.

The Department of Local Government and Communities’ advice that the Shire can have only one Code of Conduct, and that it should be a standalone independent document rather than a Policy was timely, as all Policies are due for review by the end of this calendar year.

In addition, the recommendation that the Shire develop a Statement of Business Ethics was in line with current local government business practice across Australia, and there were many examples available from other local governments to provide a model for development of a Shire Statement.

A Code of Conduct guides Councillors and employees in their required standards of conduct and behaviour at the Shire of Capel. A Statement of Business Ethics extends those standards to the broader business community and guides the way in which a local government interacts with external suppliers, service providers and contractors. It also places an obligation on those businesses to behave in an ethical, principled and honest manner if they wish to engage in commercial arrangements with the Shire of Capel.

The Statement of Business Ethics will also become part of the documentation provided when calling for tenders.

VOTING REQUIREMENTS

Simple majority

OC0703 OFFICER'S RECOMMENDATIONS – 13.1/COUNCIL DECISION

Moved Cr J Scott, Seconded Cr Bell

That Council:

- 1. Rescinds Policies 1.4 – Code of Conduct (Elected Members) and 3.20 – Code of Conduct (Employees);**
- 2. Endorses the Shire of Capel Code of Conduct; and**
- 3. Endorses the Shire of Capel Statement of Business Ethics.**

Carried 8/0

OC0704 (13.2) Reconciliation Action Plan – Bunbury Geographe

Location: Whole of Shire
Applicant: Bunbury Geographe Growth Plan Partnership (BGGPP)
File Reference: BGGP.GEN.1
Disclosure of Interest: Nil
Date: 10.07.17
Author: Chief Executive Officer, PF Sheedy
Senior Officer: Chief Executive Officer, Pf Sheedy
Attachments: Nil

MATTER FOR CONSIDERATION

The Shire is requested to collaborate with City of Bunbury and Shires of Dardanup and Harvey in the development of a region wide Reconciliation Action Plan (RAP), to contribute \$5,000 towards the development of the RAP and to nominate representatives to attend an introductory workshop.

BACKGROUND / PROPOSAL**Background**

Aboriginal Economic Development/Inclusion has been identified as one of the seven priority issues in the Growth Plan. The BGGPP Steering Committee recognises that more work is urgently needed to effectively engage key Aboriginal stakeholders in the Growth Plan to both identify a common approach to the way in which they are, and to jointly identify key opportunities for Aboriginal Economic Development that can be sustained over time.

The proposal to develop a joint RAP across the Bunbury Geographe area was discussed at the last BGGP Steering Committee meeting on 29 March 2017. All four Bunbury Geographe LGAs were supportive of exploring this further.

Proposal

The Bunbury Geographe Growth Plan Partnership (BGGPP) is pleased to invite the local authorities of Bunbury, Capel, Dardanup, and Harvey to collaborate in the development of a region-wide **Reconciliation Action Plan (RAP)**. A RAP enables a vision for reconciliation to be realised at the local level, and is essentially a business plan that documents what an organisation commits to do to contribute to Aboriginal reconciliation in Australia.

With indigenous groups in the Bunbury Geographe area crossing local authority boundaries, a combined approach to developing a RAP is likely to reduce duplication of consultation with those groups, while resulting in a more efficient and inclusive plan of action.

Reconciliation Australia has offered to conduct a workshop locally to inform local stakeholders about the process and outcomes associated with a RAP. The workshop will also progress through a RAP template so that at the end of the workshop, the participating local government authorities (LGAs) are provided with a draft document from which to work.

The Bunbury Geographe Growth Plan Partnership (BGGPP) will cover the cost of this introductory workshop (\$3,300). Participating LGAs are invited to nominate representatives to attend. It is anticipated that CEOs and Mayor/Shire Presidents will attend the workshop alongside senior executive staff. The BGGPP is awaiting confirmation from Reconciliation Australia as to other groups required to participate on the day. Confirmation of the workshop date will be provided as soon as possible, however, it is anticipated that it will be held in late August.

Following the workshop, formulation of the RAP will commence. Edith Cowan University, Bunbury Campus (ECU) under the leadership of Ms Lyn Farrell, Dean, has agreed to manage the development of the RAP for the Bunbury Geographe area. ECU will coordinate a single, region-wide consultation and planning process. Specific actions for each local authority and other relevant organisations will result, thus providing a clear set of deliverables for individual local authorities but under a single, shared RAP. As the parameters for the RAP are developed by ECU, engagement with the LGAs will progress.

We request that each LGA and the South West Development Commission (SWDC) contribute \$5,000 each to fund the development of the RAP by ECU following the workshop. This contribution would be required prior to the workshop early in the 2017/18 financial year.

STATUTORY ENVIRONMENT

There are no statutory acts or regulations relevant to this item.

POLICY IMPLICATIONS

There is no current Shire policy applicable to this item.

FINANCIAL IMPLICATIONS

Budget

There is no specific 2017/18 budget allocation for this item, but it can be covered under the 'Resource Sharing & Regional Partnership', Account 100020, that has a budget allocation of \$10,000.

Long Term

In addition to local Council-wide initiatives, there will be wider sub-regional issues for which joint funding may be required. One option could include pooling funding. It would also involve exploring opportunities for appropriate funding and through any funding streams that support Aboriginal Economic Development (State/R4R, Federal etc.).

The formation of a working group either on a regional or individual local government basis may necessitate the allocation of additional funding for meeting fees at an individual Council or regional basis but this is yet to be determined. However, this issue along with initiatives coming out of the development of the RAP will be dealt with separately with a further report(s) to Council or consideration in future draft budgets.

Whole of Life

As no assets are being created with the RAP there are no whole of life costs.

The RAP may identify actions that create an asset that may have ongoing costs associated with it, but this will be dealt with as separate matter where additional budget allocations are required.

SUSTAINABILITY IMPLICATIONS

The engagement with other partner organisations (Aboriginal and business community) will improve the social engagement between Council and these organisations and provide the opportunity for potential economic opportunities to benefit the Shire.

The development of the RAP has the potential to identify environmental issues relevant to individual partners or the collective group that may provide some common benefits common to all parties.

STRATEGIC IMPLICATIONS

The development of Bunbury Geographe RAP is a strategic initiative to complement the proposed work being undertaken by the BGGP Partnership, that whilst it will incur some financial costs to the Shire, it also provides the opportunity for improved social, economic and environmental outcomes for local Aboriginal and business communities.

Shire of Capel Strategic Community Plan 2013-2031

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

Strategic Outcomes:

- 2.1 Provide social, recreational and cultural opportunities and facilities for our communities.
- 2.2 Encourage community engagement and participation.

Shire of Capel Corporate Business Plan 2016-2020

Strategies:

- 2.1B Enhance cultural awareness, diversity and understanding.
- 2.2A Support participation by all sectors of the community.

CONSULTATION

Consultation has been undertaken at the BGGP Partnership Steering Committee meetings and by the Chief Executive Officer with the President (Council's representative on the Steering Committee) and the SWDC staff to clarify various matters. No further consultation, including with the community, at this time is required.

There will be a need for ongoing consultation between Council, Bunbury Geographe local governments and partner organisations in progressing the final RAP.

COMMENT

It is envisaged that there will be a working group for the overarching RAP, which would require a participant from each of the four local governments plus one from the SWDC. This group would essentially see the RAP through its development over the course of the coming months.

A brief overview of what a RAP is and how this may work for the Bunbury Geographe is provided in the following information.

What is a RAP?

Reconciliation Action Plans (RAPs) provide a framework for organisations to realise their vision for reconciliation.

RAPs are practical plans of action built around four areas including relationships, respect, opportunities and governance. RAPs create social change and economic opportunities for Aboriginal and Torres Strait Islander Australians.

Workplaces can be supported to develop one of four types of RAP – Reflect, Innovate, Stretch or Elevate – depending on the progress of your organisation in Aboriginal and Torres Strait Islander employment, retention, cultural awareness and procurement.

Each RAP framework sets out the minimum elements required from your organisation to build strong relationships, respect and opportunities within your organisation.

Further information on the four types of RAP is available via the following link: <http://www.reconciliation.org.au/raphub/resources>.

As successful RAP will require annual reporting, this contributes to a 'RAP Impact Measurement Report', and renewal, most commonly after a 2 or 3-year period (the duration of a RAP). More information on RAP reporting is available at: www.reconciliation.org.au/raphub/wp-content/uploads/2015/07/Reporting-Data-Guide.pdf.

Will the RAP be an overarching strategy or include defined action plans for the region (or each participating LGA)?

It is envisaged there would be two different types of initiatives encapsulated in the RAP, overarching policy, practice, principles, and procedures (in relation to the way we engage with our Aboriginal stakeholders on a day to day basis) as well as specific projects. This could be common to all LGAs and could include recruitment procedures, or representation on working/steering/community groups etc.

This overarching strategy should feed into each organisation's business plan, community strategy etc. and provide specific action plans.

A suite of specific outcomes and actions will underpin this strategy. There will be explicit policies and initiatives that will apply to all partners and others that will need to be delivered by individual RAP members. These initiatives could be wide-ranging across the Bunbury Geographe region, or focussed within a specific LGA area. Some will be driven by the LGA, others by the BGGP Steering Group or specific working group, some by the Aboriginal community themselves. This includes actions that support and develop Aboriginal Economic Development opportunities, such as new job creation, expanding growth of existing ventures.

How will the actions be funded ongoing – combined budget or is it up to each LGA to fund activities in their own jurisdiction?

This will be a mixture. Each LGA will be responsible for funding or delivering specific initiatives that affect their local area and form an action plan for their organisation. For a RAP to be meaningful, the expectation is that the Plan and its identified and agreed initiatives/actions are embedded within each LGA's core business, practice and procedures so that actions become mainstreamed and linked into the budget rather than costly add-ons.

In addition to local council-wide initiatives, there will be wider sub-regional issues for which joint funding may be required. One option could include pooling funding. It would also involve exploring opportunities for appropriate funding and through any funding streams that support Aboriginal Economic Development (State/R4R, Federal etc.). This same approach is being taken for all initiatives that are being identified for action through the Bunbury Geographe Growth Plan.

Will actions be consistent across the Bunbury Geographe region or will each LGA have its own set of actions?

At this stage the outcomes cannot be predicted, they will arise from the consultation and development of the RAP. It is envisaged however, that there will be common actions that are consistent across the region, especially in regards to how and when we engage and work with our key stakeholders, common policies, practices and procedures. These would form a set of actions for each individual LGA, who will be responsible for how best to implement and align with its business and community plans and strategies.

In addition, there will be specific initiatives that relate just to one LGA as well as cross-cutting Bunbury Geographe region wide initiatives that will require a joint approach towards both funding and implementation. This is particularly the case in terms of supporting job creation and growth.

Will one size fit all for the Bunbury Geographe region?

No. As outlined above, there will be a mixture of policies and initiatives – some will be very localised and others regional in nature. However, it is envisaged that this overarching RAP will provide a platform from which specific action plans can be pulled together for each LGA, as well

as wider action plans that will be driven collaboratively as part of the BGGP, from which all LGAs will benefit.

How will the process be managed?

A requirement of Reconciliation Australia is that each RAP is managed by a working group. The working group would need to have representatives from each of the partner organisations with key stakeholders from the Aboriginal and business community.

What will the RAP cost each LGA?

The initial Workshop, proposed to be delivered in August, will be funded by the BGGPP.

The subsequent consultancy to develop the Bunbury Geographe RAP with the four LGAs and SWDC will total approximately \$25,000. This will be conducted and overseen by ECU Bunbury, represented by the Dean, Ms Lyn Farrell.

Submission, review and approval of each RAP to Reconciliation Australia does not incur any costs. There is no cost to renew a RAP with Reconciliation Australia, whether at the same level or at the next level.

Once each LGA has ownership of their approved RAP, costs will prevail as outlined above and essentially be the responsibility of each LGA to budget toward.

VOTING REQUIREMENTS

Simple majority

OC0704 OFFICER'S RECOMMENDATIONS – 13.2/COUNCIL DECISION

Moved Cr Baxi, Seconded Cr J Scott

That Council:

- 1. Approves a contribution of \$5,000 to the Bunbury Geographe Growth Plan Partnership Steering Committee for the development of a region wide Reconciliation Action Plan by Edith Cowan University; and**
- 2. Nominates Councillors B Smith, J Scott and M Scott, the Chief Executive Officer and the Executive Manager Community Services to represent the Shire of Capel at the introductory workshop.**

Carried 8/0

ENGINEERING AND DEVELOPMENT SERVICES REPORTS

OC0705 (14.1) Extractive Industry – Lot 1 South Western Highway, North Boyanup

Location:	Lot 1 South Western Highway, North Boyanup
Applicant:	Shane Douglas Joynson
File Reference:	EIL.SWH.1
Disclosure of Interest:	Nil
Date:	10.04.17
Author:	Coordinator Engineering Development, A Coulson
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachments:	<ol style="list-style-type: none"> 1. Location Plan 2. Existing Contour and Feature Plan 3. Final Contour Drawing 4. Access Upgrade Plan 5. Schedule of Submissions 6. Draft Licence and Conditions 7. Draft Extractive Industry Rehabilitation Agreement

MATTER FOR CONSIDERATION

That Council grants Planning Approval, subject to conditions, for the extraction of sand from Lot 1 South Western Highway, North Boyanup, and grants an Extractive Industry Licence for a period of five years, subject to conditions.

BACKGROUND / PROPOSAL

Background

February 1996 – Council received an application to extract sand, clay and gravel from the site, to be appraised in conjunction with a Notice of Intent for the mining of silica sand within a mining lease. Both applications were made by Giacci Holdings Pty Ltd who owned the land.

May 1996 (OC0539) – Council resolved to refuse to issue Planning Consent and an Extractive Industry Licence (EIL) to Giacci Holdings Pty Ltd for the following reasons:

- a) It is concerned that adequate details on the intent of the proposals were not available to the public during the advertising term and that there was confusion between the extractive industry application and the mining tenement proposal during this term.
- b) The removal of the natural bush and sand dune feature within the Town Planning Scheme Highway Protection Area will prejudice the amenity and visual character of the area and Highway.
- c) Proposed setbacks to boundaries are inadequate.
- d) The chain of lakes proposed within the central depression will potentially create mosquito breeding areas, and there is concern that mining may degrade ground water sources.
- e) It is considered that truck access and egress onto South Western Highway will be a traffic hazard.
- f) It would not be practical to administer an extractive Industries Licence at the same time as a mining operation is taking place. Further, it would not be possible to resolve the following concerns:
 - i. Incorporating a minimum buffer of 100 metres to the South Western Highway.
 - ii. Maintaining a 2 metre separation from the highest known groundwater level.
 - iii. Access to the site prior to completion of road upgrades by Main Roads WA.

- iv. The excavation should be limited to the centre of the lot in order to increase the vegetation buffers for noise and dust control.
- v. Inconsistent licence periods for a mining activity and an Extractive Industries Licence.
- vi. Fully informing the community on details of the proposal.
- vii. Severe limitations on future land use options as a result of proposed finished ground levels of operations.
- viii. Impact of hours of operation on nearby residential uses.

The proposed silica sand mine did not proceed.

April 2003 – The property was sold by Giacci Holdings Pty Ltd to Pioneer Construction Materials Pty Ltd.

September 2003 - The property was sold by Pioneer Construction Materials Pty Ltd to SJ Roadworks.

August 2004 - Amendment 19 was gazetted to incorporate an additional use to the Rural zone the purpose of which was 'To accommodate the use of a proposed 30m x 10m shed for use for storage of road traffic signs and workshop for minor repair of signs and equipment. Also proposed is a separate site office including a toilet and shower and lunch room'.

November 2004 – Council agreed pursuant to Clause 8.10 of the Shire of Capel Town Planning Scheme No 7 to relax the requirements relating to the development of the storage shed and workshop by allowing the dimensions of 36m by 15m in lieu of 30m by 10m; and granted retrospective approval pursuant to Clause 8.3.10 for a shed (workshop/store), office/amenities building, vehicle parking areas on Lot 1 South Western Highway, Boyanup.

May 2012 – Extractive industry licence and planning consent application received for an Extractive Industry (sand). A clearing permit application was also submitted to Department of Environment and Conservation. The clearing permit application required a further spring flora study to be undertaken which placed the Shires assessment into abeyance.

December 2012 – Revised plans received for the extractive industry application. A clearing application was also made to the Federal Department of Environment and Energy. The applicant had been advised that the assessment of this application would occur under the bilateral agreement between the Commonwealth Government and the WA Government. Shire advised that it was not appropriate to advertise the proposal until the clearing permit assessment was complete.

October 2013 – Advice received from Department of Environmental Regulation (DER) that the clearing permit application had been refused due to unacceptable environmental impacts and inappropriate offset proposals. The applicant advised that further negotiation would be undertaken with DER to prepare an acceptable proposal. The Shire agreed to retain the extractive industry application in abeyance pending further advice from the applicant and DER.

May 2016 – Retrospective Planning Approval was granted (OC0509) for a Relocatable Office (including training room), Toilet Block, General Workshop, Workshop, Rainwater Tank, Relocatable Crib Room, Foreman's Office and parking within an Amended Development Guide Plan. The approval included conditions for the implementation of a stormwater management plan and South Western Highway access upgrades to be completed within 12 months.

November 2016 – Revised plans received for the extractive industry application which satisfied the DER clearing permit assessment. The revised proposal reduced the extraction area from 13.1 ha to 7.53 ha, increased the final level from 29m AHD to 30m AHD, replaced the revegetation from mainly pasture to completely native and increased the proposed clearing offset areas. The revisions resulted in a reduction in available sand resource from 580,000m³ to 325,000m³.

April 2017 (OC0402) - Council received a 59 signature petition objecting to the advertised proposal. The Council decided that the petition be acknowledged and dealt with by the Council in conjunction with the EIL application.

Proposal

The Shire of Capel has received an application from Shane Joynson for an Extractive Industry Licence to commence extraction of sand at Lot 1 South Western Highway, North Boyanup and a summary of the proposal is as follows:

- The site contains 2 high points with an elevation of 40m AHD near the centre and on the eastern boundary. The proposal is to extract sand from the high point in the centre over 7.53 hectares of land over a five year period.
- The volume of sand to be extracted is 325,518m³ in four stages. Each stage is to be a maximum area of 2 ha.
- The extraction area contains Banksia Woodland in good to completely degraded condition. Nearly 80% of the extraction area is infested with *Phytophthora* disease.
- Clearing of the 7.53 ha has been provisionally approved by the DER, pending Council approval of the Extractive Industry Licence.
- Three monitoring wells have been established on the property to establish the ground water gradient. The proposed finished floor levels of 30m AHD remain 2 metres above the highest winter water table level.
- The land contains an ephemeral Resource Enhancement wetland on the south-eastern corner. Advice has previously been obtained from the DER in respect to buffer distance requirements. The proposal complies with these requirements with a 50m buffer.
- The extracted areas will be revegetated with native vegetation with a density of 4,000 stems per hectare on maximum batter slopes of 1:10.
- The closest residences external to the site are 460m to the east and 600m to the west. The site has a dwelling that is currently occupied by the landowner. Noise guidance from the Environmental Protection Authority indicates that with a separation buffer of 300-500m residences should not be subjected to any noise beyond allowable limits. A Noise Management Plan has also been prepared to address noise if encountered.
- Dust generated from the extraction activities will be addressed with water spraying where necessary. The site has a water extraction licence to extract 51,500 kL for domestic use and dust suppression.
- Truck movements to and from the site will access the South Western Highway from the existing main access. Plans have been prepared and approved for an upgrade to South Western Highway to add a turning pocket to the southbound lane which currently also includes an overtaking lane. This is a condition of approval for the retrospective planning approval issued in May 2016.
- The expected amount of sand to be removed annually is 17,296m³ with a maximum of 10 truck cycle movements per day expected.
- The hours of operation are to be between 7.00am to 4.00pm Monday to Saturday.

STATUTORY ENVIRONMENTTown Planning Scheme No. 7 (TPS No. 7)

Lot 1 is zoned Rural and has an area of 29.4 hectares.

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

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

1.6 Scheme Objectives

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

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

5.7 Rural Zone

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

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

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

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

Clause 68, Determination of applications

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

Greater Bunbury Region Scheme (GBRS)

Under the GBRS the subject lot is zoned Rural and abuts land reserved for Primary Regional Roads. The proposed development requires planning approval under the GBRS due to the abutting Primary Regional Roads reservation.

Shire of Capel Extractive Industries Local Law

Part 2 - Licensing Requirements for an Extractive Industry (Clause 2.1)
Extractive Industries Prohibited Without Licence

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

POLICY IMPLICATIONS

There are no current Policies relevant to this item.

FINANCIAL IMPLICATIONS

Budget

The application has resulted in fees being paid of \$696 for planning application and \$2,600 for extractive industry licence application.

Long Term

Road Deterioration

The proposed access to the site is via South Western Highway which is under the care and control of Main Roads WA and therefore does not necessitate a Road Deterioration Agreement with the Shire of Capel.

Rehabilitation

Extraction industries are required to lodge a rehabilitation bond. The intent of the retention bond is to provide an incentive to rehabilitation performance. Should the licensee fail to rehabilitate, the bond may be used by the Shire to undertake the required works. The Shire's *Schedule of Fees and Charges 2016/17* lists the minimum bond per hectare for sand extraction sites as \$16,326. To support the rehabilitation bond, an Extractive Industry Rehabilitation Agreement will need to be entered into between the Shire and the applicant to detail the rehabilitation expectations and authorised use of the bond in the absence of adequate rehabilitation.

A rehabilitation bond for the first stage will be required before a licence is issued which equates to 2 ha x \$16,326 = \$32,652.

Rehabilitation bonds will be reviewed annually.

Whole of Life

There are no whole of life financial implications for this proposal.

SUSTAINABILITY IMPLICATIONS

Extractive industries can have impacts on the community by way of noise, dust and traffic. The current Environmental Protection Authority (EPA) buffer distance guidance notes consider that an acceptable buffer distance between a sand quarry of this nature and a surrounding residence should be 300-500 metres. The nearest surrounding residence is 420m from the extraction area to the east, 650m from the south west and 730m from the west which is far enough away to alleviate any noticeable impacts.

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

During the environmental assessment and approval process for the development of the project by DER, a number of significant environmental impacts were identified. The impacts included clearing of native vegetation that is associated with the presence of Threatened fauna habitat (Black Cockatoos and Western Ringtail Possum) and affinities with the Priority Ecological Community floristic community type 21b 'Southern *Banksia Attenuata* woodlands'.

In order to offset environmental impacts identified, three sites (Offset Zones) have been identified to be retained for conservation to obtain a net gain for the environment and assist in the clearing permit approval process. The total area of the offset areas is 29.29 ha with 12.38 ha requiring revegetation. Revegetation will be undertaken to enhance vegetation in *Degraded* to *Completely Degraded* condition and to provide additional Black Cockatoo habitat.

Subject to all necessary approvals for the project being obtained, the key objective of the offsets is to create areas for conservation in perpetuity, in order to provide habitat for Black Cockatoos and Western Ringtail Possums.

The traffic impacts for South Western Highway will be cumulative with the traffic from the existing traffic management operations. The retrospective development approval granted in May 2016 included a condition to construct an intersection upgrade on South Western Highway to add a turning pocket to the southbound lane which currently also includes an overtaking lane within 12 months of the approval. Main Roads WA has assessed the proposal of the additional 10 truck cycles per day and have determined that the proposed road upgrade to South Western Highway as shown in Attachment 5 - Access Upgrade Plan, should adequately manage the increased truck movements associated with the extractive industry.

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

STRATEGIC IMPLICATIONS

State Planning Strategy 2050

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

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

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

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

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

Greater Bunbury Strategy 2013

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

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

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

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

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

State Planning Policy No. 2 Environment and Natural Resources Policy

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

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

Shire of Capel Land Use Strategy (1999)

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

Shire of Capel Strategic Community Plan 2013 - 2031

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

Strategic Outcomes:

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

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

Strategic Outcome:

- 4.9 Encourage business development.

CONSULTATION

This application was advertised for comment for a period of 43 days, ending on 24 March 2017. Advertising consisted of:

- An advisory letter to 52 surrounding property owners, mailed on 6 February 2017;
- A referral letter and USB of the application mailed to twelve Government Departments and agencies;
- A notice erected at Lot 1 South Western Highway crossover on 6 February 2017;
- A notice in the 'South West Times' newspaper, Thursday 9 February 2017; and
- Shire of Capel website from 6 February 2017.

The Shire received submissions from most of the government agencies and from 17 residents including an objection petition letter signed by 59 residents received at the 26 April 2017 Council Meeting. A Schedule of Submissions has been prepared and forwarded to the applicant for consideration and response.

The submissions received, raised the following concerns with the applicants response shown in *italics*.

Environmental

The proposed removal of Black Cockatoo and Western Ringtail Possum habitat as well as the removal of the endangered Banksia Woodland ecological community is not supported by the surrounding residents. The suggestion was made that the Shire should delay any further consideration of the proposed development until State and Commonwealth clearing approvals are granted.

SJ Roadworks has referred this project to the Department of the Environment for assessment. The Department has confirmed this project is a Controlled Action and will require formal assessment under the Environment and Biodiversity Protection Act 1999. This assessment will occur under the bilateral agreement with the WA environmental regulator the Department of Environmental Regulation. Offsets, Revegetation and Rehabilitation Plans have been prepared for the site in order to reduce the impact this activity will have on the existing environment.

The Shire of Capel is working in consultation with the Department of Environment and Regulation to ensure all environmental approvals and conditions are confirmed prior to the EIL being approved.

The poor soils on the site would make rehabilitation very difficult and it is noted that no rehabilitation has occurred or is planned on the previous sand excavation area visible from the highway.

Extracting too close to the water table could lead to impacts to the water table which would impact on neighbouring properties that rely on the groundwater.

Development of site will require that a 2 metre separation distance between groundwater and soil surface is maintained to reduce the potential impact to groundwater and groundwater dependant wetlands.

Increased salinity due to clearing of vegetation.

Increased salinity due to groundwater consumption.

Excessive water use to suppress dust could impact water resources if using the same bore streams.

Difficult to enforce boundary.

Licence conditions will be managed by the Shire of Capel, DER and DoW

Movement of the land resulting in cracks in houses.

Management and monitoring of hydrocarbons is noted as a priority from DoW to protect the surrounding wetlands.

Proposal does not adequately consider any potential off-site environment impacts.

A stormwater drainage plan has been prepared in order to reduce the risk of contaminated surface water impacting surrounding wetlands.

Road Safety

No slip lane into Hayclif Avenue with heavy trucks behind.

Overtaking Lane difficult to enter and egress in trucks hazard to other road users.

Site entrance on blind corner particularly from north.

Main Roads has been consulted and access to and from the site on South Western Highway will be upgraded to ensure safety standards are met.

Number of trucks may increase as business grows.

Estimated that there will be an additional 12,000 x 20 tonne truck movements per year.

Amenity

Noise emissions including reversing beepers will impact on the surrounding residences.

Horses could be spooked by noise and injure themselves.

Operation will not be on a daily basis but will be demand driven. Hours of operation will be 7am-4pm six days a week only. No Sundays or Public Holidays. Property is outside the buffer zone for this land-use. Reverse beepers are required for the safety of operators. Site planned to ensure that the buffer as required by environmental regulations is established. Noise emissions will be managed under the Environmental Protection (Noise) Regulations 1997.

Visual impact of removing large hill and environmental impact to surrounding vegetation once shelter removed.

Dust impacts to neighbouring residences which are already being impacted by blown sand from site particularly from strong easterly winds at night. The sand is round with low absorption rate reducing effectiveness of dust management through watering. There was also a submission suggesting that the small particle consistency of sand could be inhaled by people and animals affecting their health.

No site specific noise assessments or dust assessments have been made only use of generic guidelines.

Existing zoning includes Additional Use (A9) which has conditions regarding noise and dust which are claimed to be not being complied with.

Residents are concerned about devaluation of surrounding properties if impacts as detailed materialise.

Fumes of the machinery could be inhaled impacting health.

The extraction of sand will occur in stages, and rehabilitation of the impacted areas will occur concurrent to the extraction of sand in each cell. As a result the site will not be entirely exposed and therefore the risk of dust impacting the site will be minimal. Water trucks will be in constant use whenever there is onsite activity. On days where strong winds are causing high losses of soil, excavation works will stop until conditions have improved.

Has the sand been tested for harmful contaminants such as silica dust? Silicosis is a serious disease of the lungs caused by breathing in crystalline silica dust. Crystalline silica is a basic component of soil, sand, granite and many other minerals such as quartz. It can become a respirable dust when workers chip, drill, or grind objects that contain crystalline silica. In addition, the practice of using sand and other materials containing silica for abrasive blasting led to the creation of high levels of crystalline silica dust.

Planning

Application not consistent with the relevant provisions contained in the Shire's TPS No. 7 the Greater Bunbury Region Scheme and the applicable planning and environmental policies.

Surrounding rural residential character will be compromised.

A full copy of the Schedule of Submissions and applicant's responses is shown as Attachment 5 – Schedule of Submissions.

COMMENT

Vegetation Clearing

The clearing of vegetation is regulated by the Department of Environment Regulation which has been assessing the proposed clearing since 2012. The initial proposal was to clear 13.1 ha of native vegetation and revegetate the cleared flat area with pasture and the batters with native vegetation. This application was refused in October 2013 due to the unacceptable environmental impacts to the Black Cockatoo habitat, Western Ringtail Possum habitat and Banksia Woodland ecological community and inappropriate offset proposals.

The clearing application was then revised through negotiation with DER which reduced the extraction area requiring clearing to 7.53 ha and proposed to revegetate the whole cleared area with native vegetation. The offset proposals were also revised to be more acceptable.

The DER has advised the Shire that the clearing application is likely to be approved if an extraction licence is granted.

Visual impact of hill removal

Concerns were raised that the removal of the hill may have an environmental impact to surrounding vegetation once the shelter was removed and may have a visual impact to the surrounding properties. The environmental impact of removing the shelter would be exposure to winds in more directions than previously experienced which the vegetation is able to adapt to.

The visual impact of the proposal is expected to be minimal and manageable for the following reasons:

- The area of initial clearing will potentially be partially visible from South Western Highway and northern rural properties until extraction of material is below onsite screening vegetation.
- Similarly, initial clearing may be partially visible from western rural and Special Rural properties until extraction of material is below onsite vegetation and tree line.

- The closest external residence is approximately 750m from the area of clearing whereby any proposed clearing and excavation would be partially visible and not dominant in the landscape.

Rehabilitation

Concerns have been raised regarding the poor soils on the site and the likely success of revegetation after extraction. Due to the poor soils, the rehabilitation plan proposes to mix the topsoil with composted mulch 6-10 weeks before spreading to increase the organic composition. Tube stock will then be planted at a density of 4,000 plants per hectare and fertilised and watered to ensure establishment.

The area of old workings in the north – east corner of the property was originally excavated by previous owners of the property and has been recently further disturbed by the applicant while testing a bulldozer. The applicant in its initial proposal intended to rehabilitate this area if approval to extract sand was granted.

During the assessment period there was speculation between Shire officers and the applicant that further widening of the highway as indicated in the Greater Bunbury Region Scheme mapping may result in impact on the majority of this area with battering, making rehabilitation a wasted effort. Since that time, the Shire has had this area brought to its attention several times with concerns of sand drift onto the highway during windy periods. Shire officers investigated a condition to rehabilitate the Old Workings area to be included in any future approval to extract sand at this property, however, advice from the applicant's lawyers is that the applicant does not wish to have this included in the approval.

Planning advice indicates that the inclusion of a condition requiring works in an area outside the assessment area is unlikely to be successful if challenged in appeal.

Extraction industries are required to lodge a rehabilitation bond. The intent of the retention bond is to provide an incentive to rehabilitation performance. Should the licensee fail to rehabilitate, the bond may be used by the Shire to undertake the required works. The Shire's Schedule of Fees and Charges 2016/17 lists the minimum bond per hectare for sand extraction sites as \$16,326. To support the rehabilitation bond, an Extractive Industry Rehabilitation Agreement will need to be established between the Shire and the applicant to detail the rehabilitation expectations and authorised use of the bond in the absence of adequate rehabilitation.

Separation to water table

The initial proposal indicated a finished level of 29m AHD which would have provided only 1m of separation between the finished surface and the maximum winter groundwater level as established from monitoring three piezometers on site. The Shire of Capel Extractive Industry Local Law specifies a minimum separation to groundwater of 2m, which is also supported by the Department of Water. The revised proposal increased the separation to groundwater to 2m by specifying the finished floor level as 30m AHD. This will ensure that the operations have low impact on the water table and also maintain a similar surface water flow towards the adjacent wetland. The revised proposal to lift the floor level and reduce the extraction area results in a net sand resource reduction from 580,000m³ to 325,000m³.

Water Resources

A concern was raised that the clearing may result in rising salinity of the water table. Concerns were also raised that the use of groundwater for dust suppression could impact on surrounding water resources. The Department of Water was contacted to advise on these specific concerns raised and the following response was received:

'Lot 1 South Western Highway, North Boyanup has an existing groundwater license for the take of water from the Leederville aquifer in the Bunbury East subarea. When received the application

for the groundwater license was assessed in accordance with the Department of Water procedures, which are applied to all applications for a licence to take water. This includes assessing risks to groundwater quality and the zone of influence that the drawdown may have, in relation to both affecting other users and groundwater dependent ecosystems.

The clearing of vegetation is managed by the Department of Environment Regulation, and the department provided advice on the clearing application associated with this site. While removal of vegetation can influence groundwater tables it is noted that the land surrounding Lot 1 South Western Highway is cleared and used for agriculture, which pose a higher risk of impacting quality of the superficial aquifer. The underlying Leederville aquifer in this area has significant upward head which will assist with preventing the superficial leaching downwards and it would require a substantial draw on the Leederville aquifer to change this. As such the clearing of vegetation is deemed to have a low risk of impacting on groundwater quality for both the superficial and Leederville aquifer.

It should be noted that the extractive industry operations will not result in any dewatering (i.e. lowering of the groundwater) and in accordance with the Shire of Capel local law requires a separation of 2m is required between the pit floor and the maximum seasonal groundwater levels, and this depth of in situ material will provide an additional safe guard to the quality of the underlying superficial aquifer.'

Extraction Boundary

The stage boundaries will be marked onsite with steel posts located by survey to clearly define the extent of the activity. The finished levels will also be marked on the posts to allow for compliance checks to be undertaken during pit inspections from Shire officers. No clearing will occur until the Shire officers are satisfied that the operators are able to comply with the limits of works. These measures which are included in any licence conditions issued will reduce the risk of activities occurring outside of the extraction area and over excavation.

Ground Movement

A concern was raised that movement of the ground could result in cracks in houses adjacent to the property. The proposal is to remove sand with a loader into trucks which should cause limited vibration or movement to surrounding properties. There is no blasting, crushing or screening proposed.

Offsite Environmental impacts

The proposal has been referred to relevant government agencies. The DoW did identify some possible off site impacts to the adjacent wetland, which led to revisions of the proposal, to ensure adequate separation to the groundwater and runoff from the extraction area is treated to prevent silted runoff reaching the wetland. No other offsite environmental impacts were identified other than those already discussed in this report.

South Western Highway access

The surrounding residents have raised concerns over the proposed truck access to South Western Highway. They are concerned about turning left into Hayclif Avenue with additional trucks approaching their vehicles from behind at speed as they slow on the highway as there is no left turn pocket. Also of concern is the proposed right turning lane on the highway which is at the end of an overtaking lane section which appears out of the ordinary. Sightlines from the access point are also considered inadequate by some residents.

Initial comments received from Main Roads WA advised that the location of the current access is at the end of an overtaking lane, which could result in increased potential for conflict between vehicles turning right into the site and those travelling in the overtaking lane. Subsequent to this the applicant engaged a traffic consultant and a design was presented to Main Roads WA for upgrading the access.

The objective of the upgrade is to separate the right turn lane from the overtaking lane to avoid any potential conflicts where a right turning vehicle could be forced to stop due to oncoming northbound traffic. Although it is not ideal to have an overtaking lane adjacent to an intersection, there is a similar example of the same road layout at the corner of South Western Highway and Billingham Road, Argyle.

The upgrade works have been approved for construction by Main Roads WA as they formed one of the conditions of a previous retrospective planning approval for other buildings granted by the Council in May 2016. The upgrade works to South Western Highway will be included as a condition of any successful planning approval to be completed prior to the issue of any Extractive Industry Licence.

The intersection of South Western Highway and Hayclif Avenue has been investigated by Shire officers to determine if the proposed increase in truck movements will impact on the intersection. The intersection is 1,710 metres north of the Lot 1 access and using calculations provided in Austroads, it was determined that loaded trucks had the potential to reach speeds in excess of 90km/h along South Western Highway on approach to the Hayclif Avenue intersection. What was also determined was that the only way that any vehicle turning left at Hayclif Avenue could have a truck behind them from Lot 1 was if they previously overtook the truck which seems unlikely due to the double white centrelines on South Western Highway between the Lot 1 access and Hayclif Avenue.

The sightlines for the access road have been assessed against Austroads standards and have been found to be adequate in both directions.

One submission was received that estimated that there will be an additional 12,000 x 20 tonne truck movements per year as a result of the proposal. Further scrutiny of the figures reveal that the estimated annual volume of sand to be removed is 17,296m³, which equates to 865 semi-trailer trucks annually or 18 trucks per week or 3 trucks per day, with an expected maximum of 10 trucks per day.

A recent traffic count conducted on South Western Highway near the site revealed that there is currently an average daily count of 546 trucks in a northerly direction and 581 trucks in a southerly direction. The proposed maximum of 10 trucks per day equates to an increase in truck traffic of 1.8%, which is not expected to have any noticeable impact on the Hayclif Avenue intersection.

As the increase is very small compared to the other users of South Western Highway, any increase in truck movements due to market demands should not create significant issues for other road users.

Noise Management

There are concerns raised that noise emissions including reversing beepers will impact on the surrounding residences and suggestions that horses could be spooked by noise and injure themselves.

The surrounding residences have an increased buffer above the EPA guideline buffer distances of 300-500m for a small scale operation as is proposed. The residents of Roseclif Park Estate have a minimum buffer of 730m from the extraction area and the neighbouring property to the west of the site has a buffer of 650m to the residence.

The EPA buffer guidelines for noise have been developed to give direction to planning authorities to help determine when a development proposal has the potential to create unacceptable noise to surrounding sensitive receptors. Where there is an adequate buffer beyond the minimum requirements, there is not expected to be any unacceptable noise emissions which might require a more thorough noise assessment to be prepared.

The topography of the proposed site also lends itself to reducing any noise emissions to residences to the west and east of the site. The central pit level from which excavations will commence is set at 30m AHD, whereas the western edge of the extraction area is higher with a crest of 37m AHD centrally reducing down to 31m AHD at the north and south corners. The eastern edge of the extraction area varies between 35-37m AHD. The high ridges on the eastern and western sides will act as noise bunds reducing any noise travelling excessively in those directions.

The existing residential dwelling is located within 100m of the proposed excavation area and will need to be considered as part of the noise management plan. The dwelling is currently occupied by the applicant.

The Noise Management Plan included in the proposal does require that any noise complaints to be recorded with follow up action to be immediately commenced. The applicant has agreed to review and revise their Noise Management Plan to include provisions in the complaints handling procedure for work to be suspended pending complaint resolution.

Dust Management

Concerns have been raised about dust impacts to neighbouring residences in Roseclif Park Estate particularly from strong easterly winds at night. It has been suggested that the sand is round with a low absorption rate reducing effectiveness of dust management through watering. There was also a submission suggesting that the small particle consistency of sand could be inhaled by people and animals affecting their health.

The usual sources of dust at a sand extraction site are the topsoil and the access roads. The sand resource is usually a fairly uniform size with only a small fraction of fines being less than 5% which could be converted to airborne dust in the right conditions. The topsoil will be stripped and stockpiled during the damper months of the year to prevent excessive dust being formed. Once the topsoil is stockpiled, if dust lift is evident, hydromulching will be applied to control this.

The major contributor of dust at extraction sites are the access roads while under traffic. The most effective management is to keep the access roads watered during truck movements, which is proposed in the Dust Management Plan. Outside of working hours, dust management can be problematic even with the ridge on the western side of the extraction area, and the substantial buffer provided. The applicant has agreed to review and revise its Dust Management Plan to include provisions in the complaints handling procedure for work to be suspended pending complaint resolution.

A concern was raised regarding machinery exhaust fumes and the impact they may have on people's health if they were inhaled. Due to the open nature of the proposed sand pit and the buffer distance between the proposed pit and the surrounding residences, the health risk is considered minimal.

Silica Sand

Concerns have been raised about the possible health effects from disturbing the sand on Lot 1 which is known to contain silica sand.

Silica is silicon dioxide, one of the most abundant minerals in the earth's crust. It is present in almost all types of rock, sands, clays, shales and gravel. It is also a major constituent of construction materials such as bricks, tiles and concrete.

Crystalline silica is an aggressive, lung damaging dust when it is able to penetrate deep into the lung in sufficient quantity. In order for the crystalline dust particles to reach the extremities of the lung where they have the potential to do damage, they must be particularly small (less than 10µm in diameter), and this size is defined as "respirable".

It can become a respirable dust when workers chip, drill, or grind objects that contain crystalline silica. In addition, the practice of using sand and other materials containing silica for abrasive blasting led to the creation of high levels of respirable dust.

The action of excavating the sand at the site has low potential to create respirable dust therefore the risk of any health effects from crystalline silica appear to be virtually nil.

Compliance Issues

Concerns have been raised regarding the existing zoning that includes Additional Use (A9) which has conditions regarding noise and dust which are claimed to be not being complied with in the last 12 months. The zoning amendment to allow for the additional use does include a condition stating "*Activities conducted on the site shall be limited to those in which the processes carried out, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, **noise**, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, **dust**, waste water or other waste products.*"

The Retrospective Planning Approval granted on 25 May 2016, included the following condition:

5 (c) All items associated with SJ Roadworks located outside the Development Guide Plan area, including but not limited to structures, equipment, vehicles, signage and other miscellaneous items shall be relocated within the approved Development Guide Plan area.

The applicant has been endeavouring to comply with Condition 5 (c) by relocating lots of equipment over the last 12 months, which explains unusual disturbances. The Shire has been unaware that the works have been impacting on the amenity of the area, and if made aware, could have approached the applicant over this compliance issue.

The management of extractive industries within the Shire is handled by dedicated Shire officers who undertake compliance audits and inspections on a regular basis. There is a much tighter control of extractive industries than other development approvals due to the higher risk of impacts to the amenity and surrounding residents are encouraged to lodge complaints when issues arise so that compliance action can be taken. This has resulted in acceptable amenity around other extractive industry sites within the Shire.

Planning

Concerns have been raised that the application may not be consistent with the relevant provisions contained in the Shire's TPS No. 7, the Greater Bunbury Region Scheme (GBRS) and the applicable planning and environmental policies.

The Extractive Industry application does not relate to the 'Additional Use' rights associated with the site or the specific Additional Use provisions of TPS No. 7. The Extractive Industry is a separate planning proposal that relates to the overall 'Rural' zoning of the land and the associated permissible land-uses within the Rural zone. The proposal is consistent with the GBRS Rural zone and the application has been referred to Main Roads WA as required by the GBRS.

Concerns were also raised that the surrounding rural residential character will be compromised. Special Rural lots forming part of Roseclif Park Estate are located approximately 522m to the west of the subject land. An existing Rural zoned property separates the Special Rural lots from the subject land. The retention of screening onsite vegetation, proposed required rehabilitation and the separation distances between the proposal and the Special Rural lots and dwellings will assist to maintain the visual amenity and character of the Special Rural estate.

Conclusion

Lot 1 initially presented as a good location to source sand from, as it contained a high sand hill, had direct access onto a highway and had reasonable buffers to neighbouring residences. Clearing of the native vegetation appeared to have the most impact and would require substantial efforts to offset those impacts. It appears that those impacts have now been addressed with a clearing permit approval imminent pending development approval.

Public opposition to the proposal is virtually unanimous from the nearby residents of Roseclif Park Estate who are concerned about the possible impacts of dust, noise and highway access. On closer assessment of the issues raised, the proposal is considered to have a low risk of impact to the surrounding residents especially with the addition of a complaints management procedure that ensures any offsite issues will be addressed.

On balance Shire staff is of the view that the proposed extraction activity is appropriate for the site and the applicants' obligations to rehabilitation of the site as well as providing revegetation in offset sites will ensure a satisfactory outcome for the environmental values of the area.

Three members of the public left the meeting at 5.13pm and did not return.

VOTING REQUIREMENTS

Simple majority

OC0705 OFFICER'S RECOMMENDATIONS – 14.1/COUNCIL MOTION

Moved Cr Baxi, Seconded Cr McCleery

That Council:

1. Pursuant to Clause 41 of the Greater Bunbury Region Scheme and Clause 68(2)(b) in Schedule 2, Part 9 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015, resolves to grant Planning Approval for 'Industry – Extractive' on Lot 1 South Western Highway, North Boyanup subject to the following conditions:
 - a) All development being limited to that detailed in the Application Report dated November 2016 and in accordance with the Approved Development Plan(s) dated 26 July 2017.
 - b) The approval being limited to 5 years from the date of issue of the Planning Approval.
 - c) Prior to the commencement of development South Western Highway being upgraded in accordance with approved drawings SPR003-D01 to SPR003-D07.
 - d) Prior to the commencement of development, a Noise Management Plan is to be submitted for endorsement by the Shire of Capel and thereafter implemented in accordance with the approved plan to the specification and satisfaction of the Shire of Capel.
 - e) Prior to the commencement of development, a Dust Management Plan is to be submitted for endorsement by the Shire of Capel and thereafter implemented in accordance with the approved plan to the specification and satisfaction of the Shire of Capel.
 - f) The hours of operation shall be from 7.00 am to 4.00 pm, Monday to Saturday. No operations shall be permitted on Sundays or public holidays.

- g) **No discharge of stormwater other than pre-development runoff in defined natural watercourses will be permitted. Stormwater disposal and management is to comply with the approved Stormwater Management Plan dated November 2016 and Department of Water, "Water Quality Protection Note No. 15".**
- h) **Rehabilitation shall be in accordance with the Rehabilitation Plan contained within the licence application document dated November 2016.**
- i) **Remnant vegetation within setback areas and surrounding zones shall be retained to screen operations from the general public.**
- j) **Prior to the commencement of development, a secured bond of \$16,326/ha is required to be lodged with the Shire of Capel and is to be accompanied by a signed Extractive Industry Rehabilitation Agreement.**
- k) **The excavation area shall be securely fenced to the specification and satisfaction of the Shire of Capel.**

Advice Notes

- i. **In regard to Condition 5 the Noise Management Plan shall include a complaints management procedure and measures to be taken to ensure compliance with the Environmental Protection (Noise) Regulations 1997.**
 - ii. **The applicant is advised this decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements and encumbrances are adhered to, nor does it infer that other necessary approvals are forthcoming as an outcome of this Planning Approval.**
 - iii. **The applicant/landowner is advised that the clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environmental Regulation on (08) 9725 4300 for further advice in this regard.**
 - iv. **The applicant/landowner is advised that the clearing of native vegetation within the Shire of Capel may result in impacts upon threatened species that are protected under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999. Proponents are advised to contact the Department of Sustainability, Environment, Water, Population and Communities on (02) 6274 1111 for further advice regarding their obligations under the Act.**
- 2. Pursuant to the Shire of Capel Extractive Industries Local Law 2016, resolves to grant an Extractive Industry Licence for a period of five years from the date of issue of the Planning Approval, for Lot 1 South Western Highway, North Boyanup and that the Executive Manager Engineering and Development Services be authorised to sign the Licence on behalf of the Council.**

Lost 0/8

One member of the public left the meeting at 5.29pm and did not return.

VOTING REQUIREMENTS

Simple majority

OC0706 COUNCIL DECISION

Moved Cr Bell, Seconded Cr J Scott

That Council pursuant to Clause 41 of the Greater Bunbury Region Scheme and pursuant to Clause 68(2)(c) of the Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 refuses to grant planning approval for 'Industry – Extractive' on Lot 1 South Western Highway, North Boyanup for the following reasons:

- a) The proposal is inconsistent with the objectives of the Rural zone set out in clause 5.7.1 of the Shire of Capel Town Planning Scheme No. 7, as the size and scale of the development represent an industrial activity which is not in line with the character of the rural area.**
- b) The approval of the development would result in the extension of a non-rural activity which based on the size and scale of the development would set an undesirable precedent for further development of lots of a similar non rural type in the area.**
- c) The development is contrary to the provisions of Clause 8.3.2 of the Shire's Town Planning Scheme No. 7 subclauses (h), the orderly and proper planning of the locality and (i) the preservation of the amenity of the locality.**
- d) The development is contrary to the provisions of Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (b) the requirements of orderly and proper planning, (n) the amenity of the locality and (o) the likely effect of the development on the natural environment or water resources.**

Carried 8/0

OC0707 (14.2) Policy 2.31 – Compliance

Location:	Whole of Shire
Applicant:	Shire of Capel
File Reference:	CM.PO.1
Disclosure of Interest:	Nil
Date:	06.06.17
Author:	Planning Officer, L Hughes
Senior Officer:	Executive Manager Engineering & Development Services, J Gick
Attachments:	Policy 2.31 Compliance

MATTER FOR CONSIDERATION

The Shire has a statutory obligation to enforce compliance in accordance with the requirements of various pieces of legislation and a duty to respond to and investigate all complaints in accordance with the Customer Service Charter.

The purpose of this report is to recommend that Council endorses Policy 2.31 – Compliance.

BACKGROUND

The Shire has not previously had the benefit of a formal policy position in relation to compliance and historically the number of enquiries relating to alleged breaches has been low. The continued growth and development within the Shire has resulted in an increase in the number of enquiries relating to possible non-compliance of legislation for which the Shire is the administrative body.

This increase has resulted in the need to establish clear guidelines regarding the courses of action which are available and to ensure consistency of approach in investigating and resolving such issues across the whole organisation. The policy is a framework for the organisation and seeks to work alongside the legislative requirements of each department.

PROPOSAL

The policy applies to compliance across the whole organisation and seeks to ensure a consistent approach to the investigation and resolution of breaches of legislation is undertaken. The policy also provides information for customers regarding how an enquiry should be lodged to ensure all necessary information is obtained to facilitate investigation. It also details how the matter will be investigated and the methods for resolving breaches which may be considered and implemented by the Shire. More complex cases may involve several departments and the policy objectives are to ensure that consistency and transparency will remain in such scenarios.

STATUTORY ENVIRONMENT

Local Government Act 1995

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

The disciplines to which the policy predominantly relates are Health, Building, Planning, Engineering, Community Rangers and Emergency Services. Each discipline has legislation in the form of Acts, Regulations and Local Laws, all of which provide criteria and standards which must be complied with. In determining the appropriate course of action in a compliance context, an assessment will be undertaken against the relevant statutory provisions for each discipline. The assessment will assist in determining the level of risk or harm which the alleged breach is likely to cause and in turn this will provide the necessary guidance for a recommendation as to which remedy is most appropriate.

POLICY IMPLICATIONS

The proposed Policy will provide guidance for consistency, transparency and fairness in relation to compliance and enforcement matters. It provides clarity to customers who may wish to make an enquiry regarding possible non-compliance and also to customers who may be in breach of a legislative requirement.

FINANCIAL IMPLICATIONS

Budget

Costs associated with staff preparation, administration and advertising of the Policy are at the expense of the Shire. There may be additional cost implications in the event that compliance matters are required to be resolved through additional staff resources, formal action, including attendance at Court which may involve legal representation and associated costs.

There is no budget provision for this Policy.

Long Term

The regularisation of unauthorised development or other actions to address non-compliance can result in the additional fee income in the form of retrospective fees, fines and/or infringements.

No data has been generated to determine the level of non-compliance activities that could attract fines or fees.

Whole of Life

There are no assets being created under this item so no whole of life costs are applicable.

SUSTAINABILITY IMPLICATIONS

Economic

Ensuring compliance with statutory provisions is considered to assist in creating high quality outcomes in which business can thrive and will increase the likelihood of attracting further economic development.

Environmental

The Shire benefits from many natural and environmental assets which are considered worthy of protection. The policy provides a framework for addressing issues raised to protect the environment and reduce the risk of further harm.

Social

The policy provides a framework for a consistent approach to compliance ensuring equity in all cases.

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;
- 1.4 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.

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:

- 2.2 Encourage community engagement and participation
- 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:

- 3.2 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.'

4.9 Encourage business development.

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

Strategic Outcomes:

- 5.2 Maintain and enhance the quality of our built environment.
- 5.6 Effectively manage the Shire's assets and resources.

CONSULTATION

The draft policy has been circulated internally and amendments made accordingly. The objective of this report is to seek adoption of the draft Policy 2.31– Compliance, for the purposes of formally advertising to the community and relevant agencies.

If Council resolves to adopt draft Policy 2.31 it is recommended that the policy is advertised for public comment by:

- Two consecutive notices in the local newspaper;
- Details on the Shire's web site and social media sites; and
- Referral to the Capel Chamber of Commerce, local progress associations and community groups.

COMMENTObjective

The Shire has responsibility for ensuring compliance with various Acts and legislative requirements. The aim of the policy is to ensure that there is consistency and transparency in

the approach taken to responding to complaints of alleged non-compliance and the resolution of matters raised whether through voluntary compliance, negotiation or formal action. It provides a framework and information to customers and all interested parties to ensure there is clarity in relation to the process and actions which may be applicable.

Process

Communication with customers will be in accordance with the Shire's Customer Service Charter. Policy provisions enable customers to gain an understanding of how an enquiry should be lodged, the investigation process and possible subsequent types of action.

The requirement for complaints to be made in writing is considered to be appropriate as it ensures that all necessary details are obtained in terms of the alleged breach but also to ensure the complainant can be contacted by the Shire for the purposes of providing updates and in some instances to seek additional information.

An investigation process may result in a number of outcomes. In the event that there is no breach or that the matter is of a civil nature, no further action is required of the Shire. However, in the event that a breach of legislation is established, there are criteria which must be taken into consideration in determining the next course of action. These criteria are set out in the policy in order to ensure the customer is aware of what falls within the Shire's administrative function and also the steps which may follow. This information assists the customer in understanding whether the Shire has a duty to investigate and resolve an issue or whether it falls outside the Shire's administrative function.

The complainant's details are to be kept confidential in the best interests of all parties. Confidentiality provides confidence to potential complainants that there is minimal risk of recrimination; however it must be noted that whilst officers will not disclose complainant's details, there will be instances where the alleged breach only impacts on one person and it may be assumed that this is the source of the complaint. In such instances officers will not provide any information or confirm or deny the source of the complaint.

Once it is determined that a breach of legislation has occurred, the harm or risk associated with the breach is established in accordance with the provisions of the relevant legislation, which could be in relation to Health, Building, Planning, Engineering, Community Rangers or Emergency Services, or a combination of departments.

Wherever possible a negotiated outcome is preferable and the Shire will endeavour to work with customers to resolve issues. However, in some circumstances such as where a party is not prepared to remedy a situation or where there is a significant breach, formal action may be the most appropriate course of action. The remedies in such situations are set out in the Policy and could only be implemented following a full assessment and report to the Chief Executive Officer for consideration and possible subsequent referral to Council.

The timeframes for determining whether there is a breach of legislation are set out in the Customer Service Charter in the first instance. The specific criteria for determining the timeframe for action will be determined by the level of risk and criteria set out the legislation relating to each department.

The policy provides a framework to ensure that there is consistency in approach and guidance on methods for resolving cases depending on their significance and impact.

Conclusion

Policy 2.31 Compliance seeks to provide guidance for the Shire when involved in compliance resolution. It aims to provide information to customers, officers and interested parties to demonstrate the format for bringing matters to the attention of the Shire and the process to be followed to determine whether there is a breach and possible remedy.

The intent of the policy is to provide a framework which applies across the organisation and provides information to the customer, as opposed to a prescriptive document.

It is recommended that Council resolves to adopt Policy 2.31 - Compliance.

A member of the public left the meeting at 5.33pm and did not return.

VOTING REQUIREMENTS

Simple majority

OC0707 OFFICER'S RECOMMENDATIONS – 14.2/COUNCIL DECISION

Moved Cr Smith, Seconded Cr J Scott

That Council adopts Policy 2.31 – Compliance.

Carried 8/0

OC0708 (14.3) Capel Civic Precinct Stage 3A - Lease for Future Car Park

Location: Capel Drive, Capel
Applicant: Shire of Capel
File Reference: LP.CP.9
Disclosure of Interest: Nil
Date: 11.07.17
Author: Strategic Project Officer, S Mahmud
Senior Officer: Executive Manager Engineering & Development Services, J Gick
Attachment: 1. Lease Agreement
2. Lease Form L1

MATTER FOR CONSIDERATION

Council to:

1. Enter into a lease for car parking – portion of Lot 3 (No. 88) Capel Drive, Capel with Bunbury Diocesan Trustees for the development and management of a car park for a period of 20 years commencing from the date of signing the agreement.
2. Delegate authority to the Shire President and Chief Executive Officer to affix the common seal of the Shire of Capel to the lease for car parking - portion of Lot 3 (No. 88) Capel Drive, Capel.

BACKGROUND / PROPOSAL**Background**

The formulation of a master plan for the Capel Civic Precinct (the 'Precinct') was identified as a 'High' priority action in the endorsed Capel Townsite Strategy at July 2008.

November 2011– Council Decision OC1113 - Council resolved to adopt the Capel Civic Precinct Master Plan for final approval as a guide to the more detailed planning, development and use of the Precinct.

April 2013 – Council Decision OC0410 - That Council adopts the Capel Civic Precinct Detailed Landscape Design and Development Plan as an operational guide to the future design, use and staged development of the Capel Civic Precinct for community and recreation purposes.

January 2015 – MPM engineering consultants engaged to undertake various detailed engineering works design for the precinct and in particular to deliver drawings and specifications for Stages 1 and 2 of the precinct.

August 2015 – Council included in the 2015/16 budget an allocation of \$2 million to be obtained through loan borrowings. The outcome of Council's ability to borrow the required amount was subject to the final audit of Council's 2014/15 year and the application to WA Treasury Corporation being approved.

September 2015 - Council decision OC0903- That Council delegates' authority to the Chief Executive Officer to accept the tender from APH Contractors for \$1,266,066 including GST as detailed in Tender No. 15/04 for the Capel Civic Precinct Stage 1 & 2 Construction Works subject to a \$2 million loan approval in principle being received from the WA Treasury Corporation.

October 2016 - \$2 million loan approval received from the WA Treasury Corporation.

November 2015 - June 2016 -The development of Capel Civic Precinct Stage 1 & 2 completed.

July 2016 - Negotiations started with the Bunbury Diocese with a view to gaining tenure to the land for the development of Capel Civic Precinct Stage 3A car park.

September 2016 - Department of Lands (DoL) advised investigation of a Long Term lease, as the subject land is held by the Bunbury Diocese as freehold, with conditions and subject to section 75 of the Land Administration Act 1997. The State holds the equity of the land value.

December 2016 - The Shire engaged McLeods Barristers & Solicitors to prepare the draft lease agreement.

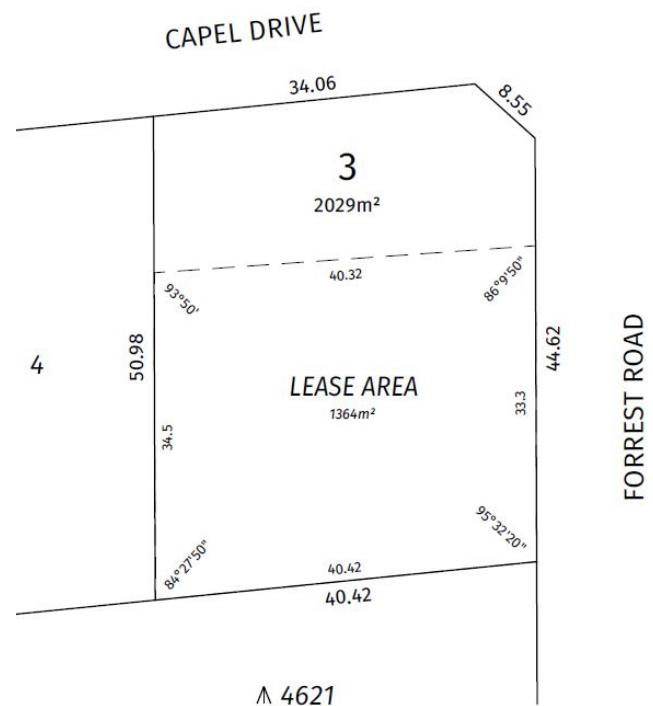
May 2017 - Draft lease document has been reviewed and approved by the Bunbury Diocese. The final draft has been sent to Department of Lands for the consent of the Minister for Lands.

June 2017 - The final draft has been reviewed by the DoL and a copy of the Minister’s consent is attached as Annexure 2 with the lease agreement.

The agreement is now ready for execution by resolution of Council.

Location

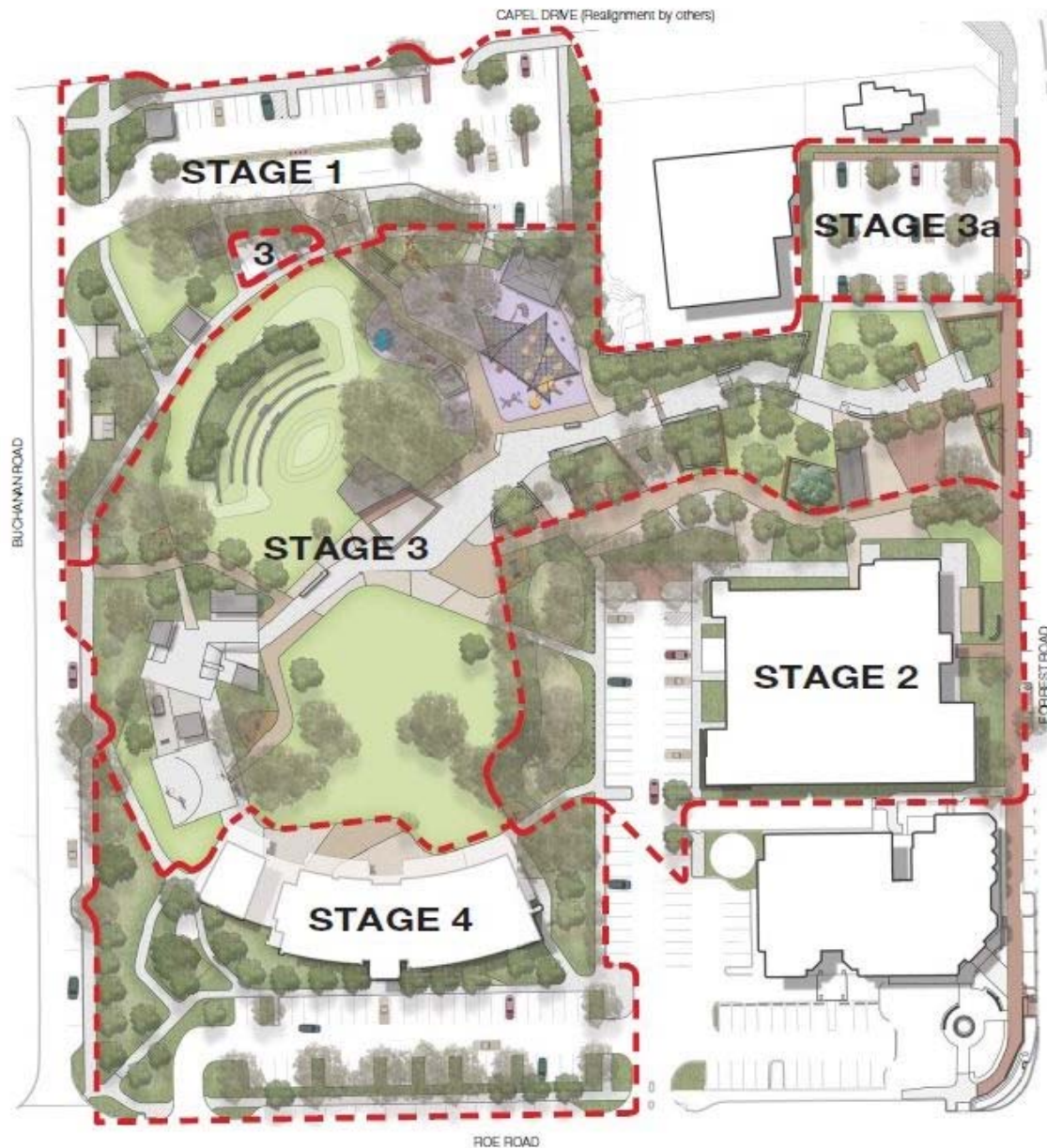
The proposed Stage 3A car park of Capel Civic Precinct is a part of Lot 3, which is the Anglican Church Site, located at the corner of Capel Drive and Forrest Road. The total area of Lot 3 is 2,029 m² and the street address is No. 88 Capel Drive, Capel. The lease area for the proposed car park is 1,364 m² as shown below.



Lot 3 is surrounded by Lot 4 to the west and Reserve 4621 to the south.

Lot 4 comprises an area of 2,236 m² and is owned by Huttcon Pty Ltd, and used as the Capel Garage. The Capel Civic Precinct Master Plan does not impact Lot 4.

Reserve 4621 comprises an area of 1.57 ha and is vested for the purpose of 'Municipal Offices and Community Purposes' with a management order for the Shire of Capel. Stage 3 of the Capel Civic Precinct is planned to be developed on this Reserve, as depicted in the diagram below.



Capel Civic Precinct Staging Plan

Proposal

1. Enter into a lease for car parking – portion of Lot 3 (No. 88) Capel Drive, Capel with Bunbury Diocesan Trustees for the development and management of a car park for a period of 20 years commencing from the date of signing the agreement.
2. Delegate authority to the Shire President and Chief Executive Officer to affix the common seal of the Shire of Capel to the lease for car parking - portion of Lot 3 (No. 88) Capel Drive, Capel.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 7

The subject land is zoned 'Town Centre' pursuant to Town Planning Scheme No. 7 (*the Scheme*). The use and development outcomes identified in the Plan are not anticipated to conflict with any Scheme provisions or policies.

Section 75 of the Land Administration Act 1997

The subject land is held by the Bunbury Diocese as freehold, with conditions and subject to section 75 of the Land Administration Act 1997.

In accordance with section 75 of the Land Administration Act 1997 (LAA), conditional tenure land cannot become the subject of any licence, mortgage, charge, security, or other encumbrance without the written permission of the Minister for Lands and that the land cannot be transferred without the written permission of the Minister for Lands, which may be given subject to conditions.

The Minister's approval is required for the proposed lease between the Bunbury Diocesan trustees and the Shire of Capel.

POLICY IMPLICATIONSPolicy 6.13 - Capel Town Site Strategy

Integrate land use and transport systems within the town and with the surrounding District and Region.

FINANCIAL IMPLICATIONS**Budget**

The professional fee for preparing the lease agreement is \$430.58 payable to McLeods Barristers & Solicitors. The lease lodgement fee is \$168.70 payable to Landgate, payable from Project Account XP09, which has \$1,063,000 allocated.

The rent for the proposed car park land is \$1.00 per annum payable annually on request to the Bunbury Diocese.

A cost estimate of \$123,685 was prepared by emerge associates in 2013 to develop the car park and the associated landscaping work.

June 2017 - Cardno has been appointed to prepare the detailed design and cost estimate of Capel Civic Precinct Stage 3 & 3A (Car Park). A detailed cost estimate is being prepared.

Long Term

Allocation of \$1,603,691 is recommended for the 2018/19 budget, to complete Phase 2 of Stage 3 and the Stage 3A car park, subject to successful grant funding outcomes. The cost breakdown includes \$134,000 for the car park, based on index cost estimates received in 2013.

Whole of Life

As the proposed car park will be a new asset to the Shire, annual ongoing maintenance cost in the order of 2% of the construction cost will be applicable. This would increase the annual road/car park maintenance budget.

Assuming continued utilisation and renewal of the lease at expiry, the car park will require resurfacing after approximately 20 years.

The following table outlines a brief example of whole of life costs for this asset:

Year	Activity	Cost	Indexed Cost (2%)	Remarks
0	Car Park Construction	\$133,881	\$133,881	Estimated Construction Cost at 2013 \$123,685
20	Resurfacing	\$20,460	\$30,402	Consider \$15 per m ²
40	Resurfacing	\$20,460	\$45,176	
60	Reconstruction	\$133,881	\$439,268	
Annual	Maintenance x 60	\$160,657	\$527,121	
Annual	Depreciation(80% of original capital)	\$107,105	\$107,105	
	WHOLE OF LIFE COST	\$576,444	\$1,282,953	

Should the lease not be renewed, or the car park is no longer required at the end of the lease, then disposal costs in the order of 30% of construction costs should be allowed for.

Year	Activity	Cost	Indexed Cost (2%)	Remarks
0	Car Park Construction	\$133,881	\$133,881	Estimated Construction Cost at 2013 \$123,685
Annual	Maintenance x 20	\$53,552	\$79,575	
20	Disposal Cost(30% of Original Capital)	\$40,968	\$60,876	
	WHOLE OF LIFE COST	\$228,401	\$274,332	

SUSTAINABILITY IMPLICATIONS

The proposed lease agreement will allow the Council to build and manage the Capel Civic Precinct Stage 3A Car Park.

The Car Park is a significant element of the Capel Civic Precinct Master Plan. A sustainable car park is critical to its effectiveness and value to the community, however, the development of the car park incorporates the following sustainability characteristics:

Retention of established native trees to provide shade and provision for sustainable landscaping.

The car park will have a significant social benefit to the existing and future residents of Capel and the Shire generally. The car park will accommodate off street parking within the town centre which will be the centre point of any social gathering.

The Anglican Church will also continue to use for car parking during weekly Church services, weddings and funerals.

Development of the car park may contribute to the attraction of more people to the town centre, benefitting local businesses.

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 sustainability of the organisation.

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

Strategic Outcomes:

- 4.5 Facilitate the development of district activity precinct for retail, commercial and professional service delivery.
- 4.7 Promote tourist interests and provision of tourist accommodation;

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

Strategic Outcomes:

- 5.5 Engage in high level of advocacy with the State Government and liaise with other infrastructure providers to obtain best possible service for the community.
- 5.6 Effectively manage the Shires assets and resources.

Capel Town site Strategy 2008

The Capel Townsite Strategy was adopted in 2008 and subsequently endorsed by the Western Australian Planning Commission in October 2009. It forms the primary policy framework for land use and development in the town of Capel over strategic time frames.

A range of actions are designed to support and reinforce the land use and development strategies. One of the most significant actions from a community and administrative perspective is Action (iv) of the 'Community Facilities and Recreation' strategy (which is identified as a 'High' priority):

"Prepare a master plan for the Civic/Town Centre Precinct incorporating the existing Shire Administration and Community Centre Site, Erle Scott Reserve and vacant Lot 243 (former Reserve for Police Station). This Master Plan should investigate the future use of the Precinct and aim to accommodate long term civic and community needs of the Shire including administration, town centre car parking and potential government uses (including a community policing facility)."

Capel Civic Precinct Master Plan 2011

The Master Plan proposes a number of initiatives in relation to traffic and parking managements. Future parking in the vacant area of Anglican Church is one of them.

Capel Civic Precinct Detailed Landscaping Design and Development Plan 2013

The detailed design and development plan shows a proposed car park in the vacant area of Anglican Church. The proposed car park has been shown separately as Stage 3A of the Civic Precinct Development.

CONSULTATION

April 2016 - May 2017

Consultation has been carried out with the Bunbury Diocesan Trustees and the Department of Lands to secure the land for car park development. The option for buying that portion of land was discussed.

As the subject land is held by the Bunbury Diocese with conditions and Section 75 of the Land Administration Act 1997 applies, the best option for the Shire is a long term Lease.

Legal advice has been obtained from McLeods Barristers and Solicitors concerning the long term lease options available to Council under common law and the Local Government Act 1995. The advice supports the long term lease and the draft lease agreement has been prepared.

Bunbury Diocesan Trustees has agreed with the draft lease and the lease sent to the Department of Lands for Ministerial consent.

June 2017

The lease agreement has been approved by the Minister for Lands and the Ministerial consent is now attached with the lease agreement as Annexure 2 of the lease.

There is no impetus for additional community consultation in relation to the lease agreement as it is a legal document for the development and management of the Stage 3A Car Park which is consistent with the adopted Master Plan-2011 and the adopted Detailed Design and Development Plan - 2013.

Considerable consultation has been undertaken previously in relation to the formulation of the Master Plan and the Detailed Design and Development Plan - 2013.

COMMENT

The importance of the car park has been addressed in the Capel Civic Precinct Master Plan 2011. The car park is clearly shown in the Detailed Landscape Design and Development Plan as Stage 3A of Capel Civic Precinct in 2013.

To develop the car park, it is necessary to secure the land from the Bunbury Diocesan Trustees. A twenty (20) year term lease on a peppercorn basis has been identified as the best option for the Shire to secure the land and to develop the car park.

Ms Davies, Mr Muste and Ms Henry left the meeting at 5.34pm and did not return.
Mr Coulson left the meeting at 5.35pm and did not return.
Nine members of the public left the meeting at 5.36pm and did not return.

VOTING REQUIREMENTS

Absolute majority

OC0708 OFFICER'S RECOMMENDATION - ITEM 14.3/COUNCIL DECISION

Moved Cr J Scott, Seconded Cr Bell

That Council:

- 1. Enters into a lease for car parking – portion of Lot 3 (No. 88) Capel Drive, Capel with Bunbury Diocesan Trustees for the development and management of a car park for a period of 20 years commencing from the date of signing the agreement.**
- 2. Delegates authority to the Shire President and Chief Executive Officer to affix the common seal of the Shire of Capel to the lease for car parking – portion of Lot 3 (No. 88) Capel Drive, Capel.**

Carried with an Absolute majority 7/1

CORPORATE SERVICES REPORTS

OC0709 (15.1) Accounts Due and Submitted for Authorisation

Location:	Capel
Applicant:	Shire of Capel
File Reference:	N/A
Disclosure of Interest:	Nil
Date:	26.07.17
Author:	Finance & Accounts Payable Officer, S Searle
Senior Officer:	Executive Manager Corporate Services, S Stevenson
Attachments:	Nil

MATTER FOR CONSIDERATION

Adoption of accounts to be paid.

BACKGROUND / PROPOSAL

Background

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

Proposal

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

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

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

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

13. List of accounts

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

- (iii) sufficient information to identify the transactions;
and
- (b) the date of the meeting of the council to which the list is to be presented.

POLICY IMPLICATIONS

There are no current policies relevant to this matter.

FINANCIAL IMPLICATIONS

Budget

Payment from Council's Municipal Fund.

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

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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:

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24682	26/07/2017	BUNBURY TYREPOWER	REPLACE TWO WORN TYRES ON REAR OF OUTFRONT MOWER	300.00
EFT24683	26/07/2017	BUSSELTON TOYOTA	REAR LEFT HAND LIGHT - CP9378	104.63
EFT24684	26/07/2017	B & B STREET SWEEPING	TENDER 14/01 (ANNUAL GENERAL KERBED ROAD SWEEPING) 27/4/17-30/6/07	20625.00

EFT24685	26/07/2017	BLACKWOODS	7 X BUSHFIRE HELMETS	529.92
EFT24686	26/07/2017	STAPLES AUSTRALIA PTY LTD	2016/17 STATIONERY	68.49
EFT24687	26/07/2017	CAPEL TRANSPORT	FREIGHT FOR PLAYGROUND	137.94
EFT24688	26/07/2017	COATES HIRE SERVICE	HIRE OF DISABILITY TOILET - DELIVER TO CAPEL CEMETERY FRIDAY 30 JUNE 17	655.10
EFT24689	26/07/2017	CLEANAWAY	2016/17 - DISPOSAL OF HOUSEHOLD DOMESTIC WASTE- JUNE 17	26574.59
EFT24690	26/07/2017	ACCESS WELLBEING SERVICES	ACCESS WELLBEING SERVICES - MANAGEMENT FEE	550.00
EFT24691	26/07/2017	CAPEL HARDWARE & FARM SUPPLIES	JUNE 17 VARIOUS HARDWARES	2397.39
EFT24692	26/07/2017	ERG ELECTRICS PTY LTD	MAINTENANCE OF SHIRE OWNED PUBLIC LIGHTING FOR MARCH-JUNE 2017	5769.50
EFT24693	26/07/2017	GEOGRAPHE CIVIL	REPAIR SHOULDERS AND EDGE OF SEAL FOR BOUNDARY RD	71478.00
EFT24694	26/07/2017	GRACE RECORDS MANAGEMENT	RECORDS STORAGE AND DESTRUCTION FOR JUNE 17	547.83
EFT24695	26/07/2017	HANSON CONSTRUCTION MATERIALS P/L	100.42 TON AGGREGATE, 49.14 TON SPALLS	2776.77
EFT24696	26/07/2017	SOUTHERN HYDRAULIC SERVICES	AIR BRAKE REPAIR CP 9574	142.78
EFT24697	26/07/2017	SOUTH WEST ISUZU	REPAIRS - AIR LEAK - CP4821	506.25
EFT24698	26/07/2017	JETLINE KERBING CONTRACTORS	UPSON ROAD PATH REDEVELOPMENT WORKS, REPAIR PATH AT PEPPERMINT GROVE BEACH. SUPPLY AND LAY CONCRETE FOOTPATH AT BARLEE RD, CAPEL	42450.93
EFT24699	26/07/2017	LD TOTAL	LANDSCAPE MAINTENANCE FOR TOWN PARKS FOR JUNE 17	107197.15
EFT24700	26/07/2017	LANDGATE	GROSS RENTAL VALUATION CHARGEABLE AND MINING TENEMENTS FOR JUNE 17	1041.15
EFT24701	26/07/2017	MALATESTA ROAD PAVING & HOT MIX	200 TONNE HOTMIX	200.00
EFT24702	26/07/2017	MARKETFORCE	JUNE 17 VARIOUS ADVERTISEMENTS	2760.30
EFT24703	26/07/2017	NIGHTGUARD SECURITY SERVICE PTY LTD	JUNE NIGHTGUARD ATTENDANCE	2271.79
EFT24704	26/07/2017	AUSTRALIAN COASTAL COUNCILS ASSOCIATION INC.	ANNUAL MEMBERSHIP 2017/2018	1292.84

EFT24705	26/07/2017	PEERLESS JAL PTY LTD	SUPPLY 1 X 18L DRUM EASYPOL FLOOR POLISH	209.13
EFT24706	26/07/2017	SOUTHERN LOCK & SECURITY	2 X LOCK, REPAIR LOCK TO FIRST AID ROOM, JUNE MONITORING OF 7 X SHIRE BUILDINGS	920.88
EFT24707	26/07/2017	SCS SAND & PLANT HIRE	ROLLER HIRE FOR 7 DAYS	1463.00
EFT24708	26/07/2017	SUMMERS CONSULTING	REPAIR & MAINTENANCE OF 29 X MOSQUITO TRAPS	797.50
EFT24709	26/07/2017	SJ TRAFFIC MANAGEMENT PTY LTD	3 DAYS TRAFFIC MANAGEMENT FOR SHOULDER REPAIR WORK ON MANEA DR, GELORUP	4203.65
EFT24710	26/07/2017	TOTALLY WORKWEAR	UNIFORM FOR 7X STAFF MEMBERS	1276.65
EFT24711	26/07/2017	TRADE HIRE	HIRE 2.8 TON COMBO ROLLER FOR TUESDAY 27/6/17	874.60
EFT24712	26/07/2017	WORK CLOBBER BUNBURY	UNIFORM FOR 5 X STAFF MEMBERS	1649.88
EFT24713	26/07/2017	WESTRAC EQUIPMENT	MIRRORS AND WIPER FOR ROLLER CP4833	270.24
EFT24714	26/07/2017	THE PRINT SHOP	BUSINESS CARDS X 3250	777.00
				302,820.88

OUTSTANDING CREDITORS AS AT 30 June 2017: \$696,542.67

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for 26 July 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

OC0709 OFFICER'S RECOMMENDATIONS – 15.1/COUNCIL DECISION

Moved Cr Baxi, Seconded Cr Schiano

That Council authorises the Schedule of Accounts covering vouchers EFT24682 to EFT24714, a total of \$302,820.88 for payment.

Carried 8/0

OC0710 (15.2) Accounts Paid During the Month of June 2017

Location: Capel
Applicant: Shire of Capel
File Reference: N/A
Disclosure of Interest: Nil
Date: 26.07.17
Author: Finance & Accounts Payable Officer, S Searle
Senior Officer: Executive Manager Corporate Services, S Stevenson
Attachments: Nil

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month.

BACKGROUND / PROPOSAL**Background**

Accounts paid are required to be submitted each month.

Proposal

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

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.10

6.10. Financial management regulations

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

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

13. List of accounts

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

POLICY IMPLICATIONS

There are no current policies relevant to this matter.

FINANCIAL IMPLICATIONS**Budget**

Payment from Council's Municipal Fund.

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

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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 June 2017 are as follows:

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT24399	07/06/2017	AMITY SIGNS	200 SECURITY BOLTS & NUTS AND TOOL TO INSTALL	253.00
EFT24400	07/06/2017	AUSTRALIA POST	POSTAGE AND FREIGHT	1268.16
EFT24401	07/06/2017	SOUTHWEST TYRE SERVICE	REPLACE 8 REAR TYRES ON CP9574 AND TWO ON CP4821	6950.00
EFT24402	07/06/2017	BUNBURY MOWER SERVICE	SERVICE STIHL HT131Z TELESCOPIC PRUNER AND WHIPPER SNIPPERS	1659.50

EFT24403	07/06/2017	BELL FIRE EQUIPMENT COMPANY	REPLACE 25MM HOSE ON REEL OF GELORUP 2.4 FIRE APPLIANCE AND REPAIR LEAKING COUPLING	968.00
EFT24404	07/06/2017	CR BARRY BELL	2016/17 COUNCIL MEMBER'S ALLOWANCE	2863.50
EFT24405	07/06/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	ANTI FATIGUE MATS - RECORDS PROJECT OFFICERS	98.00
EFT24406	07/06/2017	BLACKWOODS	2 PAIRS OF BFB BOOTS	57.94
EFT24407	07/06/2017	CR SIDDHARTHA BAXI	2016/17 COUNCIL MEMBER'S ALLOWANCE	2863.50
EFT24408	07/06/2017	BRANDICOOT	WEBSITE SUBSCRIPTION 1	238.00
EFT24409	07/06/2017	BLUE'S TOWING	TOWING SERVICE FOR ABANDONED CAR	88.00
EFT24410	07/06/2017	BLADE RUNNER GRADER HIRE	MAINTENANCE GRADING TO VARIOUS SHIRE ROADS	5917.45
EFT24411	07/06/2017	STAPLES AUSTRALIA PTY LTD	STATIONERY	1253.51
EFT24412	07/06/2017	CR MURRAY SCOTT	2016/17 PRESIDENT ALLOWANCE	10229.00
EFT24413	07/06/2017	CAPEL CRICKET CLUB	40% REIMBURSEMENT FOR COMMUNITY BUS HIRE	85.80
EFT24414	07/06/2017	C E M ALLIANCE PTY LTD	CARRY OUT REPAIRS TO DALYELLUP BEACH SURF CLUB TOILETS AND REPLACE SHOWER PUSH BUTTON	37030.99
EFT24415	07/06/2017	CAPEL CLEANING	WEEKLY VACUUMING SHIRE OFFICES AND PLAYGROUP BUILDING	135.00
EFT24416	07/06/2017	CARTERS FENCING	REMOVE EXISTING FENCING AND INSTALL 5 STRAND BOUNDARY FENCE AT LOT 1, SW HIGHWAY, BOYANUP	11737.00
EFT24417	07/06/2017	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1052.94
EFT24418	07/06/2017	DIRT DESIGN	RE-ESTABLISH GARDENS AND IRRIGATION INCLUDING REQUIRED TRAFFIC MANAGEMENT AND WEED SPRAYING	13156.00
EFT24419	07/06/2017	EARTH 2 OCEAN COMMUNICATIONS	TRAVEL AND INSTALL NEW AERIAL	460.60
EFT24420	07/06/2017	GALVINS PLUMBING SUPPLIES	ONE U SHAPE PIPE AND 6 RUBBER RINGS	31.36
EFT24421	07/06/2017	HANSON CONSTRUCTION MATERIALS PTY LTD	24 TONNE RIPRAP AND 12 TONNE OF AGGREGATE	1428.75
EFT24422	07/06/2017	CR BRIAN HEARNE	2016/17 DEPUTY PRESIDENT ALLOWANCE	4032.75
EFT24423	07/06/2017	LD TOTAL	REMOVAL OF GRAFFITI AT SOUTH PARK TOILETS AND REPAIR DAMAGED FENCE HAREWOODS RD	1246.30
EFT24424	07/06/2017	LANDGATE	RURAL UV GEN FIRST 500 AND OVER 500 SHARED	12712.75

EFT24425	07/06/2017	MALATESTA ROAD PAVING & HOT MIX	6 TONNE OF HOTMIX AND 300 LITRES OF EMULSION	1656.00
EFT24426	07/06/2017	CR P MCCLEERY	2016/17 COUNCIL MEMBER'S ALLOWANCE	2863.50
EFT24427	07/06/2017	MIKAELA MILLER	CAPEL BUTCHERS MURAL FOR CAPTIVATE CAPEL	1500.00
EFT24428	07/06/2017	CR GREG NORTON	2016/17 COUNCIL MEMBER'S ALLOWANCE	2863.50
EFT24429	07/06/2017	PRESTIGE PRODUCTS-BUSSELTON	83 LITRE BIN LINERS	126.06
EFT24430	07/06/2017	AUSTRALIA TAXATION OFFICE	PAYGW 30/05/2017	46204.00
EFT24431	07/06/2017	QUALITY HOTEL LIGHTHOUSE	VENUE BOOKING - MANAGERS' DEVELOPMENT DAY	1779.00
EFT24432	07/06/2017	REFACE INDUSTRIES	REPAIR, SERVICE & CONSUMABLES FOR VMI DISC REPAIR MACHINE	476.54
EFT24433	07/06/2017	RTW STEEL FABRICATION	SUPPLY STEEL CABINET FOR HYDRO-SMART UNIT AT DALYELLUP BEACH SURF CLUB.	676.50
EFT24434	07/06/2017	RAECO	BOOK COVERING, BARCODE PROTECTORS & FREIGHT FOR BOYANUP LIBRARY	449.17
EFT24435	07/06/2017	SELECTUS	PAYROLL DEDUCTIONS	3655.27
EFT24436	07/06/2017	CR JENNIFER SCOTT	2016/17 COUNCIL MEMBER'S ALLOWANCE	2863.50
EFT24437	07/06/2017	CR BRIAN SMITH	2016/17 COUNCIL MEMBER'S ALLOWANCE	2863.50
EFT24438	07/06/2017	SOUTH BUNBURY FOOTBALL CLUB	HIRE OF VENUE FOR BUSINESS WORKSHOP ON 24 MAY 2017	200.00
EFT24439	07/06/2017	CR SEBASTIAN SCHIANO	2016/17 COUNCIL MEMBER'S ALLOWANCE	2863.50
EFT24440	07/06/2017	D & K THOMAS ELECTRICAL	CHECK OPERATION OF POWER BOXES FOR CAPTIVATE CAPEL EVENT AND REPLACE THERMO SENSOR IN BBQ AT ERLE SCOTT RESERVE	379.28
EFT24441	07/06/2017	WEST AUSTRALIAN TOWER SERVICE	TRANSFER TWO WAY RADIO FROM FRONT OFFICE TO RANGERS OFFICE - NEW OPERATIONS & ENGINEERING OFFICE	687.00
EFT24442	07/06/2017	WINDSOR LODGE COMO	ACCOMMODATION FOR MOORE STEPHENS FINANCIAL REPORTING TRAINING AT PERTH ZOO	300.00
EFT24443	07/06/2017	WYE ELECTRICAL PTY LTD	INSTALLATION OF LED TUBES AT GELORUP COMMUNITY CENTRE	2742.58
EFT24444	08/06/2017	DIRT DESIGN	REPLACE MISSING CALLISTEMON ON PARADE ROAD	8239.44

EFT24445	08/06/2017	FUJI XEROX AUSTRALIA PTY LTD	2016/17 LEASE OF PHOTOCOPIER PER MONTH- CAPEL LIBRARY	132.00
EFT24446		-EFT24490	PAYMENTS ALREADY APPROVED BY COUNCIL, PLEASE REFER TO AGENDA ON 28.06.2017	0.00
EFT24491	14/06/2017	AUSQ TRAINING	BASIC WORKSITE TRAFFIC MANAGEMENT AND TRAFFIC CONTROLLER COURSE	766.00
EFT24492	14/06/2017	AUSTRALIND BRICKLAYING SERVICE	DALYELLUP COMMUNITY CENTRE - REINSTATE PAVING	1980.00
EFT24493	14/06/2017	ARBORGUY	PRUNING OF ROADSIDE VEGETATION AS QUOTED AND REMOVAL OF TUART TREE - PEPPY GROVE ROAD	61494.40
EFT24494	14/06/2017	BUNBURY RETRAVISION	PURCHASE REPLACEMENT 355L FRIDGE FOR GELORUP BUSH FIRE BRIGADE	1078.00
EFT24495	14/06/2017	BUNBURY MOWER SERVICE	FIX TWISTED CHAIN	3.50
EFT24496	14/06/2017	BUSSELTON TOYOTA	50,000KM SERVICE - CP9378	248.65
EFT24497	14/06/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	WEATHER STRIPS AND EDGING FOR TABLES	52.42
EFT24498	14/06/2017	BLACKWOODS	200 SECURITY SCREWS AND NUTS & SECURITY DRILL BIT	53.92
EFT24499	14/06/2017	BENDIGO BANK BUSINESS CREDIT CARD	MAY CREDIT CARD TRANSACTIONS: 7.5.17 - \$198.00 - ACCB HEARING WORKCOVER FULL AUDIO ASSESSMENT 10.5.17 - \$82.50 - DEPT OF WATER - LIDAR DATA FEE 11.5.17 - \$990.00 - INST. OF PUBLIC WORKS ASSESS & REVIEW STORMWATER TRAINING 12.5.17 - \$243.50 - JGM HOTEL ACCOMMODATION FOR YOUTH WORKSHOP 12.5.17 - \$84.70 - CAPELBERRY - LUNCHES 21.5.17 - \$207.05 - SAGE PERTH - 1 NIGHT ACCOMMODATION 26.5.17 - \$220.00 - YOUTH AFFAIR - INDUSTRY MEMBERSHIP 27.5.17 - \$302.90 - KC AND CC GRANT - MANAGEMENT DEVELOPMENT WORKSHOP 30.5.17 - \$8.00 - CARD FEE 31.5.17 - \$130.00 - BIG W BUNBURY - WELCOME PACKS	2466.65

EFT24500	14/06/2017	BUNBURY NETBALL ASSOCIATION	KIDSPORT REGISTRATIONS	2770.00
EFT24501	14/06/2017	BLADE RUNNER GRADER HIRE	MAINTENANCE GRADING FROM 20 MAY 2017 ONWARDS - 23/5/17	6651.10
EFT24502	14/06/2017	STAPLES AUSTRALIA PTY LTD	2016/17 STATIONERY	9.43
EFT24503	14/06/2017	CARDINALS BCD FOOTBALL CLUB	KIDSPORT REGISTRATIONS	515.00
EFT24504	14/06/2017	CAPEL HOCKEY CLUB	KIDSPORT REGISTRATIONS	755.00
EFT24505	14/06/2017	CAPELBERRY	REGIONAL WASTE MEETING CATERING AND INTERVIEW LUNCHES	169.80
EFT24506	14/06/2017	COFFEY SERVICES AUSTRALIA PTY LTD	RADIOLOGICAL SURVEY OF CAPEL SPORTS OVAL, BUSHLAND AND BOWLING CLUB	3791.70
EFT24507	14/06/2017	CAPEL CLEANING	VACUUMING SHIRE OFFICES AND PLAYGROUP BUILDING	270.00
EFT24508	14/06/2017	CAPEL NEWSAGENCY	CAPEL LIBRARY NEWSPAPERS, SHIRE AND STATIONERY	96.91
EFT24509	14/06/2017	CAPEL BUTCHERS	BBQ CHICKENS FOR OFFICE RE-LOCATION MOVE	132.00
EFT24510	14/06/2017	BUNBURY DYNAMOS JUNIOR SOCCER CLUB INC	KIDSPORT REGISTRATIONS	515.00
EFT24511	14/06/2017	DIRT DESIGN	REMOVE AND REPLACE PLAYGROUND SAND THAT HAD BROKEN GLASS THROUGHOUT	1452.00
EFT24512	14/06/2017	EXPRESS PRINT	PRINT 7,000 TIP PASSES	1094.50
EFT24513	14/06/2017	EDGE TOURISM AND MARKETING	BUNBURY GEOGRAPHE GROWTH PLAN - PROJECT TECHNICAL OFFICER CONTRACT	6787.00
EFT24514	14/06/2017	ECONOMIC DEVELOPMENT AUSTRALIA LIMITED	MEMBERSHIP 2017-18 PAUL SHEEDY	400.00
EFT24515	14/06/2017	GOLDEN WEST PLUMBING & DRAINAGE	REPAIRS TO BBQ IRONSTONE FALLS AND GELORUP SKATE PARK AND REPAIR LEAK IN KITCHEN SINK INLET AND REPLACE TAP AT BOYANUP FOOTBALL PAVILION	3867.60
EFT24516	14/06/2017	FIRST CLASS TRAINING	TRAINING FOR COMPUTER COURSE	630.00
EFT24517	14/06/2017	FIT WORK.COM.AU 2	EMPLOYEE POLICE CHECKS	162.36
EFT24518	14/06/2017	GHD PTY LTD	GROUNDWATER MONITORING & LIAISON WITH DER REQUIREMENTS FOR FURTHER MONITORING	10604.00

EFT24519	14/06/2017	GEOGRAPHE CIVIL	TENDER RECONSTRUCTION OF STIRLING STREET, CAPEL 16/06	49531.76
EFT24520	14/06/2017	GRAFFITI DOCTORS	ANTI PROTECTIVE COATING FOR CAPEL SKATE PARK TO PROTECT ART WORK FOR CAPTIVATE CAPEL	2974.00
EFT24521	14/06/2017	GKR KARATE WA INCORPORATED	KIDSPORT REGISTRATIONS	400.00
EFT24522	14/06/2017	HANSON CONSTRUCTION MATERIALS PTY LTD	APPROX 23 TONNE - RIP RAP	852.72
EFT24523	14/06/2017	IPWEA AUSTRALASIA	IPWEA TRAINING - PARKS MANAGEMENT: LEVELS OF SERVICE	715.00
EFT24524	14/06/2017	LD TOTAL	REMOVAL OF DEAD TREE AT MIDDLE LAKE POS, REPLACE BROKEN I20 AT BEACH CARPARK, REPLACE WORN TURN ROTORS OFLC OVALS, REPLACE VANDALISED SPRINKLERS AT SHERWOOD PARK, REPLACE VANDALISED POP-UPS ON BLAXLAND CAPS AND WENTWORTH PARK AND CAP TREE BUBBLER, REMOVAL OF GRAFFITI ON BUS STOP HORNIBROOK ROAD	3209.80
EFT24525	14/06/2017	MALATESTA ROAD PAVING & HOT MIX	600 LITRES EMULSION AND 2 TONNE OF ASPHALT - BOYANUP RD WEST AND CLOVERDALE RD	1312.00
EFT24526	14/06/2017	MAIN ROADS WESTERN AUSTRALIA	TUART DRIVE BRIDGE AND ELGIN ROAD BRIDGE REPAIRS - SHIRE CONTRIBUTION TO THE GUARD RAIL UPGRADE	350436.98
EFT24527	14/06/2017	FRANCES MCLOUGHUN	STUDY FEES AND WWC REIMBURSEMENT	358.42
EFT24528	14/06/2017	MARIST NETBALL CLUB BCC	KIDSPORT REGISTRATIONS	590.00
EFT24529	14/06/2017	OASIS PARTY CENTRAL	TWO FLOOR BOUQUETS	83.00
EFT24530	14/06/2017	PERFORMANCE WITH PEOPLE PTY LTD	CHANGE MANAGEMENT STRATEGY AND TRAINING 2ND PAYMENT	2851.20
EFT24531	14/06/2017	RTW STEEL FABRICATION	MAKE AND INSTALL CHAIN AND BAR FOR CARAVAN DUMP POINT IN CAPEL	198.00
EFT24532	14/06/2017	RETHINK MARKETING	FIGHT THE BITE EDUCATIONAL PROGRAM FINAL PAYMENT	1200.00
EFT24533	14/06/2017	SOUTH WEST TREE SAFE	WESTERN POWER PRUNING	3080.00
EFT24534	14/06/2017	CAPEL FRESH IGA	COOL DRINKS FOR HRB SATURDAY 13/5/17	25.16

EFT24535	14/06/2017	SOS OFFICE EQUIPMENT	METERBILLING - DPP405 - SERIAL NO 003615 BOYANUP LIBRARY	9.16
EFT24536	14/06/2017	STRATHAM BOBCAT HIRE	BOBCAT HIRE FOR TUESDAY 30/5/17 ON SITE SHOULDER REPAIR RAMSAY ROAD, STRATHAM	731.50
EFT24537	14/06/2017	SJ TRAFFIC MANAGEMENT PTY LTD	TRAFFIC MANAGEMENT, VEHICLE & SIGNS FOR JULES ROAD AND HASTIES RD	1181.40
EFT24538	14/06/2017	D & K THOMAS ELECTRICAL	REPAIR DAMAGED CONTROL SWITCH FOR LIGHTS AT BOYANUP SKATE PARK	304.37
EFT24539	14/06/2017	TOTALLY WORKWEAR	UNIFORM PURCHASES	667.90
EFT24540	14/06/2017	WORK CLOBBER BUNBURY	PPE CLOTHING	545.32
EFT24541	14/06/2017	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN NO. - CAPEL ADMIN BUILDING UPGRADE	84004.51
EFT24542	14/06/2017	WA ISPORTS INCORPORATED	KIDSPORT REGISTRATIONS	200.00
EFT24543	21/06/2017	AMITY SIGNS	VARIOUS STICKERS AND SIGNS	368.50
EFT24544	21/06/2017	ARROW BRONZE	SINGLE CAST BRONZE PLAQUE FC KING - BOYANUP NICHE WALL	256.24
EFT24545	21/06/2017	ALL FLAGS SIGNS & BANNERS	6 METRE RUGBY LEAGUE POSTS REMOVABLE WITH PROTECTION PADS	7015.80
EFT24546	21/06/2017	AUSNET	AFL GOAL POSTS AS QUOTED. 3 X GOAL POSTS AND 3 X POINT POSTS	2509.93
EFT24547	21/06/2017	BUNBURY RETRAVISION	PURCHASE OF PIE WARMER FOR ELGIN HALL	1027.00
EFT24548	21/06/2017	B & B STREET SWEEPING	HIRE OF STREET SWEEPER 26 AND 27 APRIL	1980.00
EFT24549	21/06/2017	BLACKWOODS	SCREWS AND NUTS	31.38
EFT24550	21/06/2017	BUNBURY HARVEY REGIONAL COUNCIL	DISPOSAL WASTE FOR THIRD ORGANIC BIN DOMESTIC SERVICE AND REGIONAL WASTE EDUCATION OFFICER	6586.89
EFT24551	21/06/2017	BRANDICOOT	PREPARATION OF INITIAL DESIGN FOR SECOND CITY BROCHURE (A4)	495.00
EFT24552	21/06/2017	BP AUSTRALIA	7750 LITRES DISTILLATE	9160.03
EFT24553	21/06/2017	STAPLES AUSTRALIA PTY LTD	2016/17 STATIONERY	463.49
EFT24554	21/06/2017	COATES CIVIL CONSULTING PTY LTD	SUPERINTENDENCE OF STIRLING STREET AND BOUNDARY ROAD RECONSTRUCTION PROJECTS	5566.00

EFT24555	21/06/2017	CAPEL CLEANING	WEEKLY VACUUMING SHIRE OFFICES AND PLAYGROUP BUILDING	270.00
EFT24556	21/06/2017	COLROYS COUNTRY KITCHEN	ORGANISATIONAL TRAINING MOVE EXPENSE	107.00
EFT24557			CANCELLED	0.00
EFT24558	21/06/2017	DELRON CLEANING	CLEANING OF SHIRE OFFICES, DALYELLUP PAVILION, EAST DALYELLUP PAVILION TOILETS, SHIRE DEPOT, & CLEANING TENDER OF SHIRE BUILDINGS	11432.44
EFT24559	21/06/2017	DIGITAL MAPPING SOLUTIONS DMS	10 HOURS PREPAID SUPPORT	2145.00
EFT24560	21/06/2017	GOLDEN WEST PLUMBING & DRAINAGE	REPAIR HOT WATER SYSTEM IN CAPEL OFFICE KITCHEN, SERVICE UV FILTER AT CAPEL WTS, CAPEL HALL, GELORUP CC AND ELGIN HALL, REPAIR LEAK FROM VENT AT CARAVAN DUMP POINT, CHECK BACKFLOW DEVICE AT CAPEL STANDPIPE AND CHECK CAPEL REC GROUND AND UNBLOCK DRAINS AT LAKES TOILETS DALYELLUP	1934.32
EFT24561	21/06/2017	DEPT OF FIRE AND EMERGENCY SERVICES (DFES).	PURCHASE OF BFB TRUCK 1GEH521 ISUZU	52476.10
EFT24562	21/06/2017	FREESTYLE NOW PROMOTIONS	CAPTIVATE CAPEL LAUNCH SKATE PARK COMPETITION	2200.00
EFT24563	21/06/2017	THE FAT BIRDIE	CATERING FOR EAST DALYELLUP SPORTS PAVILION OPENING AND CATERING FOR 1 JUNE	641.00
EFT24564	21/06/2017	THE FLOWER HOUSE	FLOWERS FOR VOLUNTEER	50.00
EFT24565	21/06/2017	GEOVET BUSSELTON	2016/2017 ANNUAL ORDER POUND CONTRACT-MAY 17	1213.10
EFT24566	21/06/2017	HANSON CONSTRUCTION MATERIALS PTY LTD	50 TONNE CRACKER DUST	900.24
EFT24567	21/06/2017	ISA TECHNOLOGIES	30 UNITS - PRE-PAID BLOCK UNITS	3539.25
EFT24568	21/06/2017	IVC COMPUTER SERVICES IVC	1 X 24 LG MONITOR	199.00
EFT24569	21/06/2017	JULIES LAWNMOWING	MOWING OF BOYANUP MUSEUM AND BOYANUP HALL GROUNDS	200.00
EFT24570	21/06/2017	LD TOTAL	MAINTENANCE FOR DALYELLUP POS - MAY	82279.40
EFT24571	21/06/2017	LANDGATE	GRV INT VALS COUNTRY SHARED AND FULL VALUE	1587.10
EFT24572	21/06/2017	LUSH FIRE AND PLANNING	BUSHFIRE HAZARD LEVEL ASSESSMENT	1100.00

EFT24573	21/06/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	INTRODUCTION TO LOCAL GOVERNMENT WORKSHOP	290.00
EFT24574	21/06/2017	MALATESTA ROAD PAVING & HOT MIX	300 LITRES 1.52 EMULSION	456.00
EFT24575	21/06/2017	ANDREW MATTABONI	CATERING FROM FAT BIRDIE FOR MOORE STEPHENS CONSULTING	30.00
EFT24576	21/06/2017	JUST YOUNGER CATERING	CATERING FOR MONTHLY COUNCIL MEETING- APRIL AND MAY	784.00
EFT24577	21/06/2017	PRESTIGE PRODUCTS- BUSSELTON	VARIOUS CLEANING AND BATHROOM PRODUCTS	74.47
EFT24578	21/06/2017	PROFESSIONAL CABLING	INSTALL AND TERMINATE 1 ADDITIONAL DATA/TELEPHONE OUTLET IN THE PHOTOCOPIER ROOM IN THE EAST WING CONNECTED TO THE EXISTING COMMS CABINET IN THE SERVER ROOM	2277.00
EFT24579	21/06/2017	PJ & EV PAGE	MONTHLY FLOOR POLISHING BOYANUP HALL 16/17-MAY 17	70.00
EFT24580	21/06/2017	AUSTRALIA TAXATION OFFICE	13.6.17 PAYGW \$45551.00	45551.00
EFT24581	21/06/2017	QUALITY PRESS	3 X INCIDENT MANAGEMENT BOARDS	52.25
EFT24582	21/06/2017	REDS PRODUCTIONS PTY LTD	COMMUNITY SAFETY STALL AT BOYANUP PROGRESS ASSOCIATION'S 1ST ANNIVERSARY COMMUNITY EVENT	660.00
EFT24583	21/06/2017	SOUTH WEST TREE SAFE	REMOVE LARGE TREE HANSEN RD, REMOVE 2 LARGE DEAD TREES BOYANUP, REMOVE AND PRUNE RED GUMS STEPHENS ST	7040.00
EFT24584	21/06/2017	SOS OFFICE EQUIPMENT	PHOTOCOPIER METER BILLING BOYANUP LIBRARY	9.45
EFT24585	21/06/2017	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICALS	583.00
EFT24586	21/06/2017	STRATHAM RURAL SERVICES	INSTALL WATER METERS ON STANDPIPE BORES AT LAKES ROAD AND CHISLEHURST AVE, STRATHAM	2201.90
EFT24587	21/06/2017	STAR CONSULTING	CONSULTING FOR STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN	3740.00
EFT24588	21/06/2017	TOTALLY WORKWEAR	STAFF UNIFORMS	278.50

EFT24589	21/06/2017	TARVIA	CARRY OUT TIMBER TREATMENT ON STAIRS AND LOOKOUT PEPPERMINT GROVE BEACH AND OILING OF FEDERATION BRIDGE IN GELORUP	2318.80
EFT24590	21/06/2017	TRUCK & MACHINE	REPAIR REVERSING CAMERA STIRLING 2.4 FIRE APPLIANCE	231.55
EFT24591	21/06/2017	TOTAL GREEN RECYCLING PTY LTD	PROCESSING AND TRANSPORT OF E-WASTE FROM CAPEL WASTE TRANSFER STATION FOR 2016/17	841.78
EFT24592	21/06/2017	VILLAGE CARPET CARE	CLEANING OF MAT CAPEL COMMUNITY HALL	59.00
EFT24593	21/06/2017	WIZARD PROPERTY MAINTENANCE	STACK DEAD LIMBS INTO BURN PILES SLEAFORD PARK	1000.00
EFT24594	22/06/2017	CALTEX AUSTRALIA	FLEET FUEL FOR MAY	4364.09
EFT24595	22/06/2017	TECHNOLOGY ONE	TRAVEL COSTS & ACCOMMODATION FOR TRAINER	1014.42
EFT24596	26/06/2017	BARBER R & JE	RATES REFUND	1800.00
EFT24597	28/06/2017	AMITY SIGNS	VARIOUS ROAD SIGNS AND WTS STICKERS	530.75
EFT24598	28/06/2017	BELL FIRE EQUIPMENT COMPANY	SUPPLY OF 1 FIRE EXTINGUISHER AND 1 FIRE BLANKET FOR ELGIN HALL	247.50
EFT24599	28/06/2017	BUNBURY TOYOTA	12 MONTH/20,000KM SERVICE - TOYOTA KLUGER - 70CP	274.86
EFT24600	28/06/2017	B & B STREET SWEEPING	COMBO UNIT FOR KILLERBY DRIVE, STREET SWEEPER FOR OIL SPILL LILLYDALE RD, SUMP SUCKER AND STREET SWEEPER DUCANE RD, JET VAC MORRIS RD	3822.50
EFT24601	28/06/2017	BUNBURY REGIONAL ENTERTAINMENT CENTRE	CONTRIBUTION TO BUNBURY REGIONAL ENTERTAINMENT CENTRE ENTREPRENEURIAL FUND 2016/2017 FY	8250.00
EFT24602	28/06/2017	BUNNINGS BUILDING SUPPLIES PTY LTD	VARIOUS HARDWARE	181.34
EFT24603	28/06/2017	BLACKWOODS	ONE PAIR FIREFIGHTING BOOTS - BOYANUP BFB	266.65
EFT24604	28/06/2017	BUSSELTON CIVIL PTY LTD	BRIDGE STREET, BOYANUP UPGRADE	11939.45
EFT24605	28/06/2017	BUNBURY PLUMBING SERVICES	EMPTY SEPTIC TANK, DALYELLUP SURF CLUB	510.00
EFT24606	28/06/2017	BLADE RUNNER GRADER HIRE	MAINTENANCE GRADING FROM 20 MAY 2017 ONWARDS	5694.15

EFT24607	28/06/2017	BEN JOSEPH WATTY	CONDUCT TEST & TAG INSPECTIONS AT 5 VOLUNTEER BUSH FIRE BRIGADE SHEDS WITHIN THE SHIRE OF CAPEL AND REPORT ON ANY FAULTS	530.00
EFT24608	28/06/2017	CLEANAWAY	COLLECTION & DISPOSAL OF MOST WASTES FROM CAPEL WASTE TRANSFER STATION FOR 2016/17-MAY 17	11841.33
EFT24609	28/06/2017	CARDINALS BCD FOOTBALL CLUB	KIDSPORT REGISTRATIONS	662.00
EFT24610	28/06/2017	CAPEL PRIMARY SCHOOL P&C	MINOR COMMUNITY GRANT ROUND 2	3310.00
EFT24611	28/06/2017	CAPEL WOLVES FC	KIDSPORT REGISTRATIONS	960.00
EFT24612	28/06/2017	CAREY PARK SCOUT GROUP	KIDSPORT REGISTRATIONS	400.00
EFT24613	28/06/2017	CANDOR TRAINING	PROFESSIONAL DEVELOPMENT COACHING	2970.00
EFT24614	28/06/2017	C E M ALLIANCE PTY LTD	REPAIRS TO BACK DOOR, CUPBOARDS AND LOCK ON STORAGE ROOM DOOR	1342.00
EFT24615	28/06/2017	CAPEL CLEANING	WEEKLY VACUUMING SHIRE OFFICES AND PLAYGROUP BUILDING	135.00
EFT24616	28/06/2017	CAPEL PANEL & PAINT	EXCESS FOR 42CP REPAIR CLAIM	1000.00
EFT24617	28/06/2017	DELRON CLEANING	CLEANING TENDER FOR SHIRE BUILDINGS AND SHIRE OFFICES	11632.86
EFT24618	28/06/2017	EASIFLEET MANAGEMENT	NOVATED LEASE	753.86
EFT24619	28/06/2017	EATON DARDANUP FOOTBALL CLUB	KIDSPORT REGISTRATION	200.00
EFT24620	28/06/2017	BRIAN FISHER FABRICATION	REPLACE TWO SIGNS ON BEACH SOUTH END DALYELLUP, NORTH OF STRATHAM	440.00
EFT24621	28/06/2017	GUMPTION	ORGANISATIONAL SURVEY - GRAPHIC DESIGN	1400.00
EFT24622	28/06/2017	HIGGINS COATINGS P/L	REPAINT COURT MARKINGS ON FLOOR OF BOYANUP HUGH KILPATRICK HALL	7255.60
EFT24623	28/06/2017	INSIGHT CCS PTY LTD	CALL CENTRE CHARGE MAY 17	337.49
EFT24624	28/06/2017	INSTANT RACKING & STEEL SHELVING	NEW LOCKS FOR TOOL TRAY P0088	30.00
EFT24625	28/06/2017	IPWEA AUSTRALASIA	IPWEA TRAINING - PARKS MANAGEMENT: LEVELS OF SERVICE	715.00
EFT24626	28/06/2017	L.G. BUSINESS SYSTEMS PTY LTD	2 X BOXES OF 500 PAYSLEIPS PLUS FREIGHT	137.50
EFT24627	28/06/2017	LEIGH BARRETT HERITAGE ADVISORY SERVICES	MUNICIPAL HERITAGE INVENTORY REVIEW	2517.49

EFT24628	28/06/2017	MALATESTA ROAD PAVING & HOT MIX	800 LITRES OF EMULSION	1248.00
EFT24629	28/06/2017	NSCO CONSULTING	OSH : SAFETY MANAGEMENT SYSTEM AUDIT	4620.00
EFT24630	28/06/2017	VODAFONE HUTCHISON AUSTRALIA PTY LTD	BRIGADE MESSAGING SERVICE -JUNE 17	225.74
EFT24631	28/06/2017	R & D HUMPHREYS CAR REMOVALS	DEGASSING OF 226 FRIDGES	936.00
EFT24632	28/06/2017	SOUTH WEST TREE SAFE	STAG TWO REMAINING DANGEROUS TREES BURNT BY FIRE, REILLY RD AND REMOVE OVERHANG BOYANUP	3960.00
EFT24633	28/06/2017	CR JENNIFER SCOTT	FRAMING AND RESTORATION OF PHOTOGRAPHY REIMBURSEMENT	944.65
EFT24634	28/06/2017	SAFEMASTER	CARRY OUT SAFETY ANCHOR INSPECTION AT CAPEL SHIRE OFFICES	1091.20
EFT24635	28/06/2017	SURVEYING SOUTH	ASCON FOR CAPEL TUTUNUP RD, RV OVERNIGHT POINT, HILDUNA DVE AND CHERITON COURT	6688.00
EFT24636	28/06/2017	D & K THOMAS ELECTRICAL	CARRY OUT UPGRADES TO SHIRE OFFICE SWITCH BOARDS AS QUOTED TO MEET CURRENT COMPLIANCE STANDARDS AND CHECK AND REPAIR OUTLET IN MEETING ROOM CAPEL PAVILION	7075.00
EFT24637	28/06/2017	THE AUSTRALIAN LOCAL GOVERNMENT JOB DIRECTORY	JOB AD FOR 2 EDITIONS OF JOB DIRECTORY MANAGER BUILDING & HEALTH SERVICES, PRINCIPAL BUILDING SURVEYOR, PRINCIPAL ENVIRONMENTAL HEALTH OFFICER	1815.00
EFT24638	28/06/2017	TESTO PTY LTD	THERMOMETERS - 2 IN 1 PROBE AND TEMPERATURE DATA LOGGER	456.50
EFT24639	28/06/2017	VISIMAX	BARK & ACTIVITY COUNTER	198.40
EFT24640	28/06/2017	WESTRAC EQUIPMENT	1000 HOUR SERVICE - GRADER CP1804	2365.24
EFT24641	28/06/2017	WA ISPORTS INCORPORATED	KIDSPORT REGISTRATION	20.00
EFT24642	30/06/2017	CAPEL LAND CONSERVATION DISTRICT COMMITTEE	WEED CONTROL IN SHIRE RESERVES	1878.72
EFT24643	30/06/2017	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	701.96

EFT24644	30/06/2017	EATON LASER	10 X STAINLESS STEEL BLACK ETCHED PLAQUES FOR CAPTIVATE CAPEL	209.70
EFT24645	30/06/2017	A INGRAM	BOOK STOCK PURCHASES REIMBURSEMENT	587.94
EFT24646	30/06/2017	AUSTRALIA TAXATION OFFICE	PAYGW 27.6.17	47223.00
EFT24647	30/06/2017	SELECTUS	PAYROLL DEDUCTIONS	1773.80
EFT24648	30/06/2017	SOUTH WEST BOUNCY CASTLES	BOUNCY CASTLE FOR LAUNCH OF CAPTIVATE CAPEL	440.00
EFT24649	30/06/2017	THOMPSON SURVEYING CONSULTANTS	PROVISION FOR THE FIELD SURVEY AND THE DEPOSITED PLAN FOR THE BOYANUP HERITAGE AND RAIL PRECINCT	15510.00
EFT24650	30/06/2017	FUJI XEROX AUSTRALIA PTY LTD	ANNUAL PHOTOCOPIER RENTAL AND SERVICE AGREEMENT FOR ADMINISTRATION COPIERS (DCC5580 WITH FAX - \$443.10 MONTHLY). SERVICE CHARGE BASED ON \$0.09/COLOUR COPY AND \$0.008/MONO COPY.	1369.61
48514	01/06/2017	SHIRE OF CAPEL	CONTRIBUTION TO MORNING TEA	125.00
48515	07/06/2017	ALINTA GAS	GAS FOR EAST DALYELLUP SPORTS PAVILION	25.15
48516	07/06/2017	AQWEST	MURTIN PARK WATER	31974.09
48517	07/06/2017	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	79.05
48518	07/06/2017	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	144.00
48519	07/06/2017	SHIRE OF CAPEL	CAPEL PUBLIC LIBRARY PETTY CASH	86.25
48520	07/06/2017	FOSTER FAMILIES SOUTH WEST (INC.)	MINOR GRANT	1000.00
48521	07/06/2017	LGRCEU	PAYROLL DEDUCTIONS	307.50
48522	07/06/2017	YOUTH VISION WA (STATE YOUTH GAMES)	HALL HIRE BOND REFUND	150.00
48523	07/06/2017	SYNERGY	ELECTRICITY	717.50
48524	07/06/2017	TELSTRA CORPORATION LTD	RENT & CALLS	4353.88
48525	07/06/2017	WATER CORPORATION	WATER USAGE	2111.13
48526	07/06/2017	SHIRE OF CAPEL	PAYROLL DEDUCTIONS	4793.00
48527	07/06/2017	SHIRE OF CAPEL	COUNCIL CONTRIBUTION	300.00
48528	07/06/2017	DEPARTMENT OF TRANSPORT	TO ALIGN LICENCE EXPIRY TO 30/11/17	34.90
48529	14/06/2017	COURIER AUSTRALIA INTERNATIONAL	COURIER COSTS ANALYTICAL	20.98
48530	14/06/2017	SYNERGY	ELECTRICITY	29122.25

48531	14/06/2017	JENNIFER STEVENS	REFUND ON DOG REGISTRATION DUE TO STERILISATION	30.00
48532	14/06/2017	WATER CORPORATION	WATER USAGE	1059.52
48533	14/06/2017	WA COUNTRY HEALTH SERVICE	REFUND FOR CANCELLED HALL BOOKING - INV 23070	327.50
48534	21/06/2017	COURIER AUSTRALIA INTERNATIONAL	COURIER COSTS ANALYTICAL	41.10
48535	21/06/2017	SHIRE OF CAPEL	SHIRE PETTY CASH	373.90
48536	21/06/2017	DEPARTMENT OF MINES & PETROLEUM	DANGEROUS GOODS LICENCE 2017/2018 - SHIRE OF CAPEL - DG009800	199.00
48537	21/06/2017	SYNERGY	ELECTRICITY	294.40
48538	21/06/2017	WATER CORPORATION	WATER USAGE	2960.76
48539	21/06/2017	SHIRE OF CAPEL	SHIRE PETTY CASH	2.00
48540	28/06/2017	COURIER AUSTRALIA INTERNATIONAL	COURIER COSTS ANALYTICAL	10.30
48541	28/06/2017	DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES	GRANT ACQUITTAL SURPLUS - LOCAL GOVERNMENT AND COMMUNITIES YOUTH SCHOLARSHIP GRANT	6430.00
48542	28/06/2017	SYNERGY	ELECTRICITY	6882.00
48543	30/06/2017	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	52.70
48544	30/06/2017	THE AUSTRALIAN WORKERS UNION	PAYROLL DEDUCTIONS	96.00
48545	30/06/2017	SHIRE OF CAPEL	PAYROLL DEDUCTIONS	3026.00
48546	30/06/2017	LGRCEU	PAYROLL DEDUCTIONS	205.00
48547	30/06/2017	SHIRE OF CAPEL	PETTY CASH DALYELLUP LIBRARY	40.60
800	07/06/2017	DEPARTMENT OF COMMERCE - BUILDING COMMISSION	MAY BSL LEVY COLLECTED	5866.42
801	07/06/2017	SHIRE OF CAPEL	MAY BSL COMMISSION COLLECTED	235.00
802	14/06/2017	BUILDING & CONST'N IND TRAINING FUND	MAY BCITF LEVY COLLECTED	4065.92
803	14/06/2017	SHIRE OF CAPEL	MAY BCITF COMMISSION COLLECTED	82.50
804		CANCELLED		0.00
805	14/06/2017	CARRIE-ANNE FORREST	T2244 BOND REFUND	150.00
806	14/06/2017	LESLEY JACKES	T2233 BOND REFUND	500.00
807	28/06/2017	SHIRE OF CAPEL	AMOUNTS HELD IN TRUST GREATER THAN 10 YEARS	17680.00
808	28/06/2017	KAYLEA HARRISON	T2253 BOND REFUND	150.00
809	28/06/2017	MERYLL RICHARDS	T2250 BOND REFUND	500.00
810	28/06/2017	KRISTINE WALTON	T2259 BOND REFUND	500.00
811	30/06/2017	SHIRE OF CAPEL	AMOUNTS HELD IN TRUST GREATER THAN 10 YEARS	41791.34
				1,439,601.13

13.06.17	SHIRE OF CAPEL PAYROLL PAYMENTS	\$156,493.32
27.06.17	SHIRE OF CAPEL PAYROLL PAYMENTS	\$161,813.57
27.06.17	SHIRE OF CAPEL PAYROLL PAYMENTS	134.70
		\$318,441.59
15.06.17	TRANSFER to MUNICIPAL ACCOUNT	\$350,000.00
29.06.17	TRANSFER to MUNICIPAL ACCOUNT	\$402,000.00
		\$752,000.00

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment, covering vouchers as detailed above which was submitted to each member of Council on 26 July 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

OC0710 OFFICER'S RECOMMENDATIONS – 15.2/COUNCIL DECISION

Moved Cr Smith, Seconded Cr J Scott

That Council receives:

- 1 The Schedule of Accounts covering vouchers 800-811, EFT24399 to EFT24650, CHQ48514 to CHQ48547 totalling \$1,439,601.13 during the month of June 2017;
- 2 Payroll payments for the month of June 2017, totalling \$318,441.59; and
- 3 Transfers to and from investments as listed.

Carried 8/0

OC0711 (15.3) Financial Statements for 30 June 2017

Location: Capel
Applicant: Shire of Capel
File Reference:
Disclosure of Interest: Nil
Date: 12.07.17
Author: Manager Finance, A Mattaboni
Senior Officer: Executive Manager Corporate Services, S Stevenson
Attachments: Financial Statements for June 2017

MATTER FOR CONSIDERATION

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

BACKGROUND / PROPOSAL**Background**

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

Proposal

The financial statements provided to Council satisfy the requirements.

STATUTORY ENVIRONMENT

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

6.4 Financial Report

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

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

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

Financial Activity Statement Report

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Budget

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

Long Term

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

Whole of Life

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

SUSTAINABILITY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 2013 to 2031

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

Strategic Outcomes:

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

CONSULTATION

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

COMMENT

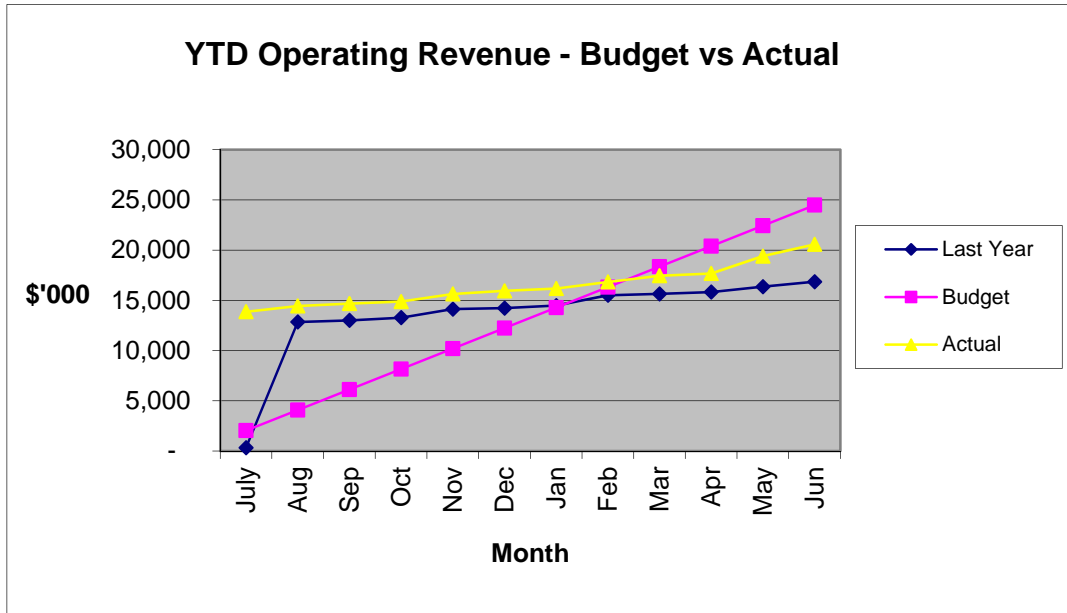
At 30 June 2017, Council’s net current assets position was a surplus of \$1,536,752. The forecast year end net current asset position is a surplus of \$63,743. This amount may vary to the final surplus (deficit) as accounts are finalised for the year.

Compared to the annual budget approximately 107% of Operating Revenue has been invoiced and 87% of the Operating Expenditure budget has been spent. The monthly budget of income

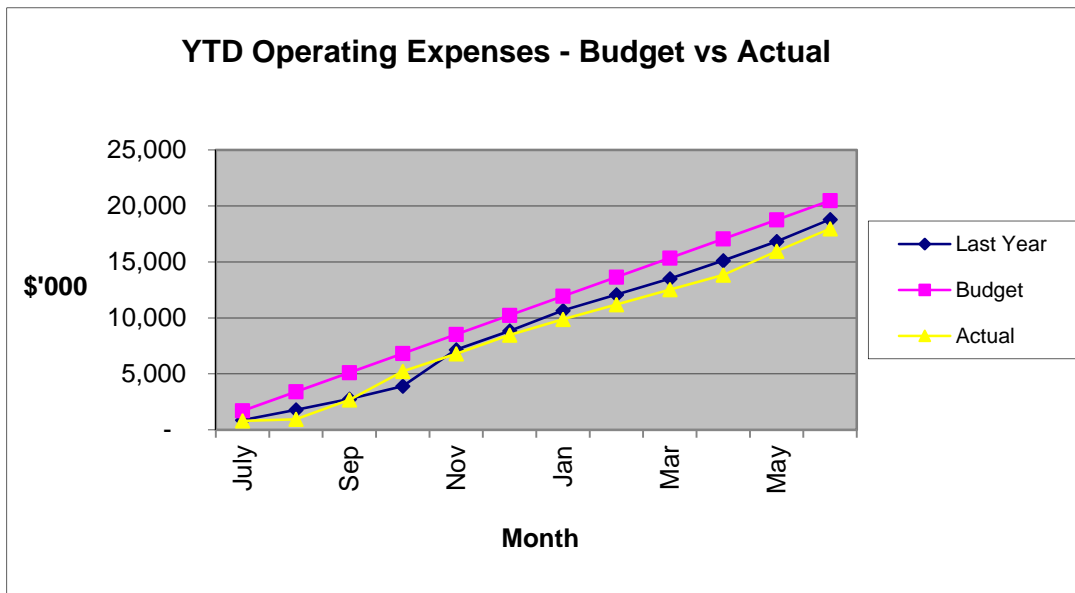
and expenditure has been adjusted to reflect the expected timing of actual income and expenditure throughout the financial year.

A comparison of employee costs shows that 100% of the annual budget has been spent. Leave liability expenses have been calculated.

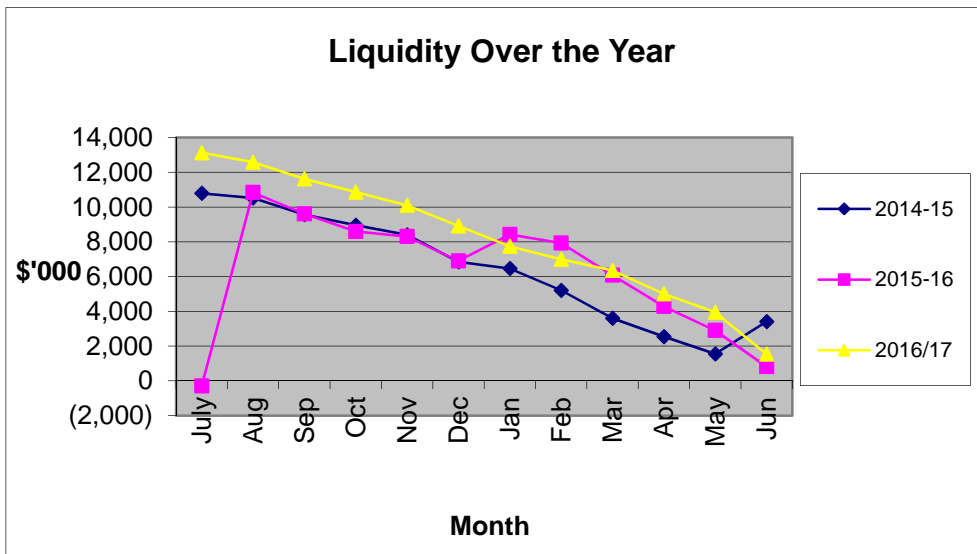
The following graphs compare actual Operating Revenue and Operating Expenditure against the approved budget on a year to date basis. Last year’s actual is also included for comparative purposes.



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

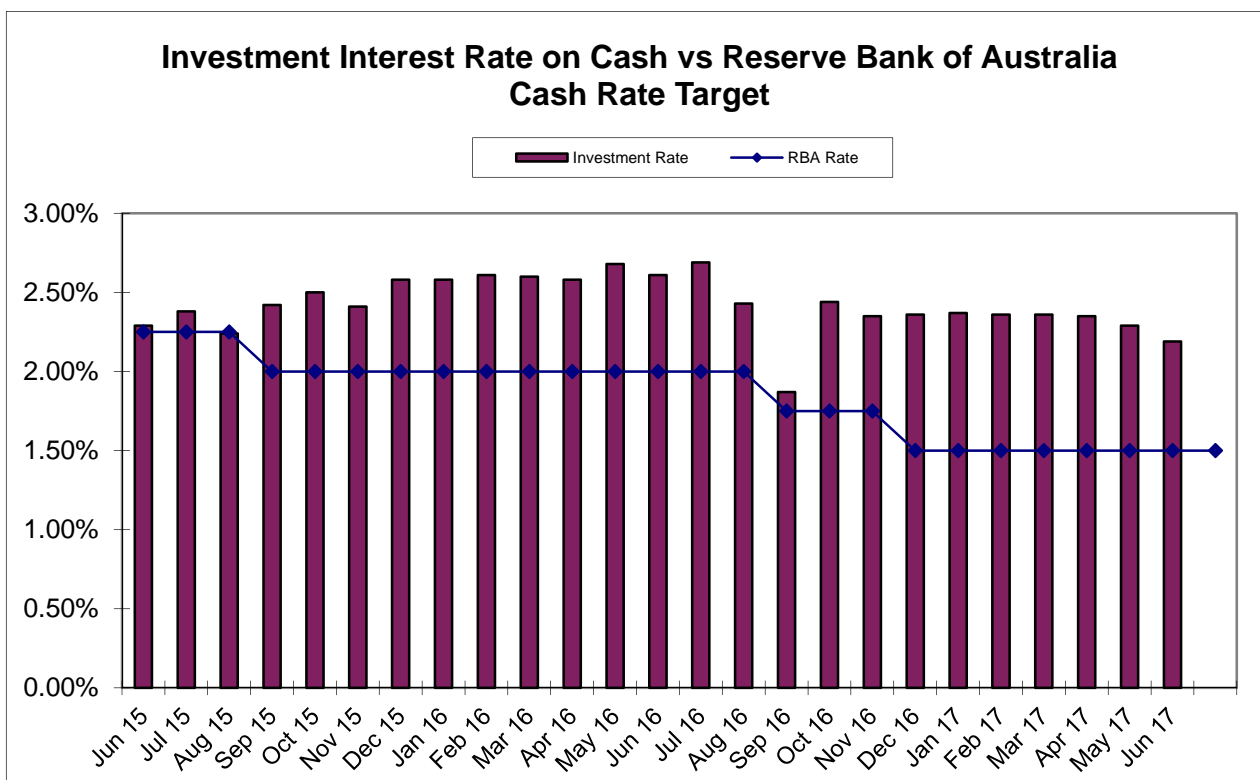


The liquidity graph compares the current year’s net current assets position against that of the two previous years.



Council’s municipal cash and investments position has decreased by \$652,764 compared to May 2017. The Municipal cash position is an amount of \$14,639,928 of which \$11,925,750 is restricted for specific purposes as shown at Note 3. The cash position is \$2,309,891 above the budgeted amount of \$12,330,037 due to the receipt of 2017/18 grant funding amounts and rescheduled capital expenditure. The reserve proportion is still to be finalised. Cash revenue came from rates receipts and grant funding. Major cash expenses were for payroll, contractor payments, materials and loan payments.

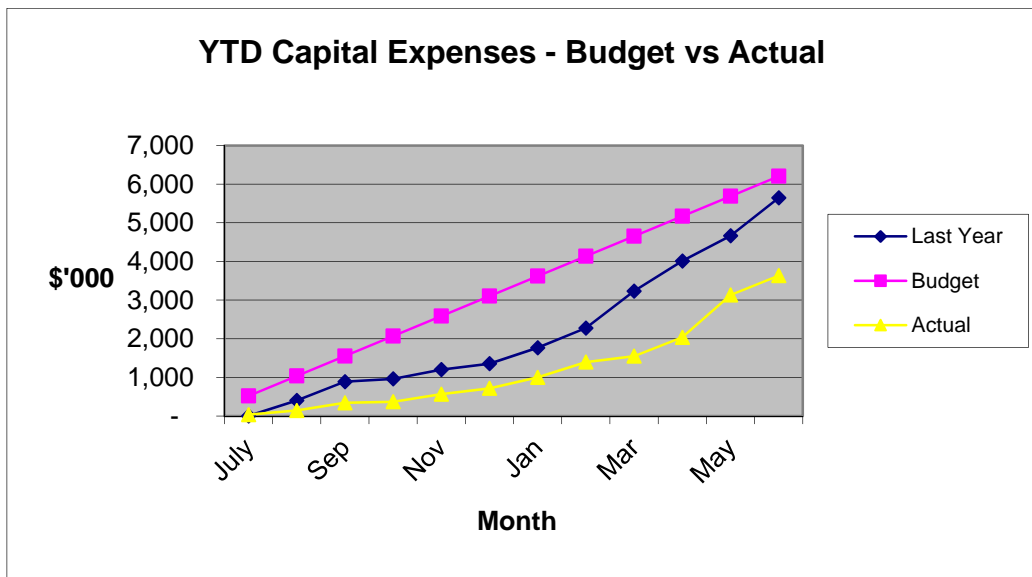
Total interest earned year to date is \$434,036 which is above the year to date budget of \$370,530. The average investment rate of return has decreased to 2.19% which exceeds the Reserve Bank’s cash reference rate of 1.50%. The Reserve Bank Board on 4 July 2017 made no change to their target cash rate of 1.50%. The Shire has term deposits maturing from July 2017 to November 2017, investment terms ranging from 63 days to 182 days and interest rates from 2.20% to 2.55%.



Capital works expenditure of \$500,669 was incurred during the month on:

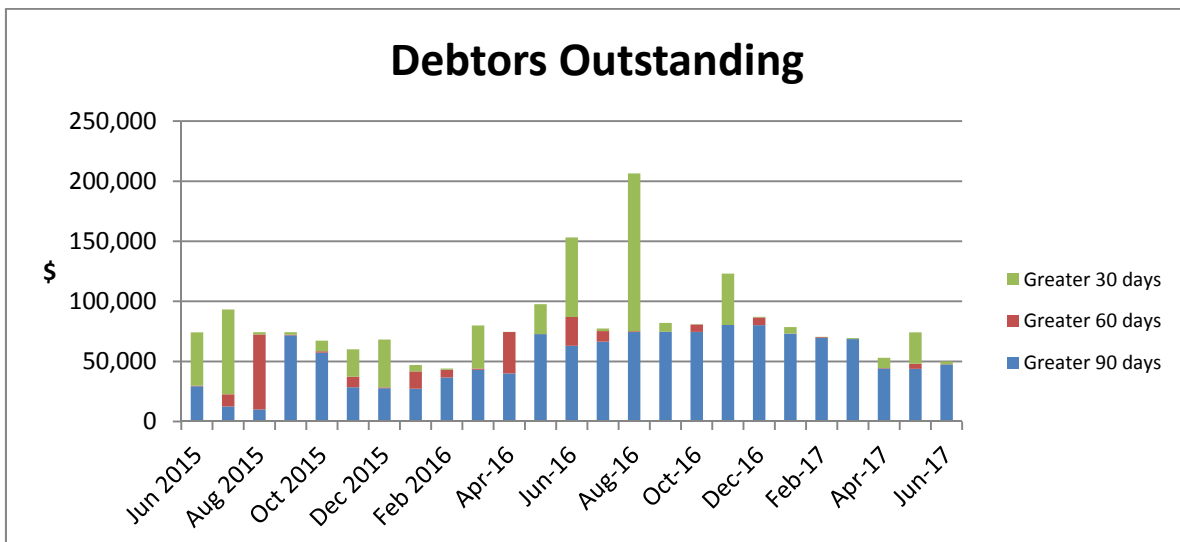
- \$8,030 Road widening,
- \$16,851 Bitumen reseal and Asphalt,
- \$77,756 Road reconstruction,
- \$84,529 Dual Use Paths,
- \$778 Trails Master Plan,
- \$585 Whole of Shire POS – Naming of parks, signage, seats, shelters & bins
- \$1,704 Age Friendly Community Plan – Annual seat install,
- \$10,670 Fencing Lot 1 South Western Highway,
- \$6,378 Rugby goal posts – East Dalyellup,
- \$290,830 CAT 120M Grader, and
- \$2,558 Furniture

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

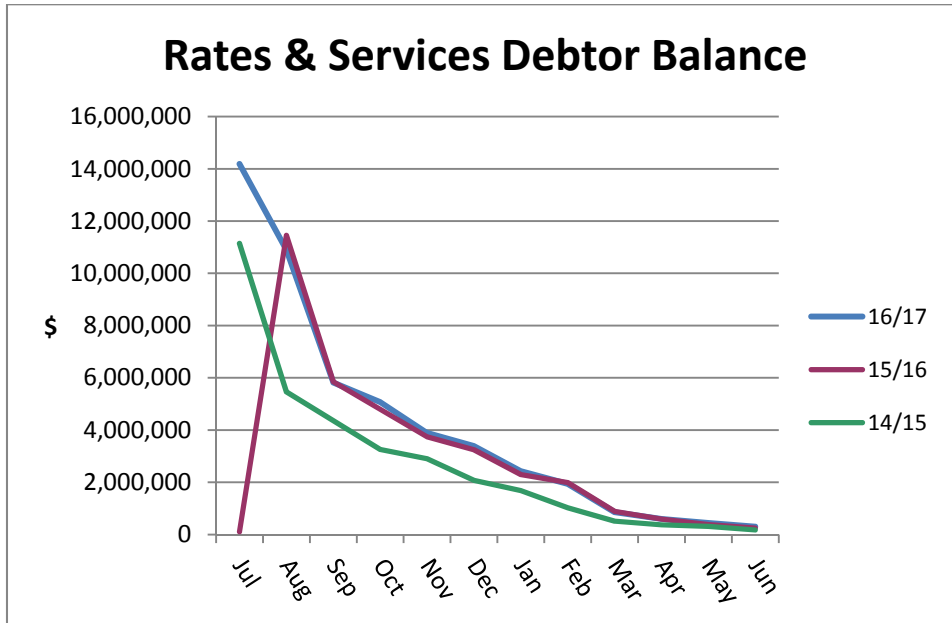


Council’s financial ratios are disclosed in Note 14.

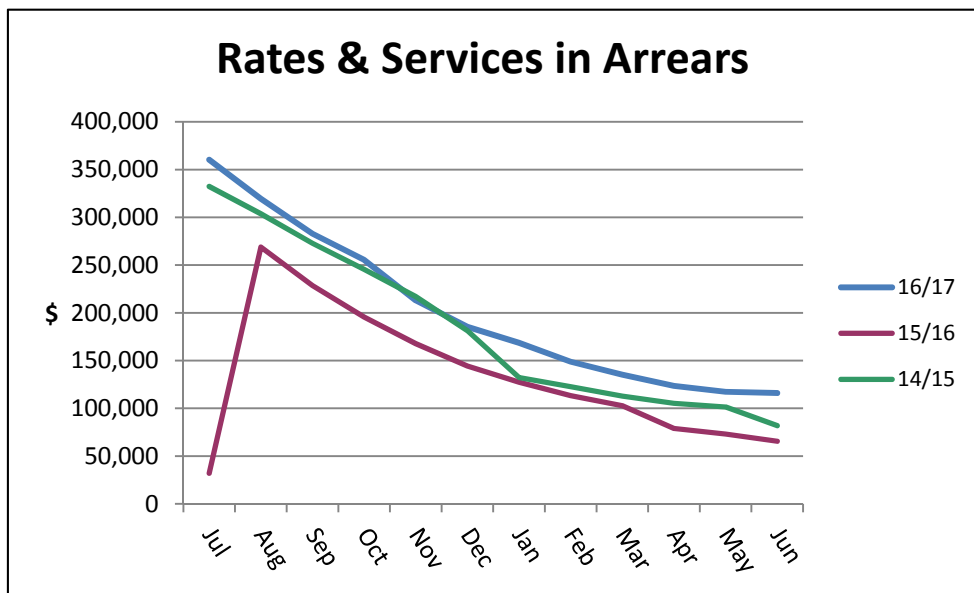
The following graph illustrates Council’s current level of general Debt recovery for 31-60 days, 61-90 days and greater than 90 days.



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



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



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

VOTING REQUIREMENTS

Simple majority

OC0711 OFFICER'S RECOMMENDATION – 15.3/COUNCIL DECISION

Moved Cr McCleery, Seconded Cr Schiano

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

Carried 8/0

OC0712 (15.4) Adoption of Budget and Differential Rates for 2017/18

Location:	N/A
Applicant:	Shire of Capel
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	12.07.17
Author:	Executive Manager Corporate Services, S Stevenson
Senior Officer:	Chief Executive Officer, P Sheedy
Attachments:	1. Differential Rates Submissions 2. Differential Rates Submissions response 3. 2017/18 Rates – “Objects and Reasons” 4. Shire of Capel Budget for the year ending 30 June 2018 [Distributed separately in hard cover to Councillors]

MATTER FOR CONSIDERATION

Council to consider adopting the 2017/18 Budget and also approve:

- differential, minimum and specified area rates;
- rate payment discount, instalment interest rate and fee, penalty interest rate and early payment incentive prizes;
- rubbish collection and disposal fees and charges;
- the waiving of charges and granting of concessions;
- the Schedule of Fees and Charges; and
- the materiality percentage for monthly financial reporting of variances.

BACKGROUND / PROPOSAL**Background**

On 28 June 2017 Council considered and endorsed the draft Budget for 2017/18 (refer Council resolution OC0617).

Proposal

Council consider the adoption of the 2017/18 Budget, incorporating the Schedule of Fees & Charges, differential, minimum and specified area rates, related concessions, discounts, interest rates and monthly reporting variance.

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.2

6.2. Local Government to prepare Annual Budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.
**Absolute majority required*
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of –
 - (a) the expenditure by the local government; and
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

Local Government (Financial Management) Regulations 1996, regulation 26

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

- (1) The annual budget is to include for each discount or other incentive to be granted for early payment of any money and in respect of each waiver or concession proposed in relation to any money –
 - a) in respect of a discount -
 - (i) the amount of the discount, or the percentage discount, to be allowed; and
 - (ii) the circumstances in which the discount will be granted;
 and
 - c) in relation to a waiver or concession -
 - (i) a brief description of the waiver or concession;
 - (ii) a statement of the circumstances in which it will be granted;
 - (iii) details of the persons or class of persons to whom it is available; and
 - (iv) the objects of, and reasons for, the waiver or concession.

Local Government Act 1995, Section 6.12

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

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

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

Local Government Act 1995, Section 6.16(1)

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

Local Government Act 1995, Section 6.28

6.28. Basis of Rates

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

Local Government Act 1995, Section 6.32

6.32. Rates and Service Charges

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

Local Government Act 1995, Section 6.33

6.33. Differential General Rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics –
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
 - (b) a purpose for which the land is held or used as determined by the local government; or
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) ...
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

Local Government (Financial Management) Regulations 1996, regulation 52A

52A. Characteristics prescribed for differential general rates

- (1) In this regulation

commencement day means the day on which the *Local Government (Financial Management) Amendment Regulations (No.2) 2012* regulation 5 comes into operation;

relevant district means a district that –

 - (a) is declared to be a district by an order made under section 2.1(1)(a) on or after commencement day; or
 - (b) has its boundaries changed by an order made under section 2.1(1)(b) on or after commencement day.
- (2) For the purposes of section 6.33(1)(d), the following characteristics are prescribed in relation to land in a relevant district, where not more than 5 years has elapsed since the district last became a relevant district –
 - (a) whether or not the land is situated in a townsite as defined in the *Land Administration Act 1997* section 3(1);
 - (b) whether or not the land is situated in a particular part of the district of the local government.

Local Government Act 1995, Section 6.34

6.34. Limit on Revenue or Income from General Rates

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

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

Local Government Act 1995, Section 6.35

6.35. Minimum Payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than –
 - (a) 50% of the total number of separately rated properties in the district; or
 - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage (50%) of –
 - (a) the number of separately rated properties in the district; or
 - (b) the number of properties in each category referred to in subsection (6), unless a general minimum does not exceed the prescribed amount (\$200).
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsection (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsection (2), (3) and (4) in respect of each of the following categories –
 - (a) to land rated on gross rental value; and
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed.

Local Government Act 1995, Section 6.36

6.36. Local Government to give Notice of Certain Rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so. *(21 days – may be 2 months before financial year)*
- (2)
- (3)
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5)

Local Government Act 1995, Section 6.37(1)

6.37. Specified Area Rates

- (1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area –
 - (a) have benefited or will benefit from; or
 - (b) have access to or will have access to; or
 - (c) have contributed or will contribute to the need for, that work, service or facility.

Local Government Act 1995, Section 6.45(1)(2)(3)

6.45. Options for Payment of Rates or Service Charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by –
 - (a) 4 equal or nearly equal instalments; or

- (b) such other method of payment by instalments as is set forth in the local government’s annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
 - (a) by a single payment; or
 - (b) by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

Local Government Act 1995, Section 6.47

6.47. Concessions

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

** Absolute majority required*

Local Government Act 1995, Section 6.51

6.51. Accrual of interest on overdue rates or service charges

- (1) A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —
 - (a) a rate or service charge (or any instalment of a rate or service charge); and
 - (b) any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.

** Absolute majority required.*

Local Government Act 1995, Section 5.56

6.56. Planning for the Future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

**Local Government (Administration) Regulations 1996 apply. Specifically :-
Division 3 — Planning for the future**

19C. Planning for the future: strategic community plans — s. 5.56

19DA. Planning for the future: corporate business plans — s. 5.56

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.

- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

Other legislation (i.e.: Freedom of Information Act 1992, Emergency Service Levy Act 2002, Caravan Park & Camping Ground Regulations 1997, Health Act 1911, Waste Avoidance & Resource Recovery Act 2007, Planning & Development Act 2005, Building Services Act 2011) specifies certain fees and charges that may be adopted by Council, and the fee threshold.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 states that each financial year a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Budget

The Budget outlines planned expenditure and revenue and determines the financial parameters for the Shire to operate within for the 2017/18 financial year. The proposed budget for the year is balanced with all revenue to be received during the year and the estimated brought forward surplus being expended on meeting operating expenditure demands, the capital works program and transfers to reserves for future year’s expenditure.

The fees and charges when adopted will determine the amount of revenue to be received during the 2017/18 financial year for certain areas. This income has been forecast in the budget income projections.

After taking into consideration all other sources of income, Council is required to raise sufficient rates to meet its total expenditure. However, it is allowed to adopt a budget that has a deficit that does not exceed 10% of its rate revenue.

For the 2017/18 Budget it is proposed a total of \$11,599,909 be raised from general property rates and \$655,574 from specified area rates. The expected yield from rates will be sufficient to balance the 2017/18 Budget.

The Budget outlines planned expenditure and revenue for the 2017/18 financial year. A generally balanced (break-even) position for the 2017/18 year provides a small estimated carried forward surplus at 30 June 2018 of \$6,995 but this will vary depending upon the final brought forward surplus/deficit from 2016/17.

Long Term

The current Long Term Financial Plan incorporates a 6% increase in general rates yield.

Minimum rates have increased by 8% as per the ratings workshop held on the 22 April 2017. However, the future level of rates increase will continue to be reassessed as part of the planning process and in the context of the level of population growth and community requirement.

Discretionary expenditure on capital works and other service areas will continue to be closely managed to ensure the financial sustainability of the Shire is maintained.

Whole of Life

While the budget contains new assets and infrastructure, this report does not deal directly with the whole of life cost for those items. Consideration of the whole of life costs relevant to those items forms part of the individual project or asset evaluation and justification.

In future years it is anticipated that this will form an increasing proportion of the Strategic Integrated Planning process and link in with Council's Long Term Financial Plan and four year Corporate Plan.

SUSTAINABILITY IMPLICATIONS

The Budget includes a number of projects that will have a positive environmental impact. The levying of property rates has an environmental impact in that approximately 7,423 rate notices will be distributed in a paper based medium.

Many of the projects proposed in the Budget will provide a direct social benefit for the community. Increased property rates have the potential to have a social impact in terms of their affordability. Bearing in mind property rates also create a financial burden on customers, every effort has been made to minimise the size of the rate increase.

The projects in the Budget will generate a significant economic benefit for the Shire and some businesses within the Shire of Capel will share in this benefit. Property rates are the Shire's main area of "own source" revenue and it is therefore essential rate revenue be raised in a timely manner. To this extent they allow the continued financial operation of the Shire in a sustainable manner.

There are no environmental impacts expected from the adoption of fees and charges. The increased fees and charges are not expected to have any social impact on the use of Shire services.

Increases to fees and charges will result in increased economic benefit to the Shire and whilst the increases will need to be paid by the users of the services, the extent of the increases are not expected to cause any undue economic hardship.

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.

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

Strategic Outcome:

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

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

CONSULTATION

The Budget includes items and projects that have been suggested by Councillors, the community and staff, and has been reviewed through the Executive Management Team. Many projects which have been included in the 2017/18 budget have been previously reviewed as part of the Long Term Financial Plan.

The Shire departments involved with the administration of the various services involved were consulted and provided input to the proposed schedule of fees and charges.

The proposed differential rates were advertised for public comment in advertisements placed in the *Bunbury Herald* on Wednesday 3 May 2017 and the *South Western Times* on Thursday 4 May 2017. Ratepayers and electors were invited to provide submissions by 4.00pm on Friday 26 May 2017. Two submissions were received and in accordance with Section 6.36(4), Council considered these submissions at a Special Meeting on Wednesday 7 June 2017. Council endorsed imposing the proposed rates and minimum payment without modification (SC0601).

In accordance with Section 6.35(5) of the Local Government Act 1995, an application was made to the Department of Local Government, Sport and Cultural Industries on 9 June 2017 requesting the Minister's approval to impose a minimum rate for the Vacant Residential and Urban differential rate category that exceeds 50%. The number of properties that the minimum rate of \$1,269 applies to is 85%.

Administrative changes made by the Department of Local Government, Sport and Cultural Industries, on how rates approval applications are made were applicable the 2017/18 rates approval process. This is an indication of increased scrutiny by the Department of the rate setting process to ensure compliance with the relevant legislation.

COMMENT

The 2017/18 budget document includes the following information:

- Commentary section incorporating:
 - Directory of the Council;
 - Message from the President;
 - Budget Highlights;
 - Graphs of operating Revenue and Expenditure;
 - Comparison of Key Statistics;
 - How a Rate Dollar is allocated; and
 - The Budget in Overview.
- Financial statements including the Statement of Comprehensive Income (Income Statement) by Nature or Type, Statement of Comprehensive Income (Income Statement) by Program, Cash Flow Statement and Rate Setting Statement;
- Notes to and forming part of the budget including notes on:
 - Significant Accounting Policies;
 - Operating Revenue and Expenditure;
 - Acquisition and Disposal of Assets;
 - Information on loan borrowings;
 - Reserve funds;
 - Net Current Assets;
 - Rating Information including Specified Area Rating;

- Fees & Charges;
 - Grants and Contributions; and
 - Asset Management.
- Detailed Financial Information at account level with Explanatory Notes provides a greater level of detail for each account. This information is formatted with the account number, description and totals for the 2017/18 Budget, 2016/17 Actual (estimated end of year position) and 2016/17 Budget on the left hand page. The right hand page provides a break-down of the major components (expenditure or revenue items) of each account that has been included in the 2017/18 Budget column.
 - 2017/18 Differential Rates – Objects and Reasons;
 - 2017/18 Capital Works Program; and
 - 2017/18 Schedule of Fees & Charges.

Following changes processed to the draft Budget provided to Council at its meeting on 28 June 2017, the Rate Setting Statement has been amended and shows essentially a balanced result.

The budgeted result of \$6,995 for 2017/18 assumes that a surplus of \$61,802 will be recorded for 2016/17. However, as the annual financial statements have not been completed this forecasted result is only a projection and may be subject to change.

Changes to the Draft Budget

Following the Council meeting on 28 June 2017 the following changes have been processed in the Budget document:

- The cost allocation for Maslin Street Land Rationalisation survey and design work has been reduced from \$35,000 to \$5,000;
- The allocation for the remediation and renewal of the Capel Recreation Ground has been reduced from \$121,450 to \$40,000. The balance of \$81,450 has been moved to the 2018/19 financial year;
- Various other minor changes in movements to and from Reserves;
- \$14,850 of the 2016/17 capital allocation for the Peppermint Grove Beach Community Hall Recreation Hub Upgrade has been identified as a carried forward project. This has now been included in the 2017/18 capital works program with offsetting capital;
- Changes in overhead allocations for Administration and Engineering Overheads for 2016/17. This does not change the total allocation, but affects the percentage of cost allocated to the various cost areas. This is undertaken periodically to ensure the overhead allocations reflect actual cost allocations; and
- Other minor variations to other grants, income, subscriptions, interest and expense areas to reflect updated forecasts for 2016/17 and 2017/18.

Rates, Discounts, Penalties and Instalments

The rates in the dollar and minimum rates included in the budget document are the same as those approved by Council at its meeting on 26 April 2017.

In accordance with Section 6.35(5) of the Local Government Act 1995, application was made on 9 June 2017 to the Department of Local Government, Sport and Cultural Industries requesting the Minister's approval to impose a minimum rate for the Vacant Residential & Urban

Development differential rate category that exceeds 50%. The number of properties that the minimum rate of \$1,269 applies to in this category is 85%.

Ministerial approval for the proposed 2017/18 minimum rate was received on 28 June 2017.

As part of the review process, the Department of Local Government, Sport and Cultural Industries requested that the Shire consider further consolidation of its "Objects and Reasons" for the 2018/19 financial year.

Overall, the objective for property rates was to increase the yield from rates by 6% in addition to the growth in the number of properties and the change in the GRV/UV valuation from the Valuer General. Council agreed, at its meeting on the 26 April 2017, to an overall 6% rates yield on the 2016/17 financial year while consolidating a number of rates in the dollar across categories. This has resulted in fewer rates in the dollar charged on rateable properties. Council has also endorsed an 8% increase in the minimum rate applicable from \$1,175.00 to \$1,269.00.

This increase is necessary to fund increases in the cost of the goods and services used by the Shire as well as fund the delivery of services to meet the needs of a rapidly growing area.

This rate increase has essentially resulted in a balanced budget for the year. Revenue from general property rates including interim rates of \$110,000 is budgeted to be \$11,599,909. This is in line with the draft budget presented to and endorsed by Council on 28 June 2017. Excluding interims of \$110,000, this is a 7.2% increase on the 2016/17 forecast of \$10,713,454.

Penalty interest rate for rates not paid by the due date and rate payment instalment options and interest rate have been retained in percentage terms as per 2016/17 rates.

- The penalty interest to be charged on rates outstanding after the due date and for which the instalment option has been retained at 10%. 11% is the maximum amount stipulated by Regulation.

It is proposed that this penalty interest rate be changed to be based on the penalty interest rate applied by the Australian Taxation Office General Interest Charge (GIC) rounded up to the nearest half percentage (8.78% for April – June 2017). This is in response to Ministerial Circular 11-2012 where the Minister sought a sector wide focus on administrative charges being based on cost recovery.

The GIC is based on the 90 day bank accepted bill rate plus an uplift factor of 7%. The definition of the 90 day bank accepted bill rate is the average mid rate for Australian dollar prime bank bills of exchange, accepted by an approved 'prime bank'. Prime bank designation approved by the Australian Financial Markets Association.

"The uplift factor is intended to make the GIC rate sufficiently high to discourage the use of tax debts as a source of business or private finance. However, the uplift factor is not intended to serve as a 'culpability penalty' that is, it is not a penalty for having engaged in blameworthy conduct. The GIC also serves to compensate the Australian Government for the impact of late payments, as delays in tax receipts mean that government borrowing and interest costs are higher than otherwise need be." (ATO)

This principle established in the determination of a Penalty Interest Charge by the ATO is proposed to form the basis for the determination of the penalty interest to be charged on rates outstanding after the due date.

The budgeted interest charge will remain at 10% for 2017/18.

- Rates can be paid in four instalments two months apart, provided there are no outstanding rates from the previous year. An instalment charge of \$11.00 is applicable to the second, third and fourth instalment. This remains unchanged from 2016/17.

Interest charges paid on instalments were 3.5% in 2016/17. 5.5% is the maximum amount stipulated by Regulation. In response to Ministerial Circular 11-2012 where the Minister sought a sector wide focus on administrative charges being based on cost recovery, it is proposed that this instalment interest rate be based on the average market interest rate available for a 12 month term deposit of \$100,000 in Western Australia, rounded up to the nearest half percentage.

The InfoChoice website (www.infochoice.com.au) provides this market comparison, which on the 11 July 2017 was on average between 2.55% - 3.05%. The comparative range for 2015/16 was between 2.45% - 3.05%. As there is very little movement year on year, the resultant instalment interest charge will remain at 3.5% for the 2017/18 financial year.

Rates incentive prizes for rates paid in full and received by Council by 4.30pm on the first due date are offered to ratepayers. Three prizes of Bendigo Bank savings accounts of \$500.00, \$300.00 and \$200.00 are anticipated to be offered again provided by the Donnybrook Capel Districts Community Bank Branch of Bendigo Bank.

Rubbish and Service Charges

Council has endorsed the refuse collection fees below. The Waste Transfer Fee and Refuse Collection Fees for the 2 bin and the 3 bin kerbside collection service have remained at the 2015/16 level. There will be only a marginal change of \$1.00 to the Green and Hard Waste fee for the 2017/18 financial year. The summary is detailed below:

	3 Bin			2 Bin		
	2017/18	2016/17	2015/16	2017/18	2016/17	2015/16
Refuse Collection	254	254	254	191	191	191
Waste Transfer Fee	80	80	80	80	80	80
Green and Hard waste fee	31	30	30	13	12	12
Total Fee	365	364	364	284	283	283

For ratepayers provided with the three bin service (primarily in residential areas) the total Refuse Collection Charge will be \$365.00. For ratepayers provided the two bin service (primarily rural, semi-rural, industrial and commercial areas) which consists of the domestic and recycling pickup service, the total Refuse Collection Charge will be \$284.00. This fee will be shown as individual elements on rates notices when levied.

Rate Concessions

Council has a number of properties where it needs to grant a rate concession or waive the rates each year, when adopting its Budget. Details are as follows:

- Sussex Location 1328, Capel Tutunup Road – GL Roberts. This property is held in one title, but is divided by the Ludlow River; hence the property is partly located in both the Capel Shire and City of Busselton. As a result, the section located in the Shire of Capel attracts the minimum rate for rural land each year and is more than Mr Roberts would be levied if it was based on the rate in the dollar. Since 1997 Council has agreed to grant Mr Roberts a concession each year.
- Late payment penalty interest resulting from monthly rates payment made by Access Housing for properties located within the Shire of Capel (refer minute OC0611);
- A rate concession to all ratepayers in Dalyellup is requested in order to cap the specified area rate for Dalyellup Parks & Gardens Maintenance at \$186.88. The amount of this specified area rate has been increased by 6% on 2016/17 levels. There had been no increase in the specified area rate in 2016/17, remaining frozen at 2015/16 levels. The

impact of this concession is that almost all properties will be rated the \$186.88 maximum rate.

- The amount budgeted to be raised from the specified area rate, including interim rates, is \$655,574. This is more than half of the total expenditure budget for maintenance of gardens and public open space in Dalyellup of \$548,402. An additional \$50,000 will be utilised to fund additional POS maintenance provisions. The Dalyellup Specified Area Rate reserve is expected to be \$1,294,434 at the end of 2017/18. This is held in reserve to compensate for expenditure increases in maintenance costs or unexpected costs being incurred.

Fees and Charges

Some minor amendments to the Schedule of Fees and Charges that was presented to Council at its meeting on 26 April 2017 (refer minute OC0413) include:

- Building Permit Applications have increased from \$96.00 to \$96.70 for 2017/18. These are regulated under Building Regulations 2012;
- Fees associated with the introduction of a fines enforcement process through the Fines Enforcement Registry, have increased year on year as follows:
 - Issuing Final Demand – increased from \$18.20 to \$18.50 for 2017/18;
 - Preparing enforcement certificate – increased from \$15.50 to \$15.75 for 2017/18; and
 - Registration of infringement notice – increased from \$58.00 to \$59.00 for 2017/18.

These fees are set under the *Fines Penalties and Infringements Notice Enforcement Regulations 1994*.

Summary

The Budget document as presented to Council is complete in its format. However, as the information relating to the 2016/17 financial year is still being compiled and is subject to end of financial year audit scrutiny, the brought forward position for 2017/18 is likely to change. All of the explanatory text associated with the Budget has been prepared and is included with the document provided with this item and Councillors are asked to refer to this text for additional commentary on the budget.

Once adopted by Council this document, after the relevant noted amendments, will be the final Budget and will be provided to the Department of Local Government, Sport and Cultural Industries by the end of August 2017 as is required by the Local Government Act (1995).

To complete the budget process for 2017/18 there are a number of formal decisions required and these are outlined in the staff recommendations.

Materiality Limit

Local Government Financial Management Regulation 34 (5) requires that each financial year a local government adopts a percentage or value, calculated in accordance with the Australian Accounting Standards (AAS).

This percentage or value is required to guide the users of financial reports regarding variances in actual to budget expenditures and revenues. Specifically the intention is to highlight variances that are important or significant due to their magnitude and possible impact.

Having regard to the fact that the users of these financial reports are management and Council requiring assistance with making management decisions, 10% has been considered to be a reasonable lower limit for highlighting material variances. However, this limit could be adjusted

in the future if necessary and the use of this limit also does not preclude reporting lesser variances if it is considered their disclosure would be of benefit to the user of the financial report. It is therefore proposed that the materiality limit remain at 10% for 2017/18.

Council last approved the materiality limit of 10% at its meeting on 17 July 2013 (minute reference OC0708) as part of the annual budget approval process. As legislation requires this approval be provided every year, it is recommended it continue to be considered as part of the annual budget approval process.

Compliance Audit Return – Executive Functions

As part of the annual Compliance Audit Return process, Council is requested to attest to whether it has satisfied the provisions of Section 3.18 of the Local Government Act 1995. This section is entitled “Performing Executive Functions” and Part 2 deals with a local government providing services and facilities. Part 3 states that a local government is to satisfy itself that the services and facilities it provides are properly managed, avoid unnecessary duplication with other sectors and integrate and coordinate as far as practicable with other sectors.

At the Audit Committee Meeting on 9 March 2011, Councillors queried how this compliance could be substantiated. The advice provided from the Department of Local Government in a letter dated 4 April 2011 is as follows:

“The Department notes your comment that in adopting the annual budget to fund the services and facilities proposed, tacit acceptance of compliance with this section of the Act is given. There is no specific prescribed manner in which the local government is to satisfy itself that it has conformed with section 3.18 and in the Department’s view, the absence of a specific resolution of Council does not of itself indicate non-compliance. However it is suggested that the following resolution as part of budget adoption would clearly indicate that the Council has considered and deliberated on this.”

In accordance with this advice an additional staff recommendation, that replicates the wording of that provided by the Department of Local Government, has been included for Council’s consideration.

VOTING REQUIREMENTS

Absolute majority

OC0712 OFFICER’S RECOMMENDATION – 15.4/COUNCIL EN BLOC DECISION
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Moved Bell, Seconded Cr J Scott

That Council adopts en bloc the following Recommendations 1 to 10.

Carried with an Absolute majority 8/0

STAFF RECOMMENDATION 1

That Council having considered the one submission received in accordance with Section 6.36 of the Local Government Act 1995, adopts the following differential, minimum and specified area rates for the year ending 30 June 2018:

	Rate in \$	Minimum
Differential Rating :		
- Residential & Urban Development (zone groups 1 & 3 GRV)	7.3410 cents	\$1,269.00
- Residential & Urban Vacant (zone groups 2 & 4 GRV)	12.6403 cents	\$1,269.00
- Town Centre / Special Use / Light Industry Vacant (zone groups 6 & 9 GRV)	7.6861 cents	\$1,269.00
- Town Centre/Light Industry / Commercial Use Urban Development (zone groups 5,7 & 8 GRV)	7.6861 cents	\$1,269.00
- Land Use – Rural Commercial Use (zone group 10 – UV)	0.4600 cents	\$1,269.00
- Rural (zone group 11 – UV)	0.4600 cents	\$1,269.00
- Special Rural (zone group 12 – GRV)	6.3452 cents	\$1,269.00
Specified Area Rating:		
- Dalyellup Parks, Reserves Maintenance (GRV) Purpose: Parks and Reserves Maintenance	4.8160 cents (to a maximum of \$186.88 per assessment)	Nil

VOTING REQUIREMENTS

Absolute majority

Carried by en bloc Resolution OC0712

STAFF RECOMMENDATION 2

That Council grants a rate concession for 2017/18, under Section 6.47 of the Local Government Act 1995, to limit the specified area rate for Dalyellup Parks and Reserves Maintenance to a maximum amount of \$186.88 for all ratepayers in zone groups 3 and 4 (Dalyellup) who are levied the specified area rate for the maintenance of parks and reserves.

VOTING REQUIREMENTS

Absolute majority

Carried by en bloc Resolution OC0712

STAFF RECOMMENDATION 3

That Council grants a rate concession for 2017/18, under Section 6.47 of the Local Government Act 1995, to GL Roberts for Sussex Location 1328 Capel Tutunup Road (A94), by levying a rate on the property calculated at the adopted rate in the dollar for rural land (Rate zone group 11) disregarding the application of the minimum rate.

VOTING REQUIREMENTS

Absolute majority

Carried by en bloc Resolution OC0712

STAFF RECOMMENDATION 4

That Council grants a rate concession for 2017/18, under Section 6.47 of the Local Government Act 1995, to Access Housing Australia Limited by waiving late penalty interest and charges incurred from monthly payment of rates on properties owned by Access Housing which are located within the Shire of Capel.

VOTING REQUIREMENTS

Absolute majority

Carried by en bloc Resolution OC0712

STAFF RECOMMENDATION 5

That Council:

1. In accordance with Section 6.45 (1) (b) of the Local Government Act 1995, offer the following options for the payment of rates:
 - Option 1 – payment in full by a single instalment 35 days after the issue date of the annual rates notice (8 September 2017); and
 - Option 2 – payment in four equal instalments at intervals of two calendar months (8 September 2017, 8 November 2017, 8 January 2018, 8 March 2018) with the first instalment being payable 35 days after the issue date of the annual rates notice (8 September 2017).
2. In accordance with Section 6.45 (3) of the Local Government Act 1995, impose an interest rate on instalments of 3.5% for the second, third and fourth instalments.
3. In accordance with Section 6.45 (3) of the Local Government Act 1995, impose an administration fee of \$11.00 to the second, third and fourth instalments.
4. In accordance with Section 6.51 of the Local Government Act 1995, impose a late payment penalty interest rate of 10% on rates that have not been paid by the due date and where instalment option 2 has not been taken up.
5. Offers incentive prizes for rates paid in full and received by 4.30pm on the first due date shown on the annual rates notice (8 September 2017).

VOTING REQUIREMENTS

Absolute majority

Carried by en bloc Resolution OC0712

STAFF RECOMMENDATION 6

That Council, in accordance with Section 6.16 of the Local Government Act 1995, adopts the Schedule of Fees and Charges as presented in the Budget for the year ending 30 June 2018.

VOTING REQUIREMENTS

Absolute majority

Carried by en bloc Resolution OC0712

STAFF RECOMMENDATION 7

That Council, in accordance with Section 6.2 of the Local Government Act 1995, adopts the Annual Budget for the year ending 30 June 2018, acknowledging the changes noted contained will alter some of the annual budget content and authorises the CEO to effect changes to the budget document before distribution.

VOTING REQUIREMENTS

Absolute majority

Carried by en bloc Resolution OC0712

STAFF RECOMMENDATION 8

That Council, in accordance with Local Government Financial Management Regulation 34(5), adopts a percentage of plus or minus 10% to be used for the reporting of variances of actual expenditure and revenue to budgeted expenditure and revenue in the monthly report of financial activity for 2017/18.

VOTING REQUIREMENTS

Absolute majority

Carried by en bloc Resolution OC0712

STAFF RECOMMENDATION 9

That Council, in accordance with Section 3.18 of the Local Government Act 1995, advises it is satisfied that the services and facilities it provides and which are funded in the 2017/18 Annual Budget:

- **integrate and coordinate, so far as is practicable, with any provided by the Commonwealth, State or any public body;**
- **do not duplicate, to an extent that the Council considers inappropriate, services or facilities provided by the Commonwealth, State or any other body or person, whether public or private; and**
- **will be managed efficiently and effectively.**

VOTING REQUIREMENTS

Simple majority

Carried by en bloc Resolution OC0712

STAFF RECOMMENDATION 10

That Council, in accordance with The Department of Local Government, Sport and Cultural Industries 'Rating Policy: Differential General Rates' and 'Rating Policy: Minimum Payments' Guidelines, adopts the 2017/18 Rates "Objects and Reasons" for the 2017/18 financial year.

VOTING REQUIREMENTS

Absolute majority

Carried by en bloc Resolution OC0712

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

The meeting closed at 5.59pm.

These minutes were confirmed at an Ordinary Council meeting on 23 August 2017.

Signed

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

Date